

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Kyle Dudek
Nominee to be U.S. District Judge for the Middle District of Florida
July 2, 2025

1. You have been a magistrate judge for three years. In that time, you have issued orders to parties who appear before you and you have issued reports and recommendations for district court judges to adopt. I am concerned with the level of disregard the Trump Administration has shown to following court orders.

- a. **In your experience, if parties before you ignored a court order you issued, what have you done to ensure their compliance?**

Response: I have never had a party ignore a court order. Should that occur, I would ensure compliance with my orders through sanctions, civil and criminal contempt procedures, as well as by requiring that parties file status reports and make court appearances to explain compliance efforts and progress.

- b. **Should you be confirmed, if the Trump Administration fails to comply with one of your court orders, what will you do to ensure its compliance?**

Response: As mentioned immediately above, district courts have a variety of mechanisms available to ensure compliance with court orders. If any litigant failed to comply with a lawful order, I would review governing law, applicable precedents, and the particular facts of the case to determine an appropriate enforcement mechanism.

2. **Did President Trump lose the 2020 election?**

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. There were various legal challenges to the results of the 2020 presidential election, and to the extent this question seeks to elicit a response about those matters or an opinion about the election in general, my answer is that it would be improper to offer any such comment as a current judicial officer. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

3. **Where were you on January 6, 2021?**

Response: Fort Myers, Florida.

4. **Do you denounce the January 6 insurrection?**

Response: The question draws the legal conclusion that the events of January 6, 2021, were an insurrection, which is a legal issue I cannot opine upon. The pardons issued to those prosecuted for involvement in events at the Capitol on January 6, 2021, is also a

matter of ongoing litigation. Thus, as a current judicial officer, it would be improper to offer any further comment. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6). I can say, as a general matter, that I denounce violence of any kind.

5. Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?

Response: The pardon power is reserved to the President under Article II, Section 2 of the Constitution. As a nominee and sitting judicial officer, expressing an opinion on the political question of whether the pardons should have been given would be inappropriate under the Judicial Code of Conduct, especially considering this is a highly contested political issue that has resulted in criminal prosecutions and other litigation.

6. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarming, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

a. What options do litigants—including the executive branch—have if they disagree with a court order?

Response: Litigants who are dissatisfied with a court order, including an executive official, can seek reconsideration or appeal to a higher court. And if the order relates to a statute or regulation, a litigant can seek legislative amendment.

b. Do you believe a litigant can ever lawfully defy an order from a lower federal court? If yes, in what circumstances?

Response: As a general matter, court orders are binding on the parties to a case. But there are limited circumstances where compliance with a court order may not be required, such as if the court lacked jurisdiction or compliance was impossible. *See, e.g., United States v. United Mine Workers*, 330 U.S. 258, 291 (1947). There are also certain interlocutory orders that might be appealable only through a contempt proceeding. *See, e.g., Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 377 (1981). Whether a particular case falls into an exception is a case-by-case determination. If any such issues came before me, I would commit to resolving them through careful application of the parties' arguments and the governing law.

c. Under the separation of powers, which branch of the federal government is responsible for determining whether a federal court order is lawful?

Response: Article III of the Constitution provides that “[t]he judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as

the Congress may from time to time ordain and establish,” and that this power “shall extend to all Cases, in Law and Equity, arising under the Constitution[.]” The Supreme Court has further elaborated, “[i]t is emphatically the province and duty of the judicial department to say what the law is.” *Marbury v. Madison*, 5 U.S. 137, 177 (1803).

7. District judges have occasionally issued non-party injunctions, which may include “nationwide injunctions” and “universal injunctions.”

a. Are non-party injunctions constitutional?

Response: The Supreme Court recently held that “universal injunctions . . . likely exceed the equitable authority that Congress has granted to federal courts.” *Trump v. CASA, Inc.*, No. 24A884, 2025 WL 1773631, at *4 (U.S. June 27, 2025). But it declined to address the constitutionality of non-party injunctions, and the precise scope of any Article III limitations on non-party or universal injunctions remains the subject of ongoing litigation before multiple federal courts. As a nominee and sitting judicial officer, I cannot opine on matters “pending or impending in any court.” Code of Conduct of U.S. Judges, Canon 3(A)(6).

b. Are non-party injunctions a legitimate exercise of judicial power?

Response: Please see my response to Question 7(a).

c. Is it ever appropriate for a district judge to issue a non-party injunction? If so, under what circumstances is it appropriate?

Response: Please see my response to Question 7(a).

d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.

Response: To the best of my recollection, I have never sought a non-party injunction.

8. **At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.**

Response: No.

9. **Does the U.S. Constitution permit a president to serve three terms?**

Response: The 22nd Amendment to the Constitution provides that “[n]o person shall be elected to the office of the President more than twice.”

10. On Memorial Day, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as “USA HATING JUDGES” and “MONSTERS”, who “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”¹

a. Do you agree that these federal judges are “USA HATING” and “MONSTERS” “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”?

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to comment on the President’s political views and commentary. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to comment on the President’s political views and commentary. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5

11. In addition to the President’s own attacks on judges, his adviser Stephen Miller recently took to social media to call a federal trade court’s ruling against President Trump’s tariffs a “judicial coup”² and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”³

a. Do you agree that these judges are engaged in a “judicial coup” and that “we are living under a judicial tyranny”?

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to comment on the political views and commentary of the President’s advisors. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to comment on the political views and commentary of the President’s advisors. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5

c. Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?

¹ Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

² Stephen Miller (@StephenM), X, (May 28, 2025, 7:48PM), <https://x.com/StephenM/status/1927874604531409314>.

³ Stephen Miller (@StephenM), X, (May 29, 2025, 8:25AM), <https://x.com/StephenM/status/1928065122657845516>.

Response: I understand from my current role as a Magistrate Judge that judicial office is a public facing job, and I expect commentary and criticisms about my decisions. I have no issue with any person exercising their First Amendment rights concerning my judicial role.

12. When, if ever, may a lower court depart from Supreme Court precedent?

Response: Supreme Court decisions are binding on all lower courts. A district court cannot depart from controlling Supreme Court precedent.

13. When, in your opinion, would it be appropriate for a circuit court to overturn its own precedent?

Response: Circuits courts have adopted varying standards for overturning their own precedent. In the Eleventh Circuit, “a prior panel's holding is binding on all subsequent panels unless and until it is overruled or undermined to the point of abrogation by the Supreme Court or by [the Eleventh Circuit] sitting en banc.” *In re Lambrix*, 776 F.3d 789, 794 (11th Cir. 2015).

14. When, in your opinion, would it be appropriate for the Supreme Court to overrule its own precedent?

Response: As a nominee and sitting judicial officer, I cannot opine on whether the Supreme Court should reconsider its own precedent. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6). I am bound by all opinions from the Supreme Court and Eleventh Circuit. As a general matter, the Supreme Court considers several factors—including quality of reasoning, workability, consistency with related decisions, erosion over time, and reliance interests—in deciding whether to depart from prior precedent. *See, e.g., Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022).

15. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:

a. *Brown v. Board of Education*

Response: It is generally improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. That said, prior nominees have expressed the opinion that *Brown v. Board of Education* was correctly decided, and I agree.

b. *Plyler v. Doe*

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to give a thumbs-up or thumbs-down to Supreme Court precedent. *Plyler* is binding precedent, and I will apply it faithfully.

c. *Loving v. Virginia*

Response: It is generally improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. That said, prior nominees have expressed the opinion that *Loving v. Virginia* was correctly decided, and I agree.

d. *Griswold v. Connecticut*

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to give a thumbs-up or thumbs-down to Supreme Court precedent. *Griswold* is binding precedent, and I will apply it faithfully.

e. *Trump v. United States*

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to give a thumbs-up or thumbs-down to Supreme Court precedent. *Trump* is binding precedent, and I will apply it faithfully.

f. *Dobbs v. Jackson Women's Health Organization*

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to give a thumbs-up or thumbs-down to Supreme Court precedent. *Dobbs* is binding precedent, and I will apply it faithfully.

g. *New York State Rifle & Pistol Association, Inc. v. Bruen*

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to give a thumbs-up or thumbs-down to Supreme Court precedent. *Bruen* is binding precedent, and I will apply it faithfully.

h. *Obergefell v. Hodges*

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to give a thumbs-up or thumbs-down to Supreme Court precedent. *Obergefell* is binding precedent, and I will apply it faithfully.

i. *Bostock v. Clayton County*

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to give a thumbs-up or thumbs-down to Supreme Court precedent. *Bostock* is binding precedent, and I will apply it faithfully.

j. *Masterpiece Cakeshop v. Colorado*

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to give a thumbs-up or thumbs-down to Supreme Court precedent. *Masterpiece Cakeshop* is binding precedent, and I will apply it faithfully.

k. *303 Creative LLC v. Elenis*

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to give a thumbs-up or thumbs-down to Supreme Court precedent. *303 Creative* is binding precedent, and I will apply it faithfully.

l. *United States v. Rahimi*

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to give a thumbs-up or thumbs-down to Supreme Court precedent. *Rahimi* is binding precedent, and I will apply it faithfully.

m. *Loper Bright Enterprises v. Raimondo*

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to give a thumbs-up or thumbs-down to Supreme Court precedent. *Loper Bright* is binding precedent, and I will apply it faithfully.

16. With respect to constitutional interpretation, do you believe judges should rely on the “original meaning” of the Constitution?

Response: As a sitting judicial officer and nominee, I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit regardless of whether it comports with the original meaning of the Constitution. If required to interpret the Constitution in the first instance, I would follow guidance from the Supreme Court and look to the “normal and ordinary meaning” of the language at issue. *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1, 20 (2022).

17. How do you decide when the Constitution’s “original meaning” should be controlling?

Response: As mentioned above, I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit regardless of whether I believe it comports with the original meaning of the Constitution. That aside, the Supreme Court and Eleventh Circuit have routinely interpreted constitutional provisions by looking to the original meaning of the words used as understood by the public at the time of enactment. *See, e.g., New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1, 20 (2022). I would employ those same methodologies to interpret any constitutional provision brought before me.

18. Does the “original meaning” of the Constitution support a constitutional right to same-sex marriage?

Response: The Supreme Court has held that the Constitution includes a right to same-sex marriage. *See Obergefell v. Hodges*, 576 U.S. 644 (2015). If confirmed, I will faithfully follow *Obergefell* and any other applicable Supreme Court precedent.

19. Does the “original meaning” of the Constitution support the constitutional right to marry persons of a different race?

Response: The Supreme Court has held that the Constitution includes a right to interracial marriage. *See Loving v. Virginia*, 388 U.S. 1 (1967). If confirmed, I will faithfully follow *Loving* and any other applicable Supreme Court precedent.

20. What is your understanding of the Equal Protection and Due Process clauses of the Fourteenth Amendment?

Response: The Equal Protection Clause of the Fourteenth Amendment mandates that states cannot deny the equal protection of the laws. But this right “must coexist with the practical necessity that most legislation classifies for one purpose or another, with resulting disadvantage to various groups or persons.” *United States v. Skrmetti*, 145 S. Ct. 1816, 1828 (2025). And when a law classifies persons differently, the level of judicial scrutiny depends on the nature of the classification. *Id.* The Due Process Clause of the Fourteenth Amendment, on the other hand, has been interpreted to provide “substantive, as well as procedural, protection for liberty,” with the former including certain enumerated and unenumerated rights that are deeply rooted in history and tradition. *See, e.g., Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 216 (2022).

21. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?

Response: The Supreme Court has applied these constitutional protections to discrimination based on sex, *United States v. Virginia*, 518 U.S. 515 (1996), and sexual orientation, *Obergefell v. Hodges*, 576 U.S. 644 (2015). As mentioned above, I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit.

22. Do you believe that judges should be “originalist” and adhere to the original public meaning of constitutional provisions when applying those provisions today?

Response: As a sitting judicial officer and nominee, I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit regardless of whether it comports with the original meaning of the Constitution. The Supreme Court and Eleventh Circuit have routinely interpreted constitutional provisions by looking to the original meaning of the words used as understood by the public at the time of enactment. I would employ those same methodologies to interpret any constitutional provision brought before me.

23. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?

Response: As a sitting judicial officer and nominee, I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit concerning the Foreign Emoluments Clause. I cannot otherwise opine on the hypothetical reach of the Foreign Emoluments Clause because that is an issue of ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

24. Under the U.S. Constitution, who is entitled to First Amendment protections?

Response: The First Amendment provides, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” The precise contours of the protections depend on the specific right at issue. For instance, the Supreme Court has applied free-speech protections differently for children. *See Ginsberg v. New York*, 390 U.S. 629 (1968). I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit concerning the First Amendment and its various protections. I cannot otherwise opine on the hypothetical reach of the First Amendment because that is an issue of ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

25. How would you determine whether a law that regulates speech is “content-based” or “content-neutral”? What are some of the key questions that would inform your analysis?

Response: Under current Supreme Court precedent, a law is considered content based “if it target[s] speech based on its communicative content—that is, if it applies to particular speech because of the topic discussed or the idea or message expressed.” *City of Austin, Texas v. Reagan Nat’l Advert. of Austin, LLC*, 596 U.S. 61, 69 (2022). “By contrast, laws that confer benefits or impose burdens on speech without reference to the ideas or views expressed are in most instances content neutral.” *Turner Broad. Sys., Inc. v. F.C.C.*, 512 U.S. 622, 643 (1994). As always, I would resolve any questions implicating these issues by reviewing the governing law, applicable precedents, and the arguments presented.

26. What is the standard for determining whether a statement is protected speech under the true threats doctrine?

Response: The true threats doctrine distinguishes between protected speech and unprotected threats of violence. “True threats of violence are outside the bounds of First Amendment protection and punishable as crimes.” *Counterman v. Colorado*, 600 U.S. 66, 69 (2023). The line between protected speech and punishable threats is highly fact specific. In general, “[t]rue threats are serious expression[s] conveying that a speaker means to commit an act of unlawful violence.” *Id.* at 74.

27. Is every individual within the United States entitled to due process?

Response: The Supreme Court has held that “the Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful,

unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). As a general matter, where a litigant faces a deprivation of life, liberty, or property, due process doctrine most often addresses the question of what process is due in a given context, rather than the question of whether the clause applies to the litigant. I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit concerning the Due Process Clause and its protections. I cannot otherwise opine on the hypothetical reach of the Due Process Clause because that is an issue of ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

28. Can U.S. citizens be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized?

Response: This issue is a matter of ongoing litigation. As a nominee and sitting judicial officer, I cannot opine on matters “pending or impending in any court.” *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

29. The Fourteenth Amendment states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

a. Is every person born in the United States a citizen under the Fourteenth Amendment?

Response: This issue is a matter of ongoing litigation. As a nominee and sitting judicial officer, I cannot opine on matters “pending or impending in any court.” *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?

Response: This issue is a matter of ongoing litigation. As a nominee and sitting judicial officer, I cannot opine on matters “pending or impending in any court.” *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

30. Do you believe that demographic and professional diversity on the federal bench is important? Please explain your views.

Response: Yes. It is beneficial to have judges from all backgrounds, and individual characteristics and experiences should be considered as with everything else. No applicant for judicial office should be excluded based on race, sex, or other immutable characteristic.

31. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles.

First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.

a. How do you view the role of federal judges in implementing the *First Step Act*?

Response: The First Step Act should be applied like any other duly enacted legislation. If confirmed, I will faithfully apply the requirements of the First Step Act, and precedents interpreting it, where applicable. I cannot otherwise opine on the hypothetical reach of the First Step Act. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

b. Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?

Response: Yes.

32. The Federalist Society seeks to “reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law.”

a. In your Questionnaire, you state that you are currently or were previously a member of the Federalist Society. What is your understanding of “traditional values”?

Response: Although I’m a member of the Federalist Society, I have no knowledge of that statement or its context, and thus cannot speculate as to the author’s meaning.

b. What activities have you participated in as a member of the Federalist Society?

Response: I have attended several in-person events hosted by the Southwest Florida Lawyers Chapter. That is the full extent of my participation in the Federalist Society.

c. President Trump wrote on Truth Social that the Federalist Society gave him “bad advice” on “numerous Judicial Nominations.” He also wrote that

Leonard Leo is a “sleazebag” who “probably hates America.” If you are not familiar with this post, please refer to it in the footnote.⁴

- i. Do you agree with President Trump that the Federalist Society provided President Trump with bad advice during his first term? Why or why not?**

Response: I have no knowledge of what advice President Trump was provided, or not provided, during his first term. As a nominee and sitting judicial officer, it would be inappropriate for me to offer any further comment on the President’s political statements.

- ii. Do you agree with President Trump that Leo is a sleazebag who probably hates America? Why or why not?**

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to offer any further comment on the President’s political statements.

- iii. If you are confirmed, do you plan to remain affiliated with the Federalist Society?**

Response: I generally make decisions about memberships in any organization on a year-to-year basis considering things such as cost and time commitments. I will consider whether to renew when my yearly membership expires, but I have not made a decision at this time.

- d. During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.**

Response: To the best of my knowledge, I have not spoken with anyone associated with the Federalist Society regarding my nomination. Nor am I aware of anyone who has spoken to the group on my behalf. I am not aware of every member of the Federalist Society, and thus may have spoken to people associated it at some point, but my nomination was not the reason for speaking with them.

- e. Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

⁴ Donald J. Trump (@realDonaldTrump), Truth Social (May 29, 2025, 8:10 PM), <https://truthsocial.com/@realDonaldTrump/posts/114593880455063168>.

- f. Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?**

Response: I have not been paid honoraria by the Federalist Society.

- 33. The Teneo Network states that its purpose is to “Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.**

Response: I have not spoken with anyone associated with the Teneo Network, including Leonard Leo, regarding my selection process. I am not aware of every member of the Teneo Network, and thus may have spoken to people associated with the Teneo Network at some point, but my nomination was not the reason for speaking with them.

- b. Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?**

Response: I have not been paid honoraria by the Teneo Network.

- 34. The Heritage Foundation states that its mission is to “formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.” Heritage Action, which is affiliated with the Heritage Foundation, seeks to “fight for conservative policies in Washington, D.C. and in state capitals across the country.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.**

Response: I have not spoken with anyone associated with the Heritage Foundation or Heritage Action, including Kevin Roberts, regarding my selection process. I am not aware of every member of these groups, and thus may have spoken to people associated with them at some point, but my nomination was not the reason for speaking with them.

- b. Have you ever been asked to and/or provided services to the Heritage Foundation or Heritage Action, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Were you ever involved in or asked to contribute to Project 2025 in any way?**

Response: No.

- d. Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?**

Response: I have not been paid honoraria by the Heritage Foundation or Heritage Action.

- 35. The America First Policy Institute (AFPI) states that its “guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.**

Response: I have not spoken with anyone associated with AFPI regarding my selection process. I am not aware of every member of this group, and thus may have spoken to people associated it at some point, but my nomination was not the reason for speaking with them.

- b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?**

Response: I have not been paid honoraria by AFPI.

- 36. The America First Legal Institute (AFLI) states that it seeks to “oppose the radical left’s anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein? If so, please provide details of those discussions.**

Response: I have not spoken with anyone associated with AFLI regarding my selection process. I am not aware of every member of this group, and thus may have spoken to people associated it at some point, but my nomination was not the reason for speaking with them.

- b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?**

Response: I have not been paid honoraria by AFLI.

- 37. The Article III Project is an organization which claims that, “The left is weaponizing the power of the judiciary against ordinary citizens.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.**

Response: I have not spoken with anyone associated with the Article III Project regarding my selection process. I am not aware of every member of this group, and thus may have spoken to people associated it at some point, but my nomination was not the reason for speaking with them.

- b. Have you ever been asked to and/or provided services to the Article III Project, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by the Article III Project? If so, how much were you paid, and for what services?**

Response: I have not been paid honoraria by the Article III Project.

- 38. The Alliance Defending Freedom (ADF) states that it is “the world’s largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights.”**

- a. **During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.**

Response: I have not spoken with anyone associated with ADF regarding my selection process. I am not aware of every member of this group, and thus may have spoken to people associated it at some point, but my nomination was not the reason for speaking with them.

- b. **Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. **Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?**

Response: I have not been paid honoraria by ADF.

39. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed “to the Constitution and the Founders’ vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary.” It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.

- a. **During your selection process, have you spoken to or corresponded with any individuals associated with these organizations, including Leonard Leo or Carrie Severino? If so, please provide details of those discussions.**

Response: I have not spoken with anyone associated these organizations regarding my selection process. I am not aware of every member of these groups, and thus may have spoken to people associated them at some point, but my nomination was not the reason for speaking with them.

- b. **Have you ever been asked to and/or provided services to these organizations, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. **Have you ever been paid honoraria by these organizations? If so, how much were you paid, and for what services?**

Response: I have not been paid honoraria by these groups.

- d. **Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you**

have solicited any such donations, I am asking whether you would find such donations to be problematic.

Response: I am unaware of any activities private groups or individuals have taken to advocate for (or against) my confirmation. To the extent this question is asking my opinion about such activities, as a judicial officer and nominee it would be inappropriate for me to address such policy questions or offer thoughts about them.

- e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?**

Response: If confirmed, I will continue to address all actual or potential conflicts by reference to 28 U.S.C. Section 455, the Code of Conduct for United States Judges, and any other applicable laws. As demonstrated by my recusal record, I believe that both the appearance of impartiality and actual impartiality are important in maintaining public confidence in our system of justice.

- f. Will you condemn any attempt to make undisclosed donations to the Concord Fund or 85 Fund on behalf of your nomination?**

Response: I am unaware of any activities private groups or individuals have taken to advocate for (or against) my confirmation. To the extent this question is asking my opinion about specific donations, as a judicial officer and nominee it would be inappropriate for me to address such policy questions or offer thoughts about them.

**Nomination of Kyle Dudek
Nominee to the U.S. District Court for the Middle District of Florida
Questions for the Record
Submitted July 2, 2025**

QUESTIONS FROM SENATOR WHITEHOUSE

1. You said in your questionnaire that you met with President Trump on May 27.

a. What did you discuss at that meeting?

Response: The President congratulated each of the nominees present and we briefly discussed our backgrounds and several historical items in the Oval Office.

b. Did he ask you to make any commitments? If so, what did he ask you?

Response: No.

c. Did you make any commitments to President Trump? If so, to what did you commit?

Response: No.

2. You said in your questionnaire that you have been a member of the Federalist Society since 2022.

a. Do you know Leonard Leo? If so:

Response: No.

i. How do you know Leo?

Response: Not applicable.

ii. How often you communicate with Leo?

Response: Not applicable.

b. Do you agree with President Trump that Leonard Leo is a “sleazebag” who “probably hates America”? Explain.

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to offer any comment on the President’s political statements.

- 3. Have you had any conversations with President Trump or members of the Trump administration concerning your personal views on any policy or case law? If so, please identify with whom you spoke and describe those conversations with specificity.**

Response: No.

- 4. Have you ever spoken with the following individuals or groups about your nomination? If so, please describe your conversations with them with specificity.**

- a. Leonard Leo?**

Response: No.

- b. Carrie Severino?**

Response: No.

- c. Mike Davis?**

Response: No.

- d. Any member of The Article III Project?**

Response: I am not aware of every member of the Article III Project, and thus may have spoken to people associated with the group at some point, but my nomination was not the reason for speaking with them.

- 5. Please explain your understanding of existing case law regarding:**

- a. The executive branch's obligation to comply with federal court orders.**

Response: As a general matter, court orders are binding on the parties to a case, including government officials. But there are limited circumstances where compliance with a court order may not be required, such as if the court lacked jurisdiction or compliance was impossible. *See, e.g., United States v. United Mine Workers*, 330 U.S. 258, 291 (1947). There are also certain interlocutory orders that might be appealable only through a contempt proceeding. *See, e.g., Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 377 (1981). Whether a particular case falls into an exception is a case-by-case determination.

- b. Remedies available to a federal court to ensure executive branch compliance with a court order.**

Response: District courts can deploy a variety of remedies to ensure compliance with its orders. These mechanisms include sanctions, civil and criminal contempt

procedures, as well as requiring that parties file status reports and make court appearances to explain compliance efforts and progress.

c. Federal government lawyers' duty of candor to federal courts before which those lawyers appear.

Response: All lawyers who appear before federal courts are subject to the applicable rules of ethics and professionalism. This includes the Florida Bar's Rule of Professional Conduct 4-3.3, which outlines a lawyer's duty to be truthful and honest when interacting with a court or other tribunal.

d. The president's legal obligations under the Constitution's Take Care Clause.

Response: The Take Care Clause, found in Article II, Section 3 of the Constitution, mandates that the President "shall take Care that the Laws be faithfully executed." I cannot otherwise opine on the hypothetical reach of the Take Care Clause because it is a matter of ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

e. The limits of the executive branch's power under the anti-commandeering doctrine.

Response: The anti-commandeering doctrine, rooted in the Tenth Amendment, limits the federal government's power to compel states to enact or enforce federal laws or regulations. Essentially, it prevents the federal government from "commandeering" state governments by forcing them to administer federal programs. *See* *Murphy v. Nat'l Collegiate Athletic Ass'n*, 584 U.S. 453, 475 (2018). I cannot otherwise opine on the hypothetical reach of the anti-commandeering doctrine because it is a matter of ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

f. The president's ability or inability to impound congressionally appropriated funds.

Response: Presidential impoundment authority refers to the power to withhold or delay spending of funds appropriated by Congress. The Impoundment Control Act of 1974, 2 U.S.C. § 681, regulates how the President can delay or cancel the spending of funds that have already been appropriated. I cannot otherwise opine on the hypothetical reach of the President's impoundment authority because it is a matter of ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

g. The federal government's ability to enact laws or regulations that burden Second Amendment rights.

Response: Under current Supreme Court precedent, the Second Amendment is considered a "fundamental right" that extends "to all instruments that constitute bearable arms." *United States v. Rahimi*, 602 U.S. 680, 690-91 (2024). The Federal

Government may may enact laws burdening the Second Amendment so long as they are “consistent with the Nation’s historical tradition of firearm regulation.” *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 2 (2022). I cannot otherwise opine on the hypothetical reach of the Second Amendment because it is a matter of ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

h. The federal government’s ability to enact generally applicable laws that are not motivated by animus but nonetheless burden religious practices.

Response: The Free Exercise Clause of the First Amendment safeguards the right to practice religious beliefs, but it permits generally applicable laws that incidentally restrict religious practices. In response to the Supreme Court’s decision in *Employment Division, Dept. of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990), which held that neutral, generally applicable laws typically don’t violate the Free Exercise Clause, Congress enacted the Religious Freedom Restoration Act. The RFRA provides that the “[g]overnment shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability, unless the government demonstrates that application of the burden to the person—(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.” *Id.* I cannot otherwise opine on interplay between the Free Exercise Clause and the RFRA because those are matters of ongoing litigation and could come before me as a sitting judicial officer. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

i. Substantive due process under the Fifth and Fourteenth Amendments.

Response: The Due Process Clause in the Fifth and Fourteenth Amendments has been interpreted to provide “substantive, as well as procedural, protection for liberty,” with the former including certain enumerated rights and other fundamental rights that are deeply rooted in history and tradition. *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 216 (2022). I cannot otherwise opine on the hypothetical reach of the Due Process clause because those are matters of ongoing litigation and could come before me as a sitting judicial officer. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

j. The Constitution’s protection of unenumerated rights.

Response: The Supreme Court has held that the Due Process Clause of the Fourteenth Amendment protects various rights not enumerated in the constitutional text. Such rights include a constitutional right to privacy that protects a woman’s right to use contraceptives, *see Griswold v. Connecticut*, 381 U.S. 479 (1965), a constitutional right to privacy that protects intimate relations between consenting adults, *see Lawrence v. Texas*, 539 U.S. 558 (2003); and the right to enter into a same-sex marriage, *see Obergefell v. Hodges*, 576 U.S. 644 (2015). I cannot otherwise opine on the hypothetical reach of the Due Process clause and its unenumerated rights because such matters are the subject of ongoing litigation and could come before me as a sitting judicial officer. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

k. The Constitution's protection of freedom of the press.

Response: The First Amendment prohibits, among other things, laws that impermissibly “abridge[e] the freedom of speech, or of the press.” The Supreme Court has interpreted the First Amendment as restricting the government’s ability to prevent the publication of information or punish media outlets for what they report. *See, e.g., Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241 (1974). Laws that inhibit speech based on content of viewpoint are subject to heightened judicial scrutiny. I cannot otherwise opine on the hypothetical reach of First Amendment and its protection of the press because such matters are the subject of ongoing litigation and could come before me as a sitting judicial officer. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

l. The free speech rights of immigrants residing in the United States.

Response: The First Amendment provides: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” I cannot otherwise opine on the hypothetical reach of the First Amendment because that is an issue of ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

m. The federal government's authority to fire employees for their political views or opinions.

Response: The Supreme Court has “made clear that public employees do not surrender all their First Amendment rights by reason of their employment.” *Garcetti v. Ceballos*, 547 U.S. 410, 417 (2006). The First Amendment protects a public employee's right, in certain circumstances, to speak as a citizen addressing matters of public concern. *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968). I cannot otherwise opine on the hypothetical reach of First Amendment in this context because it is the subject of ongoing litigation and could come before me as a sitting judicial officer. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

n. The federal government's authority to punish private citizens for their political views, opinions, or private lawful activities.

Response: This is a matter of ongoing litigation. As a nominee and sitting judicial officer, I cannot opine on matters “pending or impending in any court.” *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

o. The constitutionality of campaign finance disclosure requirements.

Response: Campaign finance disclosure requirements are generally considered constitutional by the Supreme Court, as they understood to be substantially related to the government's interest in safeguarding the integrity of the electoral process. I cannot otherwise opine on the constitutionality of hypothetical campaign disclosure requirements because such issues could come before me as a sitting judicial officer. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

6. The Seventh Amendment ensures the right to a jury “in suits at common law.”

a. What role does the civil jury play in our constitutional system?

Response: The Seventh Amendment guarantees the right to a jury trial in federal civil cases “in suits at common law, where the value in controversy shall exceed twenty dollars.” As the Supreme Court has explained, “[t]he right to trial by jury is of such importance and occupies so firm a place in our history and jurisprudence that any seeming curtailment of the right has always been and should be scrutinized with the utmost care.” *SEC v. Jarkesy*, 603 U.S. 109, 121 (2024).

b. Should the Seventh Amendment be a concern to judges when adjudicating issues related to the enforceability of mandatory pre-dispute arbitration clauses? Explain.

Response: I have not had the occasion to consider how the Seventh Amendment’s guarantee to a jury trial impacts pre-dispute arbitration clauses. If any such issue came before me, I would resolve it through careful consideration and application of the parties’ arguments and the governing law.

c. Should an individual’s Seventh Amendment rights be a concern to judges when adjudicating issues surrounding the scope and application of the Federal Arbitration Act? Explain.

Response: I have not had the occasion to consider how the Seventh Amendment’s guarantee to a jury trial impacts application of the Federal Arbitration Act. If any such issue came before me, I would resolve it through careful consideration and application of the parties’ arguments and the governing law.

7. Does the 22nd Amendment permit a president to be elected more than twice?

Response: No. The 22nd Amendment to the Constitution provides that “[n]o person shall be elected to the office of the President more than twice.”

8. Please describe your understanding of natural law.

Response: As I understand it, natural law refers to a set of universal principles and rules that inherently govern human conduct. These principles are not created by human authority but are considered pre-existing and discoverable through reason and rational analysis.

a. What authority does natural law carry in federal case law?

Response: The Supreme Court has occasionally referenced natural law in its decisions. *See, e.g., 303 Creative LLC v. Elenis*, 600 U.S. 570, 584 (2023). But federal law is generally constitutional and statutory. Accordingly, natural law would carry authority in federal cases only to the extent it was incorporated into the Constitution, federal statutes, or adopted by the Supreme Court.

b. When do you think it is appropriate for a federal judge to rely on natural law?

Response: Please see my response to Question 8(a).

c. If confirmed, do you plan to incorporate natural law into your decisions?

Response: If confirmed, I would follow Supreme Court and Eleventh Circuit precedent regarding the incorporation of natural law into judicial decisions.

9. Please describe your understanding of originalism.

Response: As I understand it, originalism is a method of constitutional interpretation that emphasizes the original public meaning of the text at the time it was adopted.

a. Do you consider yourself an originalist?

Response: I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit regardless of whether I believe it comports with the original meaning of the Constitution. That aside, the Supreme Court and Eleventh Circuit have routinely interpreted constitutional provisions by looking to the original meaning of the words used as understood by the public at the time of enactment. I would employ those same methodologies to interpret any constitutional provision brought before me.

b. Based on your understanding of originalism, was *Citizens United v. Federal Election Commission* an originalist decision? Why or why not?

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to give a thumbs-up or thumbs-down to Supreme Court precedent or question the basis of its reasoning. *Citizens United* is binding precedent, and I will apply it faithfully.

c. Based on your understanding of originalism, was *Trump v. United States* an originalist decision? Why or why not?

Response: As a nominee and sitting judicial officer, it would be inappropriate for me to give a thumbs-up or thumbs-down to Supreme Court precedent or question the basis of its reasoning. *Trump* is binding precedent, and I will apply it faithfully.

10. Please describe your understanding of textualism.

Response: As I understand it, textualism is a method of legal interpretation that emphasizes the plain meaning of the text of a law or legal document. It focuses on the words themselves, as they would have been understood by a reasonable person at the time the text was written.

a. Do you consider yourself a textualist?

Response: I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit regardless of whether I believe it complies with a textualist methodology of interpretation. That aside, the Supreme Court and Eleventh Circuit have routinely interpreted laws by looking to text and considering its public meaning. I would employ those same methodologies to interpret any laws or provisions brought before me.

b. How should a court analyzing a federal statute account for the “Findings” or “Purposes” sections of such statutes?

Response: When interpreting a federal statute, courts generally treat the “Findings” or “Purposes” sections as helpful context to interpret the meaning of statutory language. *See, e.g., Yates v. United States*, 574 U.S. 528, 539 (2015). I would employ those same methodologies to interpret any laws or provisions brought before me.

11. Please describe your understanding of the different roles of district and appellate courts with respect to fact-finding.

Response: District courts are responsible for determining the facts of a case and applying the relevant law to those facts. Depending on the type of case, either a judge or jury makes findings of fact after evaluating the evidence. Appellate courts primarily review the decisions of district courts to ensure the law was applied correctly. While appellate courts may review factual findings made by the district court, they typically will only overturn a decision on factual grounds if the findings were clearly erroneous.

a. What deference should courts grant facts found by Congress when reviewing legislation expanding or limiting individual rights?

Response: When courts review legislation that expands or limits individual rights, the level of deference granted to factual findings by Congress depends on various factors. Laws that do not implicate fundamental rights or any suspect characteristic, for instance, are subject to rational-basis review. Under that standard, courts are to afford legislation a “strong presumption of validity,” and may uphold rational legislation even in “the absence of ‘legislative facts.’” *FCC v. Beach Commc’ns, Inc.*, 508 U.S.

307, 314 (1993). By contrast, courts engage in a more stringent assessment of lawmakers' rationales and evidentiary bases under heightened standards of constitutional review like intermediate and strict scrutiny.

b. Separate from legal holdings, are lower courts bound to adhere to factual findings by the Supreme Court?

Response: The Supreme Court, as an appellate body, does not typically make factual findings. That said, Supreme Court decisions are binding on all lower courts. A district court cannot depart from controlling Supreme Court precedent.

c. If you are confirmed, what standard will you use to determine when it is appropriate to depart from otherwise binding appellate case law because of differences in the facts of a case?

Response: It is never appropriate to depart from binding appellate case law. *See, e.g., Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989). In assessing whether appellate precedent controls, I would consider the facts of each case, the reasoning of the appellate opinion, and whether the appellate opinion is based on specific facts or instead announces a more general legal interpretation. Generally speaking, “[f]or one decision to be precedent for another, the facts in the two cases need not be identical. But they must be substantially similar, without material difference.” *Sosa v. Martin Cnty., Fla.*, 57 F.4th 1297, 1301 (11th Cir.) (quotation omitted).

12. If confirmed, how will you conduct historical analyses under *New York State Rifle & Pistol Association v. Bruen*?

Response: Under *Bruen*, lower courts must evaluate whether a governmental regulation is “consistent with this Nation’s historical tradition of firearm regulation.” 597 U.S. at 17. If confirmed, I would follow *Bruen* and its progeny in assessing arguments under the Second Amendment.

a. How will you assess the veracity of historical claims made by parties?

Response: By consulting the original sources, assessing the credibility and thoroughness of the briefs, assessing the credibility of primary and secondary sources, and assessing whether cited sources are consistent with other available authorities.

b. How will you assess the veracity of historical claims made by amici curiae?

Response: Please see my response to Question 12(a).

13. The U.S. Sentencing Commission recently prioritized the “[c]ompilation and dissemination of information on court-sponsored programs relating to diversion, alternatives-to-incarceration, and reentry.” Courts can tailor these programs to meet specific needs of

defendants before them. These include programs focused on mental health, substance use disorder, veterans, and juveniles.

a. Do you support the use of programs such as these?

Response: Yes.

b. If confirmed, what steps will you take to participate in or support programs such as these within the jurisdiction to which you would be confirmed?

Response: If confirmed, I would be open to participating in any court-sponsored programs relating to diversion, alternatives-to-incarceration, and reentry.

14. If confirmed, will you attend, to the extent possible, any trainings provided by the Federal Judicial Center for newly appointed judges—including on abiding with federal ethics laws and the Code of Conduct for United States Judges?

Response: Yes.

15. If confirmed, you will be called upon to maintain impartiality, which requires being open to legal arguments that may lead to outcomes you dislike.

a. If you are confirmed, what steps will you take to ensure that you are exposed and open to a range of ideological and legal viewpoints outside of the courtroom—in particular, those that you do not agree with?

Response: Being exposed to a wide variety of perspectives is helpful to the adjudicative process. I regularly read articles and books that challenge my current thinking. I also attend conferences and CLEs where divergent views are presented. I plan to continue these practices if confirmed.

b. During your time as a legal professional, what steps have you taken to ensure that you are exposed and open to a range of ideological and legal viewpoints—in particular, those that you do not agree with?

Response: Please see my response to Question 15(a).

c. If confirmed, do you plan to hire qualified law clerks who do not share your ideological or legal viewpoints?

Response: I am open to hiring clerks of all different backgrounds and ideological viewpoints.

16. If confirmed, you will be responsible for managing and exercising authority over law clerks and other court personnel.

a. What professional experience do you have overseeing and managing others?

Response: As a Magistrate Judge, I currently supervise several administrative professionals and law clerks.

b. How do you plan to recruit and hire law clerks?

Response: My current practice is to solicit applications through the court's website and OSCAR. I do not hire law clerks based on particular viewpoints or ideologies. I strive to find the most competent and qualified clerks, casting a wide net in terms of law schools, professional background, and life experience.

17. If confirmed, do you have plans to integrate artificial intelligence into your work as a federal judge? If so, how?

Response: I do not currently utilize artificial intelligence in my work as a Magistrate Judge, and I have no plans to do so.

18. Have you ever caused to be deleted any posts or publications originally published under your name or an account associated with you? If so, please provide those posts or publications in full.

Response: I do not recall deleting any publications under my name. As for posts, I previously had social media accounts that no longer exist. The content on those accounts is no longer available.

19. Have you ever removed or asked for your name to be removed from any publication that previously bore your name? If so, please provide these publications in full.

Response: No.

20. Have you ever been accused, in any setting, of the following? If so, please describe the accusation with specificity, the actions you took in response, and how the accusation was resolved.

a. Sexual harassment?

Response: No.

b. Sex-based discrimination?

Response: No.

c. Race-based discrimination?

Response: No.

d. Discrimination on the basis of national origin?

Response: No.

e. Discrimination on the basis of religion?

Response: No.

f. Workplace misconduct of any kind?

Response: No.

21. Did Joe Biden win the 2020 presidential election?

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. There were various legal challenges to the results of the 2020 presidential election, and to the extent this question seeks to elicit a response about those matters or an opinion about the election in general, my answer is that it would be improper to offer any such comment as a current judicial officer. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

22. Yes or no: Was the U.S. Capitol attacked by a violent mob on January 6, 2021?

Response: The question draws a legal conclusion about the events of January 6, 2021. And I am aware that the legal import of pardons issued to those prosecuted for involvement in events at the Capitol is a matter of ongoing litigation. Thus, as a current judicial officer, it would be improper to offer any further comment beyond that I condemn violence of any kind. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

a. Where were you on January 6, 2021?

Response: Fort Myers, Florida.

**Nomination of Kyle Dudek to the
United States District Court for the Middle District of Florida
Questions for the Record
Submitted July 1, 2025**

QUESTIONS FROM SENATOR COONS

- 1. At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case, investigation, or matter, if confirmed? If so, explain fully.**

Response: No.

- a. At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?**

Response: No.

- 2. How would you describe your judicial philosophy?**

Response: Consistent with Article III, I believe the role of a federal judge is to decide cases and controversies with neutrality and impartiality by applying all precedents of the Supreme Court and governing circuit precedent, as well as any other applicable laws or rules of decision.

- 3. In your Senate Judiciary Questionnaire, you note that, on May 27, 2025, you met with President Trump concerning your nomination.**

- a. Where did that meeting occur?**

Response: The Oval Office.

- b. How long did that meeting last?**

Response: About fifteen minutes.

- c. Who attended the meeting other than you and President Trump?**

Response: The other nominees for district court seats in Florida—Edward Artau, John Guard, Jordan Pratt, and Anne-Leigh Gaylord Moe—and two attorneys from the White House Counsel’s Office.

- d. What was discussed at the meeting?**

Response: The President congratulated each of the nominees and we briefly discussed our backgrounds and several historical items in the Oval Office.

- e. What questions were you asked by President Trump and how did you answer them?**

Response: As best I can recall, President Trump inquired about my background, and I discussed my service as a Magistrate Judge for the Middle District of Florida.

- 4. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?**

Response: The Due Process Clause in the Fourteenth Amendment has been interpreted to provide “substantive, as well as procedural, protection for liberty,” with the former including certain enumerated rights and other fundamental rights that are deeply rooted in history and tradition. *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 216 (2022). In deciding whether a right is protected under the Fourteenth Amendment, I would apply the factors set forth in applicable Supreme Court precedent, including *Obergefell v. Hodges*, 576 U.S. 644 (2015), and *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997).

- a. Would you consider whether the right is expressly enumerated in the Constitution?**

Response: Yes.

- b. Would you consider whether the right is deeply rooted in this nation’s history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation’s history and tradition?**

Response: Yes. I would consult the types of sources set forth in *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215, 237-40 (2022), as well as other Supreme Court precedents pertaining to this issue.

- c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?**

Response: Yes, and yes.

- d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?**

Response: Yes.

- e. What other factors would you consider?**

Response: I cannot provide an exhaustive list of factors in the abstract. I would follow applicable precedent and consider factors identified by the Supreme Court or Eleventh Circuit as relevant to assessing whether the Constitution recognizes an asserted right under the Due Process Clause.

- 5. In your view, is it ever appropriate for a judge to ignore, disregard, refuse to implement, or issue an order that is contrary to an order from a higher court? Please explain.**

Response: I can think of no circumstances where a lower court could ignore, disregard, or refuse to implement an order from a higher court. A district court cannot depart from controlling precedent.

6. In *United States v. Virginia*, 518 U.S. 515, 536 (1996), the Court explained that in 1839, when the Virginia Military Institute was established, “[h]igher education at the time was considered dangerous for women,” a view widely rejected today. In *Obergefell v. Hodges*, 576 U.S. 644, 668 (2015), the Court reasoned, “As all parties agree, many same-sex couples provide loving and nurturing homes to their children, whether biological or adopted. And hundreds of thousands of children are presently being raised by such couples. . . . Excluding same-sex couples from marriage thus conflicts with a central premise of the right to marry. Without the recognition, stability, and predictability marriage offers, their children suffer the stigma of knowing their families are somehow lesser.” This conclusion rejects arguments made by campaigns to prohibit same-sex marriage based on the purported negative impact of such marriages on children.

- a. When is it appropriate for a court to consider evidence that sheds light on our changing understanding of society?**

Response: It is impossible, in the abstract, to identify every instance where a court should (or can) consider evidence about our changing understanding of society. If confirmed, I would follow all Supreme Court precedent and Eleventh Circuit precedent that addressed this issue.

- b. What is the role of sociology, scientific evidence, and data in judicial analysis?**

Response: The role of scientific evidence or data can vary depending on the facts of each case and the issues presented. The admissibility of scientific, technical, or other specialized knowledge is generally governed by Federal Rule of Evidence 702. If confirmed, I would follow Rule 702 and any relevant precedents of the Supreme Court and the Eleventh Circuit governing the consideration of such evidence.

7. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law

enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts' existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission recently finalized an amendment to supervision guidelines implementing certain parts of the bill; this amendment will go in effect in November.

- a. As a sentencing judge, would you endeavor to impose supervision thoughtfully and on the basis of the individual facts of the case consistent with 18 U.S.C. § 3553 and 18 U.S.C. § 3583?**

Response: Yes. I will impose supervision thoughtfully and consistent with all applicable laws.

- b. Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?**

Response: Yes.

- c. Will you commit if confirmed to reviewing the *Safer Supervision Act* and the recent Sentencing Commission amendment and considering them as you develop your approach to sentencing of supervised release?**

Response. Yes. If confirmed, I will faithfully apply the requirements of the *Safer Supervision Act*, and precedents interpreting it, where applicable.

- 8. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?**

Response: What remedies are available against executive officers for violating constitutional duties is a matter of ongoing dispute. As a nominee and sitting judicial officer, I cannot opine on matters "pending or impending in any court." See Code of Conduct of U.S. Judges, Canon 3(A)(6).

- 9. Is President Trump eligible to be elected President for a third term?**

Response: The 22nd Amendment to the Constitution provides that "[n]o person shall be elected to the office of the President more than twice."

- 10. Who won the 2020 U.S. Presidential Election?**

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. There were various legal challenges to the results of the 2020 presidential election, and to the extent this question seeks to elicit a response about those matters or an opinion about the election in general, it would be improper to offer any such comment as a current judicial officer. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

11. Would it be constitutional for the President of the United States to punish a private person for a viewpoint that person expresses in a newspaper op-ed?

Response: The First Amendment prohibits, among other things, laws that impermissibly “abridge[e] the freedom of speech, or of the press.” The Supreme Court has interpreted the First Amendment as restricting the Government’s ability to prevent the publication of information or punish media outlets for what they report. *See, e.g., Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241 (1974). Laws that inhibit speech based on content or viewpoint are subject to heightened judicial scrutiny. I cannot otherwise opine on the hypothetical reach of First Amendment and its protection of the press because such matters are the subject of ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

12. Would it be constitutional for the President of the United States to terminate government contracts with a private person specifically because that person donated to members of the opposite political party?

Response: This question presents a matter of ongoing dispute. As a nominee and sitting judicial officer, I cannot opine on matters “pending or impending in any court.” *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

13. Would it ever be appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like?

Response: This question presents a matter of ongoing dispute. As a nominee and sitting judicial officer, I cannot opine on matters “pending or impending in any court.” *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

14. Do you agree that there is a constitutional right to privacy that protects a woman’s right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: The Supreme Court has recognized a constitutional right to privacy that protects a woman’s right to use contraceptives. *See Griswold v. Connecticut*, 381 U.S. 479 (1965). If confirmed, I would faithfully *Griswold* and all other bindings precedents on this question.

15. Do you agree that there is a constitutional right to privacy that protects the right to in vitro fertilization (IVF)? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: The Eleventh Circuit has declined to “confer fundamental status on [the] asserted right to IVF-and-surrogacy-assisted reproduction.” *Morrissey v. United States*, 871 F.3d 1260, 1270 (11th Cir. 2017). If confirmed, I would be bound by this precedent and any other decisions that addressed or considered the issue. Since this question otherwise presents a matter of ongoing dispute, I cannot provide further comment. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

16. Do you believe that immigrants, regardless of legal status, are entitled to due process and fair adjudication of their claims?

Response: The Supreme Court has held that “the Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). As a general matter, where a litigant faces a deprivation of life, liberty, or property, due process doctrine most often addresses the question of what process is due in a given context, rather than the question of whether the clause applies to the litigant. I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit concerning the Due Process Clause and its protections. I cannot otherwise opine on the hypothetical reach of the Due Process Clause because that is an issue of ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

17. What role does morality play in determining whether a challenged law or regulation is unconstitutional or otherwise illegal?

Response: Consistent with Article III, the role of a federal judge is to decide cases and controversies with neutrality and impartiality by applying all precedents of the Supreme Court and governing circuit precedent, as well as any other applicable laws or rules of decision. Judges should not decide cases based on their personal views regarding morality or policy preferences.

18. What role, if any, should the practical consequences of a particular ruling play in a judge’s rendering of a decision?

Response: There are limited circumstances where a court can consider the consequences of a decision on the parties and the public. Most notably would be in assessing the propriety and scope of injunctive relief. *See, e.g., Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Beyond those limited circumstances, however, a court must apply the relevant legal standards impartially and without regard to the practical consequences.

19. What role, if any, should empathy play in a judge’s decision-making process?

Response: Consistent with Article III, the role of a federal judge is to decide cases and controversies with neutrality and impartiality by applying all precedents of the Supreme Court and governing circuit precedent, as well as any other applicable laws or rules of decision. Judges should not decide cases based on empathy. That said, a judge should never lose sight of the fact that litigation can have immediate and often profound consequences in the lives of real people.

20. What role, if any, should a judge's personal life experience play in his or her decision-making process?

Response: Please see my response to Question 19.

21. Should you be confirmed, would you ever inform parties before you that they do not need to comply with your orders?

Response: As a general matter, court orders are binding on the parties to a case. But there are limited circumstances where compliance with a court order may not be required, such as if the court lacked jurisdiction or compliance was impossible. *See, e.g., United States v. United Mine Workers*, 330 U.S. 258, 291 (1947). There are also certain interlocutory orders that might be appealable only through a contempt proceeding. *See, e.g., Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 377 (1981). Whether a particular case falls into an exception is a case-by-case determination. I have never informed parties that they need not comply with my orders.

a. Under what circumstances would you tell a party they could decide not to comply with your orders?

Response: Please see my response to Question 21(a).

b. What would you do if a party refuses to comply with one of your orders?

Response: I have never had a party ignore a court order. Should that occur, I would ensure compliance with my orders through sanctions, civil and criminal contempt procedures, as well as by requiring that parties file status reports and make court appearances to explain compliance efforts and progress.

22. Discuss your proposed hiring process for law clerks.

Response: My current practice is to solicit applications through the court's website and OSCAR. I do not hire law clerks based on a particular viewpoint or ideology. I strive to find the most competent and qualified clerks, casting a wide net in terms of law schools, professional background, and life experience. I plan to continue this approach if confirmed.

- a. Do you think law clerks should be protected by Title VII of the Civil Rights Act?**

Response: As a current judicial officer, I cannot address policy questions relating to whether Title VII's existing exemption for the federal judiciary should be amended. I currently endeavor to ensure that discrimination has no place in my chambers, and I will continue that practice if confirmed.

- 23. Some district court judges have issued standing orders indicating that the court will favor holding an oral argument when there is a representation that the argument would be handled by a junior lawyer. Such efforts are intended to provide more speaking opportunities in court for junior lawyers. Would you consider issuing a standing order that would encourage more junior lawyers to handle oral arguments? Why or why not?**

Response: I currently have a standing order that allows junior lawyers to share oral argument time with senior counsel. I plan to continue that practice, and if confirmed, will consider additional accommodations like noted above.

- a. How else would you support the skills development of junior lawyers appearing before you?**

Response: As reflected in my Senate Judiciary Questionnaire, I regularly provide legal education presentations targeting skills development for young lawyers. I also mentor many legal interns who pass through the courthouse each summer. I plan to continue those practices if confirmed.

- 24. In the past year, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.**

- a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?**

Response: The Middle District of Florida has established an employment dispute resolution plan that governs workplace misconduct. The staff working in my chambers are aware of the program and have attended training on it. I also employ an open-door policy in my chambers where employees can report work place misconduct. I plan to continue these mechanisms if confirmed.

- b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?**

Response: I would direct any complaints or concerns to the court's employment dispute resolution coordinator and ensure the appropriate process is followed.

- c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?**

Response: I would report the allegations to the court's employment dispute resolution coordinator and also contact the chief judge.

- 25. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?**

Response: On the matter of ethics and judicial temperament, my role model has always been Judge James Cacheris from the Eastern District of Virginia. I had an opportunity to clerk for Judge Cacheris early in my career, and his respectful conduct with lawyers, colleagues, and staff made a lasting impression.

- 26. Have you participated in any workplace conduct training sessions conducted by your court, your circuit or other judiciary personnel? If so, please briefly describe the curriculum and note how many times you've participated in these sessions.**

Response: I have participated in workplace conduct training sessions offered by my court. I cannot recall how many times, but the curriculum consisted of reviewing the court's dispute resolution plan and addressing hypothetical scenarios.

- 27. Have you ever been the subject of a misconduct complaint under 28 U.S.C. § 351 that *wasn't* dismissed after an initial review by the chief judge? If so, can you please elaborate on the facts of the complaint and what the ultimate result of the complaint process was?**

Response: No.

- 28. In your Senate Judiciary Questionnaire, you disclosed that you are a member of the Federalist Society, a group whose members often advocate an "originalist" interpretation of the Constitution. In his opinion for the unanimous Court in *Brown v. Board of Education*, 347 U.S. 483 (1954), Chief Justice Warren wrote that although the "circumstances surrounding the adoption of the Fourteenth Amendment in 1868 . . . cast some light" on the amendment's original meaning, "it is not enough to resolve the problem with which we are faced. At best, they are inconclusive We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws." 347 U.S. at 489, 490-93. Do you**

consider *Brown* to be consistent with originalism even though the Court in *Brown* explicitly rejected the notion that the original meaning of the Fourteenth Amendment was dispositive or even conclusively supportive?

Response: As a sitting judicial officer, I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit regardless of whether it comports with the original meaning of the Constitution. And it is generally improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent or comment on its reasoning. That said, prior nominees have expressed the opinion that *Brown v. Board of Education* was correctly decided, and I agree. I have not otherwise had occasion to study whether *Brown* is consistent with originalism and would follow it and other binding precedents of the Supreme Court regardless.

- a. Should the public's understanding of a constitutional provision's meaning at the time of its adoption ever be dispositive when interpreting that constitutional provision today?**

Response: The Supreme Court and Eleventh Circuit have routinely interpreted constitutional provisions by looking to the original meaning of the words used as understood by the public at the time of enactment. *See, e.g., New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1, 20 (2022). I would employ those same methodologies to interpret any constitutional provision brought before me.

- b. Does the public's original understanding of the scope of a constitutional provision constrain its application decades later?**

Response: In some areas, such as the Confrontation Clause, the Supreme Court has treated originalist principles as highly important. *See, e.g., Crawford v. Washington*, 541 U.S. 36 (2004). In other areas, such as the Eighth Amendment, the Supreme Court has adopted more of an evolving-standards approach. *See, e.g., Roper v. Simmons*, 543 U.S. 551 (2005). As mentioned above, I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit regardless of whether it comports with the original meaning of the Constitution.

- c. What sources would you employ to discern the contours of a constitutional provision?**

Response: I cannot provide an exhaustive list of sources I would apply in the abstract. I would resolve any questions regarding constitutional interpretation by reviewing the text, governing law, applicable precedents, and the arguments presented. I would also consult any sources used by the Supreme Court or Eleventh Circuit that are relevant to the particular question before me.

Questions for the Record for Judge Kyle Christopher Dudek
Submitted by Senator Richard Blumenthal
July 2, 2025

- 1. If confirmed, will you recuse yourself from any case where a reasonable person, knowing all the relevant facts, might question your impartiality, even if you personally believe you can be fair?**

Response: Yes. If confirmed, I will continue to address all actual or potential conflicts by reference to 28 U.S.C. Section 455, the Code of Conduct for United States Judges, and any other applicable laws. As demonstrated by my recusal record, I believe that both the appearance of impartiality and actual impartiality are important in maintaining public confidence in our system of justice.

- a. If confirmed, will you recuse yourself from cases involving individuals, organizations, or entities to which you or your family members have made political contributions or provided political support?**

Response: If confirmed, I will continue to address all actual or potential conflicts of interest by reference to 28 U.S.C. Section 455, the Code of Conduct for United States Judges, and any other applicable laws.

- b. If confirmed, will you recuse yourself from cases involving former clients, former law firms, or organizations with which you have had significant professional relationships?**

Response: If confirmed, I will continue to address all actual or potential conflicts of interest by reference to 28 U.S.C. Section 455, the Code of Conduct for United States Judges, and any other applicable laws. As demonstrated by my recusal record, I have recused myself from cases involving former clients, former law firms, or organizations with which I have had significant professional relationships where appropriate.

- c. If confirmed, will you recuse yourself from cases involving personal friends, social acquaintances, or individuals with whom you have ongoing personal relationships?**

Response: If confirmed, I will continue to address all actual or potential conflicts of interest by reference to 28 U.S.C. Section 455, the Code of Conduct for United States Judges, and any other applicable laws. As demonstrated by my recusal record, I have recused myself from cases involving personal friends, social acquaintances, or individuals with whom I have ongoing personal relationships where appropriate.

- 2. If confirmed, will you commit to avoiding all *ex parte* communications about pending cases, including informal discussions at social events or professional gatherings?**

Response: Yes. If confirmed, I will follow Judicial Code of Conduct Canon 3(A)(4) concerning *ex parte* communications.

- d. If confirmed, will you avoid discussing pending cases or judicial business with elected officials, political appointees, or political operatives?**

Response: Yes. If confirmed, I will follow the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

- e. If confirmed, will you commit to declining meetings or communications with lobbyists, advocacy groups, or special interests seeking to influence your judicial decisions?**

Response: Yes. If confirmed, I will follow the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

- f. If confirmed, will you refrain from making public statements about legal or political issues that could reasonably be expected to come before your court?**

Response: Yes. If confirmed, I will follow the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

- 3. If confirmed, will you commit to filing complete and accurate financial disclosure reports that include all required information about your financial interests and activities?**

Response: Yes. If confirmed, I will follow the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

- g. If confirmed, will you decline all gifts from parties who might appear before your court or who have interests that could be affected by your judicial decisions?**

Response: Yes. If confirmed, I will follow the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

- h. If confirmed, will you decline privately funded travel, hospitality, or entertainment that could create an appearance of impropriety or special access?**

Response: Yes. If confirmed, I will follow the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

- i. If confirmed, will you ensure that any teaching, speaking, or writing activities comply with judicial ethics requirements and do not create conflicts with your judicial duties?**

Response: Yes. If confirmed, I will follow the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

4. The House Republican-authored budget reconciliation bill had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as "inherent in all courts" and "essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice." Yet House Republicans are seeking to exempt government officials from this key tool for judicial enforcement.

- a. Do you believe the contempt power is "essential . . . to the due administration of justice[?]"**

Response: The Supreme Court has remarked that the contempt power is "inherent in all courts," and emphasized that "its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice." *Ex parte Robinson*, 86 U.S. 505, 510 (1873). As a nominee and sitting judicial officer, it would be inappropriate for me to give a thumbs-up or thumbs-down to Supreme Court precedent. *Ex parte Robinson* is binding precedent, and I will apply it faithfully.

- b. Do you believe that federal judges should be limited in their ability to hold government officials who defy court orders in contempt?**

Response: As the Supreme Court has explained, courts have “embraced an inherent contempt authority as a power ‘necessary to the exercise of all others.’” *Int’l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 831-32 (1994) (quoting *United States v. Hudson*, 7 Cranch 32, 34 (1812)). Yet the Court has deemed “the contempt power” as something that “uniquely is ‘liable to abuse.’” *Id.* at 831 (quoting *Bloom v. Illinois*, 391 U.S. 194, 202 (1968)). “Unlike most areas of law, where a legislature defines both the sanctionable conduct and the penalty to be imposed, civil contempt proceedings leave the offended judge solely responsible for identifying, prosecuting, adjudicating, and sanctioning the contumacious conduct.” *Id.* That “fusion of legislative, executive, and judicial powers,” the Supreme Court precedent teaches, risks “the prospect of ‘the most tyrannical licentiousness.’” *Id.* (quoting *Young v. United States ex rel. Vuitton et Fils S.A.*, 481 U.S. 787, 822 (1987) (Scalia, J., concurring in judgment)). So too, “[c]ontumacy ‘often strikes at the most vulnerable and human qualities of a judge’s temperament.’” *Id.* (citation omitted). The Supreme Court has cautioned that the exercise of the contempt power is in short “a delicate one, and care is needed to avoid arbitrary or oppressive conclusions.” *Bloom*, 391 U.S. at 202 (citation omitted).

I would follow all governing rules and precedents relating to the issue of judicial contempt orders should a case implicating the issue come before me as a judge. Otherwise, as a nominee and sitting judicial officer, I cannot opine on matters “pending or impending in any court.” See Code of Conduct of U.S. Judges, Canon 3(A)(6).

5. If confirmed, you, like all other members of the federal bench, would have the ability to issue orders. On February 9, 2025, Vice President Vance posted on X that “[j]udges aren’t allowed to control the executive’s legitimate power.” This raises an extremely concerning specter of Executive Branch defiance of court orders.

a. If confirmed, would you have the ability to issue orders?

Response: Yes.

i. Would you have the ability to enforce those orders?

Response: Yes. district courts have a variety of mechanisms available to ensure compliance with court orders, including sanctions and contempt proceedings. If any litigant failed to comply with a lawful order, I would review governing law, applicable precedents, and the particular facts of the case to determine an appropriate enforcement mechanism.

ii. What powers would you have to enforce those orders?

Response: I have never had a party ignore a court order. Should that occur, I would ensure compliance with my orders through sanctions, civil and criminal contempt procedures, as well as by requiring that parties file status reports and make court appearances to explain compliance efforts and progress.

b. Does there exist a legal basis for federal Executive Branch officials to defy federal court orders? If so, what basis and in which circumstances?

Response: As a general matter, court orders are binding on the parties to a case. But there are limited circumstances where compliance with a court order may not be required, such as if the court lacked jurisdiction or compliance was impossible. *See, e.g., United States v. United Mine Workers*, 330 U.S. 258, 291 (1947). There are also certain interlocutory orders that might be appealable only through a contempt proceeding. *See, e.g., Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 377 (1981). It is impossible to identify every circumstance, in the abstract, where it would be acceptable for the executive branch to ignore a court order. To the extent this question seeks to elicit a more detailed response about such matters, my answer is that it would be improper to offer any such comment as a current judicial officer. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

c. Does there exist a legal basis for state officials to defy federal court orders? If so, what basis and in which circumstances?

Response: Please see my response to Question 5(b).

d. What would make a court order unlawful?

Response: It is impossible to identify every circumstance, in the abstract, that may render a court order unlawful. Generally speaking, a court order could be unlawful if the issuing court lacked jurisdiction.

i. What is the process a party should follow if it believes a court order to be unlawful?

Response: Litigants who are dissatisfied with a court order can seek reconsideration or appeal to a higher court. And if the order relates to a statute or regulation, a litigant can seek legislative amendment.

ii. Is it ever acceptable to not follow this process? When and why?

Response: As mentioned above, there are limited circumstances where compliance with a court order may not be required, such as if the court lacked jurisdiction or compliance was impossible. There are also certain interlocutory orders that might be appealable only through a contempt proceeding. It is impossible to identify every circumstance, in the abstract,

where it would be acceptable to not follow the process for challenging a court order.

6. Were you in Washington, D.C. on January 6, 2021?

Response: No.

a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?

Response: No.

Senator Mazie K. Hirono
Questions for the Record
Kyle C. Dudek

Nominee to the U.S. District Court for the Middle District of Florida

1. As part of my responsibility as a member of this committee, to ensure the fitness of nominees, I ask each nominee to answer two initial questions:

- a. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?**

Response: No.

- b. Have you ever faced discipline or entered into a settlement related to this kind of conduct?**

Response: No.

2. A federal district court judge has the power to issue court orders.

- a. What are the essential tools that federal judges use to ensure compliance with their court orders?**

Response: District courts have a number of tools available to ensure compliance with court orders, including contempt, fines, and other penalties.

- i. When should those tools be used?**

Response: I have never had a party ignore a court order. Should that occur, I would ensure compliance with my orders through sanctions, civil and criminal contempt procedures, as well as by requiring that parties file status reports and make court appearances to explain compliance efforts and progress. Whether a particular sanction is appropriate or necessary is a case-by-case determination. If any such issues came before me, I would commit to resolving them through careful consideration and application of the parties' arguments and the governing law.

- b. Is it ever permissible for a party in a case to disregard a court order?**

Response: As a general matter, court orders are binding on the parties to a case. But there are limited circumstances where compliance with a court order may not be required, such as if the court lacked jurisdiction or compliance was impossible. *See, e.g., United States v. United Mine Workers*, 330 U.S. 258, 291 (1947). There are also certain interlocutory orders that might be appealable only through a contempt proceeding. *See, e.g., Firestone Tire & Rubber Co. v. Risjord*, 449 U.S.

368, 377 (1981). Whether a particular case falls into an exception is a case-by-case determination.

i. Is the President of the United States allowed to disregard a court order?

Response: This question presents a matter of ongoing dispute. As a nominee and sitting judicial officer, I cannot opine on matters “pending or impending in any court.” *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

ii. How should a federal judge respond if the President unlawfully disregards the judge’s court order?

Response: This question presents a matter of ongoing dispute. As a nominee and sitting judicial officer, I cannot opine on matters “pending or impending in any court.” *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

c. What does it mean for a judge to hold a party in “contempt of court”?

Response: Being held in contempt generally means that a party in a legal proceeding has failed to obey a court order. There are two types of contempt: civil and criminal. *See United Mine Workers v. Bagwell*, 512 U.S. 821, 827 (1994). “Criminal contempt is a crime in the ordinary sense,” necessitating “the protections that the Constitution requires of such criminal proceedings.” *Id.* at 826 (citations omitted). “In contrast, civil contempt sanctions, or those penalties designed to compel future compliance with a court order, are considered to be coercive and avoidable through obedience, and thus may be imposed in an ordinary civil proceeding upon notice and an opportunity to be heard.” *Id.* at 827.

i. Does the federal judiciary have the authority to hold the President in contempt of court?

Response: This question presents a matter of ongoing dispute. As a nominee and sitting judicial officer, I cannot opine on matters “pending or impending in any court.” *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

1. If so, where does that authority come from?

Response: This question presents a matter of ongoing dispute. As a nominee and sitting judicial officer, I cannot opine on matters “pending or impending in any court.” *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

2. If no, why not?

Response: This question presents a matter of ongoing dispute. As a nominee and sitting judicial officer, I cannot opine on matters “pending or impending in any court.” *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

Nomination of Kyle Christopher Dudek
Nominee to be U.S. District Judge for the Middle District of Florida
Questions for the Record
Submitted July 2, 2025

QUESTIONS FROM SENATOR CORY A. BOOKER

1. During the hearing on your nomination, Senator Padilla asked you and your fellow nominees whether members of the executive branch are required to follow court orders. Judge Artau responded, “generally speaking, all parties that are subjected to a court order are required to follow orders,” but that “there are a few exceptions.” You told Senator Padilla you “agree[d] with Judge Artau’s statement.”

a. What are the exceptions to the general rule that parties subjected to a court order must follow that court order?

Response: As a general matter, court orders are binding on the parties to a case. But there are limited circumstances where compliance with a court order may not be required, such as if the court lacked jurisdiction or compliance was impossible. *See, e.g., United States v. United Mine Workers*, 330 U.S. 258, 291 (1947). There are also certain interlocutory orders that might be appealable only through a contempt proceeding. *See, e.g., Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 377 (1981). It is impossible to identify every circumstance, in the abstract, where a party may choose not to comply with a court order. Whether a particular case falls into an exception is a case-by-case determination.

2. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president’s nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, “[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA.”¹

a. Do you agree with AG Bondi that “the ABA no longer functions as a fair arbiter of nominees’ qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations”?

Response: As a nominee and current judicial officer, commenting on the political question of the ABA’s practice of conducting peer evaluations of a president’s nominees to become federal judges would be improper.

¹ Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), <https://www.justice.gov/ag/media/1402156/dl?inline>.

3. How would you characterize your judicial philosophy?

Response: Consistent with Article III, I believe the role of a federal judge is to decide cases and controversies with neutrality and impartiality by applying all precedents of the Supreme Court and governing circuit precedent, as well as any other applicable laws or rules of decision.

4. What do you understand originalism to mean?

Response: As I understand it, originalism is a method of constitutional interpretation that emphasizes the original public meaning of the text at the time it was adopted.

5. Do you consider yourself an originalist?

Response: I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit regardless of whether I believe it comports with the original meaning of the Constitution. That aside, the Supreme Court and Eleventh Circuit have routinely interpreted constitutional provisions by looking to the original meaning of the words used. I would employ those same methodologies to interpret any constitutional provision brought before me.

6. What do you understand textualism to mean?

Response: As I understand it, textualism is a method of legal interpretation that emphasizes the plain meaning of the text of a law or legal document. It focuses on the words themselves, as they would have been understood by a reasonable person at the time the text was written.

7. Do you consider yourself a textualist?

Response: I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit regardless of whether I believe it complies with a textualist methodology of interpretation. That aside, the Supreme Court and Eleventh Circuit have routinely interpreted laws by looking to text and considering its public meaning. I would employ those same methodologies to interpret any laws or provisions brought before me.

8. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.

a. If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?

Response: According to the Supreme Court, reliance on legislative history is unnecessary when the applicable language is unambiguous. *Mohamad v. Palestinian Authority*, 566 U.S. 449, 458 (2012). To the extent that legislative history may be properly considered, it “is meant to clear up ambiguity, not create it.” *Milner v. Dep’t of Navy*, 562 U.S. 562, 574 (2011). If confirmed, I would faithfully apply all relevant precedent of the Supreme Court and the Eleventh Circuit concerning the use of legislative history.

b. Do you believe that congressional intent matters when interpreting a statute? Why or why not.

Response: The Supreme Court has routinely interpreted legislation by attempting to discern congressional intent through the statutory text, as understood at the time of enactment. *See, e.g., Lamie v. U.S. Tr.*, 540 U.S. 526, 534 (2004) (“The starting point in discerning congressional intent is the existing statutory text[.]”). In approaching statutory interpretation, I would follow the methodological instructions of the Supreme Court and Eleventh Circuit precedent.

9. According to an academic study, Black men were 65 percent more likely than similarly-situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.²

a. What do you attribute this to?

Response: I have no personal knowledge of the statistics above or what causes them, and any answer would be pure speculation. Racial disparity in criminal cases is also a topic of public debate that I cannot comment on as a nominee and sitting judicial officer.

10. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.³

a. What do you attribute this to?

Response: Please see my response to Question 9(a).

- 11. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person’s race did not factor into a prosecutor’s decision or other instances where officials exercise discretion in our criminal justice system?**

² Sonja B. Starr & M. Marit Rehaavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

³ U.S. SENTENCING COMM’N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf.

Response: It is incumbent on all participants in the criminal justice system, especially judges, to be aware of the possibility of any biases and endeavor to minimize them as consistent with their judicial duties. Each criminal case should be considered on its merits and each criminal defendant considered individually. One of the sentencing factors judges must consider under 18 U.S.C. § 3553(a) is “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.”

12. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? Why or why not.

Response: It is beneficial to have judges from all backgrounds, and individual characteristics and experiences should be considered as with everything else. No applicant for judicial office should be excluded based on race, sex, or other immutable characteristic.

13. Please indicate whether you have ever published written material or made any public statements relating to the following topics. If so, provide a description of the written or public statement, the date and place/publication where the statement was made or published, and a summary of its subject matter. If you have not disclosed a copy of the publication or a transcript of the statement to the Judiciary Committee, please attach a copy or link to the materials and explain why you have not previously disclosed them.

a. Abortion

Response: No.

b. Affirmative action

Response: No.

c. Contraceptives or birth control

Response: No.

d. Gender-affirming care

Response: No.

e. Firearms

Response: No.

f. Immigration

Response: No.

g. Same-sex marriage

Response: No.

h. Miscegenation

Response: No.

i. Participation of transgender people in sports

Response: No.

j. Service of transgender people in the U.S. military

Response: No.

k. Racial discrimination

Response: Yes. I authored a blog post regarding the Supreme Court's decision in *Fort Bend Cnty. v. Davis*. A copy of this post is included with my Senate Judiciary Questionnaire.

l. Sex discrimination

Response: Yes. I authored several blog posts concerning case law developments with Title VII and sex discrimination. Copies of these blog posts are included with my Senate Judicial Questionnaire.

m. Religious discrimination

Response: No.

n. Disability discrimination

Response: Yes. I authored several blog posts concerning case law developments under the Americans with Disabilities Act. Copies of these blog posts are included with my Senate Judiciary Questionnaire.

o. Climate change or environmental disasters

Response: No.

p. "DEI" or Diversity Equity and Inclusion

Response: No.

14. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: As mentioned above, court orders are binding on the parties to a case. But there are limited circumstances where compliance with a court order may not be required, such as if the court lacked jurisdiction or compliance was impossible. There are also certain interlocutory orders that might be appealable only through a contempt proceeding. It is impossible to identify every circumstance, in the abstract, where it would be acceptable for the executive branch to ignore a court order. To the extent this question seeks to elicit a more detailed response about such matters, my answer is that it would be improper to offer any such comment as a current judicial officer. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

a. If an executive branch official ignores or defies a federal court order, what legal analysis would you employ to determine whether that official should be held in contempt?

Response: District courts can deploy a variety of remedies to ensure compliance with its orders. These mechanisms include sanctions, civil and criminal contempt procedures, as well as requiring that parties file status reports and make court appearances to explain compliance efforts and progress. If any litigant failed to comply with a lawful order, I would review governing law, applicable precedents, and the particular facts of the case to determine an appropriate enforcement mechanism.

b. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.

Response: As mentioned above, there are limited circumstances where compliance with a court order may not be required, such as if the court lacked jurisdiction or compliance was impossible. There are also certain interlocutory orders that might be appealable only through a contempt proceeding. It is impossible to identify every circumstance, in the abstract, where it would be acceptable for the executive branch to ignore or defy a court order. To the extent this question seeks to elicit are more detailed response about such matters, my answer is that it would be improper to offer any such comment as a current judicial officer. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

15. Does the president have the power to ignore or nullify laws passed by Congress?

Response: The President has the power to veto legislation passed by Congress under Article I, Section 7 of the Constitution. Otherwise, the Constitution directs the President to “take Care that the Laws be faithfully executed.” U.S. Const., art. II, § 3, cl. 5. I cannot otherwise

opine on the reach of Presidential authority in this sphere because it is a matter of ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

16. Does the president have the power to withhold funds appropriated by Congress?

Response: The Impoundment Control Act of 1974, 2 U.S.C. § 681, regulates how the President can delay or cancel the spending of funds that have been appropriated. I cannot otherwise opine on the hypothetical reach of the President's impoundment authority because it is a matter of ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

17. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdictions elected officials?

Response: The President's authority to impound or withhold funds is a matter of ongoing litigation, and thus I cannot speak on this matter as a sitting judicial officer. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

18. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

Response: The Supremacy Clause, found in Article VI of the U.S. Constitution, establishes that the Constitution, federal laws, and treaties are the supreme law of the land. This generally means that when state law conflicts with federal law, the latter takes precedence. *See, e.g., Haaland v. Brackeen*, 599 U.S. 255, 287 (2023).

- a. The Emergency Medical Treatment and Labor Act (EMTALA) is a federal law enacted in 1986 that requires hospitals to provide emergency care, including emergency abortion care. Do you agree that EMTALA, as a federal law, supersedes conflicting state laws?**

Response: This question presents an issue of ongoing litigation, and thus I cannot speak on the matter as a sitting judicial officer. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

19. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: The Supreme Court has applied the Fifth Amendment "to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). I am bound to apply all applicable precedent of the Supreme Court and Eleventh Circuit concerning the Fifth Amendment and its protections. I cannot otherwise opine on the hypothetical reach of the Fifth Amendment because that is an issue of ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

20. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?

Response: Under the nondelegation doctrine, Congress is restricted from delegating its legislative power to other branches of government, particularly the executive branch. This rule stems from the separation of powers enshrined in the Constitution, which generally dictates that each branch of government should exercise its own designated powers. *See, e.g., Fed. Comm'n Comm'n v. Consumers' Rsch.*, No. 24-354, 2025 WL 1773630, at *8 (U.S. June 27, 2025). The intersection of the nondelegation doctrine and the rulemaking authority of federal agencies is the subject of ongoing litigation, and thus I cannot speak on the matter as a sitting judicial officer. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

21. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?

Response: It is generally improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. That said, prior nominees have expressed the opinion that *Brown v. Board of Education* was correctly decided, and I agree.

22. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? Please describe the facts and holding of this case.

Response: *Griswold* is binding precedent, and I will apply it faithfully. In *Griswold*, the Court ruled that a Connecticut law banning the use of contraceptives violated the claimant's right to privacy under the Fourteenth Amendment.

23. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? Please describe the facts and holding of this case.

Response: *Lawrence* is binding precedent, and I will apply it faithfully. In *Lawrence*, the Court held that a law criminalizing homosexual conduct violated the Due Process Clause of the Fourteenth Amendment by infringing on the right to privacy and liberty of consenting adults to engage in intimate sexual conduct in their homes.

24. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent? Please describe the facts and holding of this case.

Response: *Obergefell* is binding precedent, and I will apply it faithfully. In *Obergefell*, the Court ruled that the Fourteenth Amendment requires states to both license and recognize same-sex marriages.

25. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.

Response: President Biden served as the 46th President of the United States. There were various legal challenges to the results of the 2020 presidential election, and to the extent this question seeks to elicit a response about those matters or an opinion about the election in general, my answer is that it would be improper to offer any such comment as a current judicial officer. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

a. Did Biden win a majority of the electoral vote in the 2020 election?

Response: Please see my answer immediately above.

b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.

Response: I have no knowledge about the accuracy of the vote count in the 2020 election. President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States.

26. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”⁴

a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

Response: President Trump was certified as the winner of the 2016 presidential election and served as the 45th President of the United States.

b. Did Trump win a majority of the electoral vote in the 2016 election?

Response: President Trump was certified as the winner of the 2016 presidential election and served as the 45th President of the United States.

c. Do you agree that President Trump was elected to the office of the President in the 2024 election?

Response: President Trump was certified as the winner of the 2024 presidential election and serves as the 47th President of the United States.

d. Did Trump win a majority of the electoral vote in the 2024 election?

Response: President Trump was certified as the winner of the 2024 presidential election and serves as the 47th President of the United States.

e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

Response: Yes. The 22nd Amendment to the Constitution provides that “[n]o person shall be elected to the office of the President more than twice.”

⁴ U.S. CONST. amend. XXII.

- 27. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?**

Response: Prior to the confirmation hearing, I met with attorneys at the Department of Justice, who provided guidance on questions that have been asked of other nominees and on the provisions of the Code of Conduct for United States Judges. The answers that I have provided are my own.

- 28. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: No.

- 29. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.**

Response: No.

- 30. Have you spoken or corresponded with Stephen Miller since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: No.

- 31. Have you spoken or corresponded with Chad Mizelle since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: Yes. I met with Chad Mizelle at his office in the Department of Justice on June 24, 2025. He congratulated me on the nomination and upcoming hearing. We discussed his transition to working at the Department of Justice and our families.

- 32. Have you spoken or corresponded with Pam Bondi since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: No.

- 33. Have you spoken or corresponded with Todd Blanche since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: No.

- 34. Have you spoken or corresponded with Emil Bove since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: Yes. I spoke with Emil Bove immediately prior to our hearing on June 25, 2025. We briefly exchanged pleasantries and congratulations. I also spoke with him on June 26, 2025, at a training session for judicial nominees at the Administrative Office of the Courts. We discussed the various topics covered during the training and our shared background of growing up in upstate New York.

- 35. Have you spoken or corresponded with Leonard Leo since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: No.

- 36. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to any members of the Proud Boys or of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.**

Response: No.

- 37. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.**

- a. Enrique Tarrio
- b. Stewart Rhodes
- c. Kelly Meggs
- d. Kenneth Harrelson
- e. Thomas Caldwell
- f. Jessica Watkins
- g. Roberto Minuta
- h. Edward Vallejo
- i. David Moerschel
- j. Joseph Hackett
- k. Ethan Nordean
- l. Joseph Biggs
- m. Zachary Rehl
- n. Dominic Pezzola
- o. Jeremy Bertino
- p. Julian Khater

Response: To the best of my knowledge, no to all.

- 38. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.**

Response: Yes. Several individuals involved with breaching the Capitol on January 6, 2021, were arrested in the Middle District of Florida and brought before me for initial appearances on criminal charges. My interactions with such individuals occurred in open court, and the proceedings were recorded. I have no records to identify the names or dates they appeared before me.

39. Have you ever been demoted, terminated, or experienced any other adverse employment action?

Response: No.

a. If yes, please describe the events that led to the adverse employment action.

Response: Not applicable.

b. If no, please affirm that, since becoming a legal adult, you have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

Response: I confirm that, since becoming a legal adult, I have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

40. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?

Response: Yes.

41. Article III Project (A3P) “defends constitutionalist judges and the rule of law.”
According to Mike Davis, Founder & President of A3P, “I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today’s Democrats have become. They’re Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems.”⁵

a. Do you agree with the above statement?

Response: I am unfamiliar with the quoted statement, its full context, or its author, and thus I cannot commit to agreeing (or disagreeing) with it.

b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

⁵ <https://www.article3project.org/about>

Response: I have not spoken with anyone associated with A3P regarding my nomination. Nor am I aware of anyone who has spoken to the group on my behalf. I am not aware of every member of A3P, and thus may have spoken to people associated it at some point, but my nomination was not the reason for speaking with them or a topic of discussion.

c. Are you currently in contact with anyone associated with A3P? If so, who?

Response: Not to my knowledge.

d. Have you ever been in contact with anyone associated with A3P? If so, who?

Response: I am not aware of every member of A3P, and thus may have spoken to people associated it at some point, but my nomination was not the reason for speaking with them or a topic of discussion.

42. Since you were first approached about the possibility of being nominated, did anyone associated with the Trump Administration or Senate Republicans provide you guidance or advice about which cases to list on your Senate Judiciary Questionnaire (SJQ)?

Response: No.

a. Who?

Response: Not applicable.

b. What advice did they give?

Response: Not applicable.

c. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

Response: No.

43. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: To the best of my knowledge, I have not spoken with anyone associated with the Article III Project regarding my nomination. Nor am I aware of anyone who has spoken to the group on my behalf. I am not aware of every member of the Article III Project, and thus may have spoken to people associated it at some point, but my nomination was not the reason for speaking with them.

44. During your selection process did you talk with any officials from or anyone directly associated with the Federalist Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: To the best of my knowledge, I have not spoken with anyone associated with the Federalist Society regarding my nomination. Nor am I aware of anyone who has spoken to the group on my behalf. I am not aware of every member of the Federalist Society, and thus may have spoken to people associated it at some point, but my nomination was not the reason for speaking with them.

45. List the dates of all interviews or communications you had with the President, White House staff, or the Justice Department regarding your nomination.

Response: On November 19, 2024, I contacted Senator Rick Scott's office about consideration for a vacancy on the United States District Court for the Middle District of Florida. I provided Senator Scott's staff a copy of my resume. I then spoke with Senator Scott's general counsel on January 24, 2025. On February 20, 2025, I was contacted by the White House Counsel's Office about an interview for the vacancy. I interviewed with several officials from the White House Counsel's Office on February 28, 2025. On April 11, 2025, I was informed by the White House Counsel's Office that appropriate clearance processes would commence on my possible nomination. On May 27, 2025, I met with President Trump at the White House where my potential nomination was discussed. President Trump publicly announced my nomination the next day. Since then, I have been in regular contact with the White House Counsel's Office and the Office of Legal Policy to discuss logistics, prepare for the hearing, and respond to these questions.

46. Please explain, with particularity, the process whereby you answered these written questions.

Response: I answered these written questions by reviewing the Constitution and Supreme Court precedent, previous nominees' responses to Questions for the Record, and my Senate Judiciary Questionnaire. I provided draft responses to lawyers at the Office of Legal Policy, who provided limited feedback, and then I finalized my responses before submitting them.

Questions for the Record from Senator Alex Padilla
Senate Judiciary Committee
“Nominations”

June 25, 2025

Questions for Mr. Dudek:

- 1. Please identify any and all situations where it is permissible for a party, including the Executive Branch or one of its officers, departments, or agencies, to defy a court order.**

Response: As a general matter, court orders are binding on the parties to a case. But there are limited circumstances where compliance with a court order may not be required, such as if the court lacked jurisdiction or compliance was impossible. *See, e.g., United States v. United Mine Workers*, 330 U.S. 258, 291 (1947). There are also certain interlocutory orders that might be appealable only through a contempt proceeding. *See, e.g., Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 377 (1981). It is impossible to identify every circumstance, in the abstract, where a party may choose not to comply with a court order. Whether a particular case falls into an exception is a case-by-case determination. If any such issues came before me, I would commit to resolving them through careful consideration and application of the parties’ arguments and governing law.

- 2. Please identify any and all situations in which you would advise a client to ignore or defy a court order.**

Response: As noted above, it is impossible to identify every circumstance, in the abstract, where a party may have grounds to ignore a court order. For example, in *Maness v. Meyers*, 419 U.S. 449 (1975), the Supreme Court addressed “whether in a civil proceeding a lawyer may be held in contempt for counseling a witness in good faith to refuse to produce court-ordered materials on the ground that the materials may tend to incriminate the witness in another proceeding.” *Id.* at 465. Based on the record before it, the Court held that the lawyer could “not be penalized even though his advice caused the witness to disobey the court’s order.” It explained that “[t]he privilege against compelled self-incrimination would be drained of its meaning if counsel, being lawfully present, as here, could be penalized for advising his client in good faith to assert it.” *Id.* at 465–66 (footnote omitted). Whether a particular case falls into an exception to the general rule that parties must comply with court orders is a case-by-case determination.

- 3. Is it appropriate for the President of the United States to threaten or harass a judge when he disagrees with the outcome of a case over which that judge is presiding, or disagrees with aspects of a judge’s decision or order?**

Response: I understand from my current role as a Magistrate Judge that judicial office is a public facing job, and I expect commentary and criticisms about my decisions. I have no issue with any person exercising their First Amendment rights concerning judicial decisions.

- 4. In the process of applying to become a judge, did you have any conversations with President Trump, a member of his staff, or a member of an outside group about policy or personal positions or beliefs you would have on the bench, or decisions you would make on the bench?**

Response: No.