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

1. In a 2017 article published in the *Mississippi Law Journal*, you wrote about the ability of state executive officials to disregard laws they considered unconstitutional. Although you focused primarily on state officials, you favorably described one scholar's criticism of the "judicial supremacy" of "an unelected and unaccountable Supreme Court."

a. If the Supreme Court issues an order, is the executive branch permitted to defy that order?

Response: As a general matter, and subject only to certain narrow and well-established exceptions, all court orders must be followed. However, there are well established exceptions regarding the obligatory nature of court orders. For example, a party can defend its non-compliance on the basis that the court lacked jurisdiction to issue the order or that compliance with the order was impossible. *See, e.g.*, *United States v. Rylander*, 460 U.S. 752, 757 (1983) ("In a civil contempt proceeding such as this, of course, a defendant may assert a *present* inability to comply with the order in question." (emphasis in original)); *In re Novak*, 932 F.2d 1397, 1401 (11th Cir. 1991) ("[I]f the issuing court lacks subject-matter jurisdiction over the underlying controversy or personal jurisdiction over the parties to it, its order may be violated with impunity."). In some circumstances, defying a court order is necessary to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. Such sanctions allow a party to obtain post-judgment review without having to reveal its privileged information."); *see also id.* ("Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment."); *accord In re Novak*, 932 F.2d at 1401–02 (listing circumstances justifying non-compliance where the alleged contemnor lacks "adequate and effective remedies . . . for orderly review of the challenged ruling," or where the order requires "an irretrievable surrender of constitutional guarantees"). "Finally, court orders that are transparently invalid or patently frivolous need not be obeyed." *In re Novak*, 932 F.2d at 1402. To the extent that this question asks me to opine on matters of current political or legal controversy or pending or impending litigation, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct, I must avoid doing so.

b. If a lower federal court issues an order, is the executive branch required to follow that order?

Response: Please see my response above.

In that article, you also wrote that "[o]ver time, the Senate has shown an increasing willingness to inject partisan politics into the selection of federal judges. Considerations of competence and character have taken a backseat in the confirmation process."

c. Do you still believe the Senate considers partisan politics more than competence and character in the judicial confirmation process?

Response: To the extent that this question asks me to opine on political debates concerning prior confirmation proceedings of other nominees, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct. As to the Committee's consideration—and the full Senate's potential future consideration—of my nomination, I believe any assessment would be premature before votes are cast.

2. In a 2014 law review article, you compared uncommon firearms in the context of the Second Amendment to obscenity in the context of the First Amendment. In it, you wrote: "Spurred primarily by the horrendous tragedy at Sandy Hook Elementary School, gun control advocates pushed for a renewed federal ban on certain semiautomatic firearms and ammunition feeding devices." In a footnote, you wrote: "I imagine that even decades from now most readers will be familiar with the massacre, in which a gunman armed with a semiautomatic rifle murdered his mother, twenty children, and six school employees before killing himself."

Some far-right figures, including Alex Jones, claimed that the Sandy Hook shooting was a hoax. I appreciate that you at least acknowledged the reality of the Sandy Hook shooting. But in May, we learned that the Trump Administration removed a display memorializing victims of gun violence at the headquarters of the Bureau of Alcohol, Tobacco, Firearms and Explosives. Among the victims featured in the display were children killed at Sandy Hook.

You also received a fellowship from and served as a mentor the Alliance Defending Freedom (ADF). You have also spoken at several events sponsored by the ADF. One of the founding members of ADF, James Dobson, said the 2012 shooting at Sandy Hook Elementary School occurred because "we have turned our back on the Scripture and on God Almighty and I think He has allowed judgment to fall upon us."[1]

a. Do you denounce the comments by Mr. Jones and Mr. Dobson about the Sandy Hook shooting?

Response: The Sandy Hook school shooting was an unspeakable act of evil that I

[1] Elena Garcia, *James Dobson: Connecticut Shooting a Result of God Allowing Judgment to Fall on America*, CHRISTIAN POST (Dec. 18, 2012), https://www.christianpost.com/news/james-dobson-connecticut-shooting-a-result-of-god-allowing-judgment-to-fall-on-america-newtown-ct-sandy-hook.html.

condemn in the strongest possible terms, and as you correctly observe, I have previously acknowledged the sad reality of the shooting. I am not familiar with the comments you describe (although I recall reading headlines about Sandy Hook-related litigation involving Alex Jones), and I generally avoid opining on comments with which I am not familiar. I also note that the 2010 Blackstone Fellowship consisted of a variety of lectures delivered to a fellowship of over a hundred students. I do not recall hearing in any of those lectures any statements about the 2012 Sandy Hook shooting, nor could I have heard any such comments, given that the 2010 fellowship pre-dated the shooting. To the extent your question asks about my participation in the 2014 fellowship as a mentor or my participation in any other ADF events, I note that I do not recall hearing any statements about the shooting during any of those events, either.

b. Do you think the tragedy at Sandy Hook had anything to do with the shooter's ability to access and use an assault weapon?

Response: To the extent that this question asks me to opine on a policy debate, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

3. Before serving as a state court judge, you worked at First Liberty Institute, which is one of the groups that formed the Project 2025 Advisory Board. While at First Liberty, you litigated several cases involving challenges to COVID-19 vaccine mandates. In one case you handled, *U.S. Navy SEALs 1-26 v. Biden*, a district court in the Northern District of Texas issued a preliminary injunction against President Biden's military vaccine mandate. That injunction applied nationally. In another case, *Feds for Medical Freedom v. Biden*, you submitted an amicus brief in which you argued that the Fifth Circuit should affirm the district court's issuance of a nationwide injunction.

a. As an attorney, did you ever oppose or publicly question a district court's issuance of a nationwide injunction against the Biden Administration?

Response: Per my best recollection, no. One note of clarification to a premise of your question: in the *U.S. Navy SEALs 1–26* case, per my best recollection, the district court's preliminary injunction initially enjoined the defendants from applying their vaccination mandate to, or taking any adverse action against, our clients. We later sought and obtained a class certification, which extended the preliminary injunction to class members (to the extent that the injunction was not stayed). I do not understand a class-wide injunction issued after a Rule 23-compliant class certification to qualify as a "nationwide injunction." *See Trump v. CASA, Inc.*, Nos. 24A884, 24A885, and 24A886, 2025 WL 1773631, at *10 (U.S. June 27, 2025) ("[U]niversal injunctions are a class-action workaround.").

b. Do you think nationwide injunctions issued against the Trump Administration are a lawful exercise of the judicial power?

Response: The U.S. Supreme Court has recently addressed this issue. *See Trump v. CASA, Inc.*, Nos. 24A884, 24A885, and 24A886, 2025 WL 1773631, at *6 (U.S. June 27, 2025) ("A universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power."). That case is binding precedent, and I will faithfully apply it if confirmed.

4. Throughout your career, you have argued against restrictions on firearms in various places, including university campuses, houses of worship, and government property.

Please state if you believe it is unconstitutional for federal, state, or tribal government to limit the concealed carry of loaded firearms at the following locations. Please provide a "Yes" or "No" answer, as well as your reasoning if the answer is "Yes".

a. Universities

Response: To the extent this question calls for my opinion concerning a matter of pending or impending litigation, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct. However, I can make some general observations about the Supreme Court precedent in this area. The Supreme Court's *Heller* opinion states that, "[a]lthough we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms." *District of Columbia v. Heller*, 554 U.S. 570, 626–27 (2008). The Court provided further guidance in *Bruen*: "Although the historical record yields relatively few 18th- and 19th-century 'sensitive places' where weapons were altogether prohibited—*e.g.,* legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions. . . . We therefore can assume it settled that these locations were 'sensitive places' where arms carrying could be prohibited consistent with the Second Amendment." *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 30 (2022). *Bruen* continued that "courts can use analogies to those historical regulations of 'sensitive places' to determine that modern regulations prohibiting the carry of firearms in *new* and analogous sensitive places are constitutionally permissible," *id.*, and it rejected as "far too broad[ ]" the analogy that New York sought to draw in defending the proper-cause law at issue in *Bruen*, *see id.* at 31. Finally, the Court provided further guidance in the application of *Bruen*'s historical method in *United States v. Rahimi*, 602 U.S. 680 (2024). *Heller*, *Bruen*, and *Rahimi* are binding precedent, and I would faithfully follow them in any case that calls for their application.

b. Houses of worship

Response: *Heller*, *Bruen*, and *Rahimi* are binding precedent, and I would faithfully follow them in any case that calls for their application. To the extent this question calls for my opinion concerning a matter of pending or impending litigation, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

c. Courthouses

Response: The Court touched on this matter in *Bruen*: "Although the historical record yields relatively few 18th- and 19th-century 'sensitive places' where weapons were altogether prohibited—*e.g.,* legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions. . . . We therefore can assume it settled that these locations were 'sensitive places' where arms carrying could be prohibited consistent with the Second Amendment." *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 30 (2022). *Bruen* is binding precedent, and I will faithfully apply it if confirmed.

d. Legislative buildings

Response: The Court touched on this matter in *Bruen*: "Although the historical record yields relatively few 18th- and 19th-century 'sensitive places' where weapons were altogether prohibited—*e.g.,* legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions. . . . We therefore can assume it settled that these locations were 'sensitive places' where arms carrying could be prohibited consistent with the Second Amendment." *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 30 (2022). *Bruen* is binding precedent, and I will faithfully apply it if confirmed.

e. Airports

Response: *Heller*, *Bruen*, and *Rahimi* are binding precedent, and I would faithfully follow them in any case that calls for their application. To the extent this question calls for my opinion concerning a matter of pending or impending litigation, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

f. Polling places

Response: The Court touched on this matter in *Bruen*: "Although the historical record yields relatively few 18th- and 19th-century 'sensitive places' where weapons were altogether prohibited—*e.g.,* legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions. . . . We therefore can assume it settled that these locations were 'sensitive places' where arms carrying could be prohibited consistent with the Second Amendment." *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 30

(2022). *Bruen* is binding precedent, and I will faithfully apply it if confirmed.

g. Establishments that serve alcohol

Response: *Heller*, *Bruen*, and *Rahimi* are binding precedent, and I would faithfully follow them in any case that calls for their application. To the extent this question calls for my opinion concerning a matter of pending or impending litigation, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

h. National parks

Response: *Heller*, *Bruen*, and *Rahimi* are binding precedent, and I would faithfully follow them in any case that calls for their application. To the extent this question calls for my opinion concerning a matter of pending or impending litigation, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

5. In response to Question 12(d) of your Senate Judiciary Questionnaire, you provided notes on your January 2020 remarks on the confirmation of Judge Lawrence VanDyke. The notes you provided appear to be a fictitious future review of Judge VanDyke's judicial performance, with such lines as "In conclusion, the committee commends Judge VanDyke for his five decades of faithful service to his country, and holds him up as a role model for all who wear the robe."

Please provide additional information on the context and purpose of these remarks.

Response: Per my best recollection, I delivered these remarks at the office of the Department of Justice's Environment and Natural Resources Division during Judge VanDyke's sendoff party. The remarks are a hypothetical retrospective evaluation of Judge VanDyke's decades-long service on the Ninth Circuit. The purpose of the remarks was to offer a prediction of the kind of judicial service he would render during his judicial career.

6. Did President Trump lose the 2020 election?

Response: President Biden was certified as the winner of the Electoral College following the 2020 election, and that certification is the constitutionally prescribed process for prevailing in a presidential election. *See* U.S. Const., art. II, § 1; U.S. Const. amend. XII. To the extent that this question asks me to opine on political debates surrounding the 2020 election or the statements of political figures, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

7. Where were you on January 6, 2021?

Response: Per my best recollection, I was in Western North Carolina (either on vacation or working remotely). I particularly remember being snowed in on that day.

8. Do you denounce the January 6 insurrection?

Response: The U.S. Supreme Court heard a case concerning whether an insurrection occurred on that date, and it held that the State of Colorado could not remove President Trump from the 2024 presidential election ballot. *See Trump v. Anderson*, 601 U.S. 100 (2024). To the extent that this question asks me to opine on political debates surrounding the 2020 election, the statements of political figures, or the issuance of presidential pardons, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

9. 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: Article II of the Constitution commits the issuance of pardons to the President's sole discretion. Consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct, I must refrain from commenting further.

10. 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. Alarmingly, 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: Generally speaking, the normal procedures are to seek reconsideration or a stay, or to file an appeal (if an appeal is available). If the order concerns a matter of statutory interpretation, then the litigant may call for legislation to be enacted. Litigants also generally have a First Amendment right to criticize court orders.

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, all parties must obey federal court orders. However, there are well established exceptions regarding the obligatory nature of court orders. For example, a party can defend its non-compliance on the basis that the court lacked jurisdiction to issue the order or that compliance with the order was impossible. *See, e.g.*, *United States v. Rylander*, 460 U.S. 752, 757 (1983) ("In a civil contempt proceeding such as this, of course, a defendant may assert

a *present* inability to comply with the order in question." (emphasis in original)); *In re Novak*, 932 F.2d 1397, 1401 (11th Cir. 1991) ("[I]f the issuing court lacks subject-matter jurisdiction over the underlying controversy or personal jurisdiction over the parties to it, its order may be violated with impunity."). In some circumstances, defying a court order is necessary to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. Such sanctions allow a party to obtain post-judgment review without having to reveal its privileged information."); *see also id.* ("Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment."); *accord In re Novak*, 932 F.2d at 1401–02 (listing circumstances justifying non-compliance where the alleged contemnor lacks "adequate and effective remedies . . . for orderly review of the challenged ruling," or where the order requires "an irretrievable surrender of constitutional guarantees"). "Finally, court orders that are transparently invalid or patently frivolous need not be obeyed." *In re Novak*, 932 F.2d at 1402.

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 vests the judicial power of the United States in the Supreme Court and the inferior federal courts that Congress ordains and establishes. That power extends to cases and controversies. For further response, please see my responses above.

11. District judges have occasionally issued non-party injunctions, which may include "nationwide injunctions" and "universal injunctions."

a. Are non-party injunctions constitutional?

The U.S. Supreme Court recently held, as a matter of interpreting the 1789 Judiciary Act, that Congress has not granted federal courts the power to issue universal injunctions. *See Trump v. CASA, Inc.*, Nos. 24A884, 24A885, and 24A886, 2025 WL 1773631, at *6 (U.S. June 27, 2025) ("A universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power."). The Court specifically declined to address their constitutionality. *See id.* at n.4 ("Our decision rests solely on the statutory authority that federal courts possess under the Judiciary Act of 1789. We express no view on the Government's argument that Article III forecloses universal relief."). The Eleventh Circuit, however, has cautioned that "[w]e are both weary and wary of this drastic form of relief," and that "[i]n their universal reach to plaintiffs and nonplaintiffs alike, nationwide injunctions push against the boundaries of judicial power, and very often impede the proper functioning of our federal court system." *Georgia v. President of the United States*, 46 F.4th 1283,

1303 (11th Cir. 2022). Were I to be confirmed as a federal district judge on the Middle District of Florida, both of those cases (and any other applicable Supreme Court and Eleventh Circuit precedent) would bind me, and I will faithfully apply them. To the extent that this question seeks a commitment on how I would rule if I am confirmed and asked in a future case whether issuing a particular defendant-oriented injunction would exceed the scope of the judicial power of the United States conferred in Article III of the Constitution, I must refrain from making such a commitment, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: Please see my response above.

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

Response: The Eleventh Circuit has observed that "[s]everal procedural devices allow nonparties with similar interests to seek the protection of injunctive relief—class certification under Rule 23, joinder and intervention in an existing lawsuit, or even filing a new lawsuit of their own." *Georgia v. President of the United States*, 46 F.4th 1283, 1306 (11th Cir. 2022). The Supreme Court likewise noted the availability of the Rule 23 class certification procedure. *See Trump v. CASA, Inc.*, Nos. 24A884, 24A885, and 24A886, 2025 WL 1773631, at *10 (U.S. June 27, 2025). I would faithfully follow these and all other binding precedents. To the extent that this question seeks a commitment on how I would rule if I am confirmed and asked in a future case to issue a particular defendant-oriented injunction on any particular set of facts, I must refrain from making such a commitment, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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: I do not recall seeking such an injunction in any case where I was lead counsel. As a general matter, during my service as a deputy solicitor general for the State of Florida, the State led or joined several multi-state lawsuits that may have sought such an injunction or the vacatur of a federal agency rule under the APA. Moreover, as I clarified in response to a previous question, I do not believe that the class-wide injunction obtained in the *U.S. Navy SEALs 1–26* case qualifies as such an injunction. *See Trump v. CASA, Inc.*, Nos. 24A884, 24A885, and 24A886, 2025 WL 1773631, at *10 (U.S. June 27, 2025) ("[U]niversal injunctions are a class-action workaround.").

12. 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.

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

Response: The Twenty-Second Amendment to the U.S. Constitution provides, in pertinent part, that "[n]o person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once." To the extent that this question asks me to opine on how the Amendment may apply to a particular set of facts, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

14. 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…"[2]

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 I stated during my hearing, I believe that as a sitting judge and a nominee to a federal court, it would be inappropriate for me to comment on political statements in the President's social media feed.

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

Response: Please see my response above.

15. 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"[3] and later reposted the images of the three judges who decided the case and wrote, "we are living under a judicial tyranny."[4]

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

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[2] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22AM), https://truthsocial.com/@realDonaldTrump/posts/114573871728757682.
[3] Stephen Miller (@StephenM), X, (May 28, 2025, 7:48PM), https://x.com/StephenM/status/1927874604531409314.
[4] Stephen Miller (@StephenM), X, (May 29, 2025, 8:25AM), https://x.com/StephenM/status/1928065122657845516.

Response: The Code of Conduct for United States Judges and Florida's Code of Judicial Conduct preclude me from commenting on political statements.

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

Response: Please see my response above.

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?

Response: Please see my responses above.

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

Response: I cannot envision a circumstance in which that is appropriate. The U.S. Supreme Court has "reaffirm[ed] that '[i]f a precedent of this Court has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the Court of Appeals should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions.'" *Agostini v. Felton*, 521 U.S. 203, 237 (1997).

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

Response: The Eleventh Circuit adheres to the prior-panel-precedent rule. *See In re Lambrix*, 776 F.3d 789, 794 (11th Cir. 2015). To the extent that this question regards the *en banc* overruling of precedent, Federal Rule of Appellate Procedure 40 governs *en banc* hearings and rehearings, and the Eleventh Circuit's rules and internal operating procedures further address the *en banc* process. *See, e.g.*, 11th Cir. R. 40-6; 11th Cir. R. 40 IOP 6. As a general matter, echoing the U.S. Supreme Court, the Eleventh Circuit has recognized that "[t]he United States federal legal system . . . . embodies the rule of stare decisis that 'courts should not lightly overrule past decisions' . . . ." *McGinley v. Houston*, 361 F.3d 1328, 1331 (11th Cir. 2004) (quoting *Moragne v. States Marine Lines, Inc.*, 398 U.S. 375, 403 (1970)). At the same time, the Eleventh Circuit has acknowledged that "[t]he doctrine of *stare decisis* accords a court discretion to depart from one of its own prior holdings if a compelling reason to do so exists." *Johnson v. DeSoto Cty. Bd. of Comm'rs*, 72 F.3d 1556, 1559 n.2 (11th Cir. 1996). As a nominee to a federal district court who would be bound by Eleventh Circuit precedent, it is not for me to say in the abstract how the Eleventh Circuit should exercise its discretion under the doctrine of *stare decisis*, Rule 40, or its court rules and IOPs.

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

Response: The U.S. Supreme Court has, from time to time, overruled its own precedent.

See, e.g., *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022); *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954). As a sitting state-court judge who is bound—and as a nominee to a federal district court who would remain bound—to Supreme Court precedent, it is not for me to say in the abstract when the Supreme Court should overrule its own precedent. I acknowledge that it has the authority to do so, and that it has in fact done so on several occasions. I commit to following all binding precedent of the Supreme Court.

19. 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: *Brown* was correctly decided. While it is almost always improper for judicial nominees to opine on whether a Supreme Court precedent is correctly decided, many previous nominees have recognized that *Brown* and *Loving* are exceptions to this general rule. In assessing the propriety of acknowledging the correctness of *Brown*, I have accorded weight to this common practice of previous nominees.

b. ***Plyler v. Doe***

Response: *Plyler* is binding Supreme Court precedent, and I would faithfully apply it in cases calling for its application. Otherwise, please see my response above regarding the propriety of opining on whether Supreme Court cases were correctly decided.

c. ***Loving v. Virginia***

Response: *Loving* was correctly decided. While it is almost always improper for judicial nominees to opine on whether a Supreme Court precedent is correctly decided, many previous nominees have recognized that *Brown* and *Loving* are exceptions to this general rule. In assessing the propriety of acknowledging the correctness of *Loving*, I have accorded weight to this common practice of previous nominees.

d. ***Griswold v. Connecticut***

Response: *Griswold* is binding Supreme Court precedent, and I would faithfully apply it in cases calling for its application. Otherwise, please see my response above regarding the propriety of opining on whether Supreme Court cases were correctly decided.

e. ***Trump v. United States***

Response: *Trump* is binding Supreme Court precedent, and I would faithfully

apply it in cases calling for its application. Otherwise, please see my response above regarding the propriety of opining on whether Supreme Court cases were correctly decided.

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

Response: *Dobbs* is binding Supreme Court precedent, and I would faithfully apply it in cases calling for its application. Otherwise, please see my response above regarding the propriety of opining on whether Supreme Court cases were correctly decided.

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

Response: *Bruen* is binding Supreme Court precedent, and I would faithfully apply it in cases calling for its application. Otherwise, please see my response above regarding the propriety of opining on whether Supreme Court cases were correctly decided.

h. ***Obergefell v. Hodges***

Response: *Obergefell* is binding Supreme Court precedent, and I would faithfully apply it in cases calling for its application. Otherwise, please see my response above regarding the propriety of opining on whether Supreme Court cases were correctly decided.

i. ***Bostock v. Clayton County***

Response: *Bostock* is binding Supreme Court precedent, and I would faithfully apply it in cases calling for its application. Otherwise, please see my response above regarding the propriety of opining on whether Supreme Court cases were correctly decided.

j. ***Masterpiece Cakeshop v. Colorado***

Response: *Masterpiece Cakeshop* is binding Supreme Court precedent, and I would faithfully apply it in cases calling for its application. Otherwise, please see my response above regarding the propriety of opining on whether Supreme Court cases were correctly decided.

k. ***303 Creative LLC v. Elenis***

Response: *303 Creative* is binding Supreme Court precedent, and I would faithfully apply it in cases calling for its application. Otherwise, please see my response above regarding the propriety of opining on whether Supreme Court cases were correctly decided.

l. ***United States v. Rahimi***

Response: *Rahimi* is binding Supreme Court precedent, and I would faithfully apply it in cases calling for its application. Otherwise, please see my response above regarding the propriety of opining on whether Supreme Court cases were correctly decided.

m. ***Loper Bright Enterprises v. Raimondo***

Response: *Loper Bright* is binding Supreme Court precedent, and I would faithfully apply it in cases calling for its application. Otherwise, please see my response above regarding the propriety of opining on whether Supreme Court cases were correctly decided.

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

Response: The U.S. Supreme Court has held that certain constitutional provisions must be interpreted according to their original meaning. *See, e.g.*, *United States v. Rahimi*, 602 U.S. 680 (2024); *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541 U.S. 36 (2004); *Wilson v. Arkansas*, 514 U.S. 927 (1995). I will faithfully follow all such binding precedent.

21. How do you decide when the Constitution's "original meaning" should be controlling?

Response: Please see my response above.

22. Does the "original meaning" of the Constitution support a constitutional right to same-sex marriage?

Response: *Obergefell* is binding Supreme Court precedent, and I would faithfully apply it in cases calling for its application. Otherwise, please see my response above regarding the propriety of opining on whether Supreme Court cases were correctly decided.

23. Does the "original meaning" of the Constitution support the constitutional right to marry persons of a different race?

Response: *Loving v. Virginia* was correctly decided. While it is almost always improper for judicial nominees to opine on whether a Supreme Court precedent is correctly decided, many previous nominees have recognized that *Brown* and *Loving* are exceptions to this general rule. In assessing the propriety of acknowledging the correctness of *Loving*, I have accorded weight to this common practice of previous nominees. Beyond sharing my view that *Loving* was correctly decided, I do not believe it would be

appropriate for me to further parse and evaluate the opinion.

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

Response: The Fourteenth Amendment prohibits states from denying the equal protection of the laws, and it prohibits states from depriving any person of life, liberty, or property without due process of law. These guarantees have been interpreted and applied in a host of Supreme Court and Eleventh Circuit decisions (not to mention decisions of other federal and state courts). At a very high level, I understand the equal protection clause to generally forbid the government from engaging in invidious discrimination, and the due process clause to require the government to afford certain procedures where it seeks to deprive a person of life, liberty, or property, with the precise nature and timing of the procedures dependent on the particular circumstances (including, for example, the availability of effective post-deprivation remedies).

25. 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 U.S. Supreme Court has applied the Fourteenth Amendment to claims of discrimination and claims of substantive constitutional rights in this area. *See, e.g.*, *United States v. Skrmetti*, 145 S. Ct. 1816 (2025); *Obergefell v. Hodges*, 576 U.S. 644 (2015); *Lawrence v. Texas*, 539 U.S. 558 (2003); *United States v. Virginia*, 518 U.S. 515 (1996); *Romer v. Evans*, 517 U.S. 620 (1996). I would faithfully apply these binding precedents, and all other binding precedents, to any case requiring their application. To the extent that this question seeks a commitment on how I might rule on matters that are the subject of pending or impending litigation, I must refrain from making such a commitment, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: Please see my prior response to Question 20.

27. 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: Please see my prior response to Question 20.

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

Response: The U.S. Supreme Court has decided cases involving claims of speaker-based speech regulation. Most recently, the Court decided *TikTok, Inc. v. Garland*, 145 S. Ct. 57 (2025). There, the Court observed that "while laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content

preference, such scrutiny is unwarranted when the differential treatment is justified by some special characteristic of the particular [speaker] being regulated." *Id.* at 68 (internal quotation marks and citations omitted). I would faithfully apply the *TikTok* case and any other binding precedent applicable to a case before me. To the extent that this case asks me to opine on matters of pending or impending litigation, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct, I must refrain from commenting further.

29. 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: I would consult and faithfully apply applicable precedent of the Supreme Court and Eleventh Circuit. Supreme Court decisions addressing this issue include *TikTok, Inc. v. Garland*, 145 S. Ct. 57 (2025); *City of Austin v. Reagan Nat'l Advertising of Austin, LLC*, 596 U.S. 61 (2022); *Nat'l Institute of Fam. & Life Advocates v. Becerra*, 585 U.S. 755 (2018); and *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). In particular, the Court has concluded that "[c]ontent-based laws" are laws "that target speech based on its communicative content." *Reed*, 576 U.S. at 163. It has further explained that content-based regulation occurs when the law "applies to particular speech because of the topic discussed or the idea or message expressed." *Id.* The Court also has observed that a speech regulation is content-based when it "compel[s] individuals to speak a particular message," thereby "alte[ring] the content of [their] speech." *NIFLA*, 585 U.S. at 766 (internal quotation marks omitted).

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

Response: "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). In *Counterman*, the Court held "that the [government] must prove in true-threats cases that the defendant had some understanding of his statements' threatening character," and that "a recklessness standard is enough." *Id.* at 73. The Court also reiterated its prior doctrine on what constitutes a true threat. "The 'true' in that term distinguishes what is at issue from jests, 'hyperbole,' or other statements that when taken in context do not convey a real possibility that violence will follow . . . ." *Id.* at 74. "True threats are 'serious expression[s]' conveying that a speaker means to 'commit an act of unlawful violence.'" *Id.* (quoting *Virginia v. Black*, 538 U.S. 343, 359 (2003)). I would faithfully follow *Counterman* and any other applicable binding precedents to a case raising a true-threat issue.

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

Response: The Fifth Amendment to the U.S. Constitution guarantees due process of law and provides, in relevant part: "nor shall any person . . . be deprived of life, liberty, or property, without due process of law . . . ." The Fourteenth Amendment provides a

similar guarantee. The Supreme Court has stated 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. To the extent that this question asks me to opine on a matter of political controversy and pending or impending litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: Please see my previous response.

33. 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 the subject of pending litigation. *See Trump v. CASA, Inc.*, Nos. 24A884, 24A885, and 24A886, 2025 WL 1773631 (U.S. June 27, 2025) (granting government's emergency stay applications on the basis that the scope of injunctive relief likely exceeds the remedial authority Congress granted to the federal courts, but not addressing the merits of the plaintiffs' underlying claims). Consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct, I must refrain from answering this question.

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: Please see my previous response.

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

Response: Yes. No one should be denied an opportunity to serve in the judiciary—whether as a judge or a court employee—based on any protected characteristic. Moreover, one's professional experiences can provide valuable perspective on how to approach the judicial task.

35. 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: As with all law, judges should faithfully apply the Act in cases where it is applicable.

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: I will faithfully apply all applicable laws governing sentencing determinations, including 18 U.S.C. § 3553.

36. 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: I am not familiar with this statement, and I generally avoiding commenting on statements with which I am unfamiliar.

b. 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.[5]

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: As I stated during my hearing, I believe that as a sitting judge

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

and a nominee to a federal court, it would be inappropriate for me to comment on political statements in the President's social media feed.

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

Response: Please see my previous response.

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

Response: Yes.

c. 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: I have not spoken to Mr. Leo or Professor Calabresi during my selection process. To the best of my recollection, I did not speak with any Federalist Society officials or employees as part of my selection process. To the extent this question asks about conversations with Federalist Society members or officials that occurred between the time of my first phone call with Senator Scott's office and my nomination, I note that the Society has tens of thousands of members and dozens of officials, I have several friends who are members or officials, and I generally have kept my close friends apprised of significant developments in my selection process.

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

Response: Yes, during law school, I helped edit a symposium issue of the *Harvard Journal of Law & Public Policy*, which is affiliated with the Federalist Society, and I performed basic research on state judicial selection methods (essentially, portions of a 50-state survey). I also have spoken to several Federalist Society chapters. In addition, I have volunteered for the Federalist Society in various capacities to help organize events.

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

Response: Yes, on several occasions I received the Federalist Society's standard speaker's honorarium for delivering a talk to a chapter. I do not recall the precise amounts.

37. 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 consider Roger Severino a good friend, and following the scheduling of my interview with the White House Counsel's Office, I kept him apprised of significant developments during my selection process. Following my nomination, I also received congratulatory messages from two friends who work at Heritage.

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: To the best of my recollection, no, except as described in the immediately following response.

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

Response: While I was employed at First Liberty Institute, First Liberty was a member of the advisory board of Project 2025. As part of my employment duties with First Liberty, I participated in early-stage Project 2025 meetings concerning the U.S. Small Business Administration, and I provided preliminary research on a couple of issues regarding SBA. As I prepared to leave First Liberty for my present judicial position, I informed the group that I could not continue to participate in the project.

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: No.

38. 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 generally am unfamiliar with who is associated with this organization, but to the best of my knowledge and recollection, no.

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: No.

39. 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: Aside from the individuals you mention I generally am unfamiliar with who is associated with this organization, but to the best of my knowledge and recollection, I have not spoken to or corresponded with any such individuals during my selection process.

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: No.

40. 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 generally am unfamiliar with who is associated with this organization aside from the individuals you mention, but to the best of my knowledge and recollection, I have not discussed my selection process with any such individuals.

I briefly met Mike Davis at a lawyers' conference reception where over a hundred individuals were present, but I did not discuss with him any aspect of my selection process.

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: No.

41. 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 a couple of friends who work at ADF, and following the scheduling of my interview with the White House Counsel's Office, I have kept them apprised of significant developments in my selection process. They have shared congratulatory messages of encouragement and asked whether I am considering clerkship applications; I informed them that, out of respect for the process, I will not resume considering clerkship applications until after my confirmation vote has occurred.

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

Response: Yes, I am a 2010 Blackstone fellow, I mentored the 2014 Blackstone Fellowship and helped a few fellows prepare for clerkship interviews, and I have spoken at a few subsequent Blackstone fellowships before I became a judge, as disclosed on my Questionnaire.

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

Response: I believe that I received honoraria when I spoke at the Blackstone fellowships described above. I do not recall the precise amounts, but I generally recall they were a few hundred dollars to account for a day's work and travel time.

42. 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 Mr. Leo during my selection process. I consider Carrie Severino a good friend, and following the scheduling of my interview with the White House Counsel's Office, I have kept her apprised of significant developments in my selection process.

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: No.

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 such undisclosed donations in support of my nomination. Any advocacy for or against my nomination would not bear on how I decide cases, whether in my current judicial position or in my future position on the Middle District of Florida if I am confirmed. To the extent that this question solicits my policy or legal views on whether donations to certain groups should be disclosed, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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: Impartiality and the appearance of impartiality are critical to maintaining public confidence in the courts and our legal system. If confirmed, I

will address all potential or actual conflicts in accordance with the federal recusal statute, the Code of Conduct for United States Judges, and any other laws and rules governing disqualification. Where appropriate, I will consult additional authorities, such as ethics opinions from the Committee on Codes of Conduct for the Judicial Conference of the United States, as well as the opinions and experiences of my colleagues. To the extent that this question solicits my policy or legal views on whether donations to certain groups should be disclosed, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: Please see my responses above.

Nomination of Jordan Pratt
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 me on my forthcoming nomination and discussed my background and qualifications.

    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. 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: When I interviewed with the White House Counsel's Office, I discussed my views regarding the limited role of a federal judge in our constitutional system. I also generally recall discussing my understanding of U.S. Supreme Court precedent in several areas; in this respect, the interview felt akin to a difficult but fair clerkship interview with a judge and his or her law clerks. Otherwise, I do not recall any other discussions during my selection process that would be responsive to this question.

3. 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: I consider Carrie Severino a good friend, and following the scheduling of my interview with the White House Counsel's Office, I have kept her apprised of significant developments in my selection process.

c. Mike Davis?

Response: No.

d. Any member of The Article III Project?

Response: I am generally unfamiliar with this group's membership, but to the best of my knowledge, no.

4. 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, all parties must obey federal court orders. However, there are well established exceptions regarding the obligatory nature of court orders. For example, a party can defend its non-compliance on the basis that the court lacked jurisdiction to issue the order or that compliance with the order was impossible. *See, e.g.*, *United States v. Rylander*, 460 U.S. 752, 757 (1983) ("In a civil contempt proceeding such as this, of course, a defendant may assert a *present* inability to comply with the order in question." (emphasis in original)); *In re Novak*, 932 F.2d 1397, 1401 (11th Cir. 1991) ("[I]f the issuing court lacks subject-matter jurisdiction over the underlying controversy or personal jurisdiction over the parties to it, its order may be violated with impunity."). In some circumstances, defying a court order is necessary to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. Such sanctions allow a party to obtain post-judgment review without having to reveal its privileged information."); *see also id.* ("Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment."); *accord In re Novak*, 932 F.2d at 1401–02 (listing circumstances justifying non-compliance where the alleged contemnor lacks "adequate and effective remedies . . . for orderly review of the challenged ruling," or where the order requires "an irretrievable surrender of constitutional guarantees"). "Finally, court orders that are transparently invalid or patently frivolous need not be obeyed." *In re Novak*, 932 F.2d at 1402. To the extent that this question asks me to opine on matters of current political or legal controversy or pending or impending litigation, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct, I must avoid doing so.

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

Response: As a general matter, courts have various available mechanisms to ensure compliance with their orders. For example, they may order sanctions for discovery

violations or draw adverse inferences from discovery failures. In more serious cases, the contempt power is an available power to enforce a lawful order.

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

Response: All lawyers owe a duty of candor to the court. In Florida, for instance, Rule 4-3.3 of the Florida Supreme Court's Rules of Professional Conduct sets outs attorneys' obligation of "candor towards the tribunal." That rule prohibits, among other things, knowingly making a false statement of fact or law to a tribunal; knowingly failing to disclose a material fact; knowingly failing to disclose adverse, controlling legal authority; or offering evidence an attorney knows to be false. *See id.* How those obligations interact with rules regarding attorneys' obligation to maintain client confidentiality and privilege or related doctrines implicates fact- and case-specific questions that could arise before me as a judge and on which it would be inappropriate for me to further comment.

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

Response: The U.S. Constitution's Take Care Clause directs that the President "shall take Care that the Laws be faithfully executed." U.S. Const., art. II, § 3, cl. 5. The Supreme Court has recognized the Executive Branch's prosecutorial discretion in deciding how and when to enforce federal laws. *See, e.g.*, *Trump v. United States*, 603 U.S. 593, 627 (2024); *United States v. Texas*, 599 U.S. 670, 678–79 (2023). It also has recognized the Take Care Clause as a basis for the President's power to remove officers of the United States. *See Seila Law LLC v. CFPB*, 591 U.S. 197, 213 (2020). The Supreme Court has further instructed that, under the Take Care Clause and the Vesting Clause, *see* Art. II, § 1, cl. 1, the Executive Branch possesses certain authority and discretion to prioritize enforcement of federal law. *See, e.g.*, *Texas*, 599 U.S. at 679; *Heckler v. Chaney*, 470 U.S. 821, 832 (1985). In addition, various presidents have voiced constitutional concerns with certain congressional enactments through signing statements, and they occasionally have used the powers of the presidency to counteract the effect of statutes they believed were unconstitutional (as President Jefferson did when he pardoned those who had been convicted under the Sedition Act of 1798—a statute that he believed ran afoul of the First Amendment). To the extent this question asks me to offer an opinion on current legal or political disputes, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: My familiarity with the anti-commandeering doctrine centers on *Printz v. United States*, 521 U.S. 898 (1997). There, the Court held unconstitutional the Brady Act's background-check obligations on state officers. In a case asking how the anti-commandeering doctrine might apply to Executive Branch officials, I would consult all applicable binding precedent. To the extent this question asks me to offer an

opinion on current legal or political disputes, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: I am aware of the Supreme Court's decision in *Train v. City of New York*, 420 U.S. 35 (1975), and the Impoundment Control Act of 1974, 2 U.S.C. §§ 681 *et seq.* To the extent that this question asks me to opine on a matter of current political and legal controversy subject to pending and impending litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: I am familiar with the U.S. Supreme Court's decisions in *District of Columbia v. Heller*, 554 U.S. 570 (2008); *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022); and *United States v. Rahimi*, 602 U.S. 680 (2024). In *Heller*, the Supreme Court held unconstitutional the District of Columbia's general ban on the possession of firearms in the home. In *Bruen*, the Court held that the Second Amendment secures a right to carry arms in public for self-defense, and that New York's restrictive licensing regime for the concealed-carry of firearms was inconsistent with the Second Amendment's guarantee, as incorporated against the State via the Fourteenth Amendment. The Court further instructed that "[w]hen the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct," and "[t]he government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation." 597 U.S. at 24. In considering analogies to historical regulations, courts must ask "whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified . . . ." *Id.* at 29. Finally, the Court provided further guidance on how to conduct the *Bruen* inquiry in *Rahimi*, where it rejected a facial Second Amendment challenge to the federal ban on the possession of firearms by persons subject to a domestic-violence restraining order. *Heller*, *Bruen*, and *Rahimi* are binding precedent, and I would faithfully follow them in any case that calls for their application. To the extent that this question asks me to opine on a matter of current political and legal controversy subject to pending and impending litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: In *Employment Division, Department of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990), the U.S. Supreme Court "held that neutral, generally

applicable laws that incidentally burden the exercise of religion usually do not violate the Free Exercise Clause of the First Amendment." *Holt v. Hobbs*, 574 U.S. 352, 357 (2015). Congress responded to *Smith* by enacting legislation to preclude federal laws—even if generally applicable—from substantially burdening religious exercise unless the government demonstrates that application of such laws to the person meets strict scrutiny. *See* 42 U.S.C. 2000bb *et seq.* (Religious Freedom Restoration Act of 1993). It later applied the same standard to substantial burdens on religious exercise in the land-use-regulation and institutionalized-persons contexts. *See* 42 U.S.C. 2000cc *et seq.* (Religious Land Use and Institutionalized Persons Act of 2000). The Supreme Court has decided various Free Exercise cases regarding whether laws or other government actions were religion-neutral and generally applicable. *See, e.g.*, *Fulton v. City of Philadelphia*, 593 U.S. 522 (2021); *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14 (2020); *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm'n*, 584 U.S. 617 (2018); *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449 (2017); *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520 (1993). It has likewise decided several cases regarding interpretation and application of RFRA and RLUIPA. *See, e.g.*, *Holt v. Hobbs*, 574 U.S. 352 (2015); *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014). These U.S. Supreme Court precedents are binding on me as a state judge and would remain binding on me if I am confirmed to the Middle District of Florida, and I will faithfully apply them. To the extent that this question asks me to opine on a matter of current political and legal controversy subject to pending and impending litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: Through the Due Process Clause of the Fourteenth Amendment, the U.S. Supreme Court has incorporated against the States most Bill of Rights guarantees. As to unenumerated substantive due process rights, the Court generally has found such rights where they are "deeply rooted in this Nation's history and tradition" and "implicit in the concept of ordered liberty." *See, e.g.*, *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 231 (2022), *Washington v. Glucksberg*, 521 U.S. 702, 721 (1997); *see also, e.g.*, *Pierce v. Soc'y of the Sisters of the Holy Names of Jesus & Mary*, 268 U.S. 510 (1925). The Court also has announced certain substantive due process rights in other contexts. *See, e.g.*, *Obergefell v. Hodges*, 576 U.S. 644 (2015); *Lawrence v. Texas*, 539 U.S. 558 (2003). I am bound by the U.S. Supreme Court's substantive due process precedents and would remain bound by them if I am confirmed, and I will faithfully apply them in any case that calls for their application. To the extent that this question asks me to opine on a matter of current political and legal controversy subject to pending and impending litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

j. The Constitution's protection of unenumerated rights.

Response: Please see my previous answer regarding substantive due process doctrine.

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

Response: The First Amendment to the U.S. Constitution provides, in pertinent part, that "Congress shall make no law . . . abridging the freedom . . . of the press[.]" The Supreme Court has decided numerous First Amendment cases concerning claims by members of the press or press organizations. *See, e.g.*, *The Fla. Star v. B.J.F.*, 491 U.S. 524 (1989) (holding that the First Amendment prohibits the state from authorizing civil damages suits for publishing the name of a rape victim that a publication obtains from a publicly released police report); *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829 (1978) (holding unconstitutional under the First Amendment a statute restricting publication of truthful information regarding certain confidential proceedings); *N.Y. Times Co. v. United States*, 403 U.S. 713 (1971) (holding that the First Amendment generally shields the press from prior restraints on publication); *Mills v. Alabama*, 384 U.S. 214 (1966) (holding unconstitutional under the First Amendment a state law restricting publication of election-day editorials); *Grosjean v. Am. Press Co.*, 297 U.S. 233 (1936) (holding unconstitutional under the First Amendment a state tax targeted at certain press publications). I am bound by the U.S. Supreme Court's First Amendment press precedents and would remain bound by them if I am confirmed, and I will faithfully apply them in any case that calls for their application. To the extent that this question asks me to opine on a matter of current political and legal controversy subject to pending and impending litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: I have not studied this issue, but I am aware of at least one U.S. Supreme Court decision concerning a First Amendment claim by a non-citizen residing in the United States. *See, e.g.*, *Harisiades v. Shaughnessy*, 342 U.S. 580 (1952) (holding that under the First Amendment, "the United States constitutionally may deport a legal resident alien because of membership in the Communist Party which terminated before enactment of the Alien Registration Act"). In addition, the Supreme Court has conducted a "textual exegesis" of various Bill of Rights provisions that while "by no means conclusive, . . . suggests that 'the people' protected by the Fourth Amendment, and by the First and Second Amendments, and to whom rights and powers are reserved in the Ninth and Tenth Amendments, refers to a class of persons who are part of a national community or who have otherwise developed sufficient connection with this country to be considered part of that community." *United States v. Verdugo-Urquidez*, 494 U.S. 259, 265 (1990). To the extent that this question asks me to opine on a matter of current political and legal controversy subject to pending and impending litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: The Supreme Court has decided several cases concerning the First Amendment rights of government employees. *See, e.g.*, *Kennedy v. Bremerton School District*, 597 U.S. 507 (2022); *Garcetti v. Ceballos*, 547 U.S. 410 (2006); *Pickering v. Board of Ed. of Township High School Dist. 205*, 391 U.S. 563 (1968). These Supreme Court cases are binding, and I would faithfully follow them in any case calling for their application. To the extent that this question asks me to opine on a matter of current political and legal controversy subject to pending and impending litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: The First Amendment generally bars the government from punishing private citizens for their political views and opinions or their private lawful expressive activities. To the extent that this question asks me to opine on the First Amendment's application to any particular set of facts, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

o. The constitutionality of campaign finance disclosure requirements.

Response: In *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310 (2010), the Supreme Court upheld, against an as-applied First Amendment challenge, the disclosure provisions of the Bipartisan Campaign Reform Act of 2002. I would faithfully apply *Citizens United* and any other binding Supreme Court precedent to any case calling for its application. To the extent that this question asks me to opine on the First Amendment's application to any particular set of facts, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

5. 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 to the U.S. Constitution guarantees the right to a jury trial in certain federal civil cases where the amount in controversy exceeds twenty dollars. While the Supreme Court has not incorporated the right against the States, it has observed that "[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) (internal quotation marks and citation omitted).

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 researched this issue. In any case presenting it, I would carefully consider the parties' briefing and study any relevant precedent in this area. To the extent there is any applicable binding precedent, I would faithfully apply it.

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 researched this issue. In any case presenting it, I would carefully consider the parties' briefing and study any relevant precedent in this area. To the extent there is any applicable binding precedent, I would faithfully apply it.

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

Response: The Twenty-Second Amendment to the U.S. Constitution provides, in pertinent part, that "[n]o person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once." To the extent that this question asks me to opine on how the Amendment may apply to a particular set of facts, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

7. Please describe your understanding of natural law.

Response: I understand natural law to entail the "self-evident" propositions "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness," and "[t]hat to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed." Decl. of Independence ¶ 2.

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

Response: I am generally aware that the Supreme Court has acknowledged that certain constitutionally-protected rights pre-exist the Constitution. *See, e.g.*, *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008) ("[T]he Second Amendment, like the First and Fourth Amendments, codified a *pre-existing* right." (emphasis in original)); *Franklin v. New York*, 145 S. Ct. 831, 836 (2025) ("As we recognized in *Crawford*, the Sixth Amendment enshrined a *pre-existing* right to confront one's accusers at trial . . . ." (emphasis added)). In interpreting the Constitution, I would faithfully follow all applicable Supreme Court precedent.

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

Response: Please see my response above.

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

Response: Please see my response above.

8. Please describe your understanding of originalism.

Response: I understand originalism to consist of two propositions. First, a written law carries a meaning that is fixed at the time it was ratified (in the case of a constitutional provision) or enacted (in the case of a statute), and this fixed meaning cannot be changed by judges or other government actors outside the prescribed processes for amendment or repeal of the text. Second, a written law's fixed meaning constrains government actors in the performance of their functions; for judges, this means that the law's fixed meaning constrains their resolution of cases and controversies.

a. Do you consider yourself an originalist?

Response: Generally yes, with the caveat that different people may define the term "originalist" differently. In interpreting the Constitution, I would employ methodologies consistent with the interpretive methods that the Supreme Court employs when it undertakes to interpret constitutional provisions.

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

Response: *Citizens United* is binding Supreme Court precedent, and I would faithfully apply it in cases calling for its application. With only two exceptions that prior nominees have recognized and that do not apply here, it is improper for judicial nominees to opine on whether a Supreme Court precedent is correctly decided. Therefore, I must decline to comment further.

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

Response: *Trump v. United States* is binding Supreme Court precedent, and I would faithfully follow it in cases calling for its application. Otherwise, please see my response above regarding the propriety of opining on whether Supreme Court cases were correctly decided.

9. Please describe your understanding of textualism.

Response: I understand textualism to consist of the proposition that the meaning of a written

law should be discerned from its text and context, as opposed to speculation about the law's purpose(s).

a. Do you consider yourself a textualist?

Response: Generally yes, with the caveat that different people may define the term "textualist" differently. In approaching statutory interpretation, I would follow the Supreme Court's methodological instructions. The Supreme Court has instructed that the best meaning of statutory text, as assessed by the time of enactment, is generally entitled to controlling weight. That is the approach I would follow, along with any other relevant instructions. In addition, I understand that context surrounding a law's passage can be probative to a textualist to the extent that the context sheds light on the original public meaning of the statutory text.

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

Response: These sections can be consulted when determining the meaning of the operative statutory text. *See, e.g.*, *Yates v. United States*, 574 U.S. 528, 539 (2015); A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts* 217 (discussing "prefatory-materials canon"). To the extent that this question asks me to opine on how this general interpretive principle may apply to a particular set of facts, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: As a general matter, federal district courts resolve factual disputes and make factual findings, while federal appellate courts generally defer to those findings, often reviewing them only for clear error.

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

Response: Depending upon the constitutional status of the right at issue, courts engage in varying levels of review of legislatively found facts. 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 Communications, 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.

As a general matter, in evaluating legislation enacted pursuant to Congress's Section 5 power to enforce the Fourteenth Amendment, the Court has credited Congress's statements of purpose and findings, while still evaluating such legislation for congruence and proportionality. *See, e.g.*, *City of Boerne v. Flores*, 521 U.S. 507 (1997); *Katzenbach v. Morgan*, 384 U.S. 641 (1966).

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

Response: So far as I am aware, the U.S. Supreme Court does not make factual findings, save perhaps in its original jurisdiction cases (which would have no possibility of a remand to lower courts).

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: Lower courts always should apply applicable binding precedent of a higher court. Determining whether the precedent of a higher court controls in a later, factually distinguishable case requires careful assessment of the facts of both cases, the reasoning of the higher court's precedent and any statements of generally applicable legal principles that it contains, and the parties' arguments in the new case.

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

Response: In *Bruen*, the Court instructed that "[w]hen the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct," and "[t]he government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation." 597 U.S. at 24. In considering analogies to historical regulations, courts must ask "whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified . . . ." *Id.* at 29. The Court provided further guidance on how to conduct the *Bruen* inquiry in *Rahimi*, where it rejected a facial Second Amendment challenge to the federal ban on the possession of firearms by persons subject to a domestic-violence restraining order based on analogies to historical firearm regulations. I would follow *Bruen*'s and *Rahimi*'s guidance to determine the probative weight of historical firearm regulations.

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

Response: Where possible, I would aim to procure the original materials that the parties discuss to ensure that they have accurately characterized and quoted them. Where parties cite or discuss others' historical research, I would aim to follow the footnotes to procure the original cited materials to ensure the accuracy of the

research. I also would aim to examine a variety of legal and historical sources, including any relevant judicial decisions, to check the parties' work.

Amici curiae also can provide information and contributions that aid the judicial decision-making process. I generally would welcome helpful contributions from amici curiae, including in cases implicating historical analysis relevant to applying *Bruen* or any other governing precedent. To the extent that I concluded that additional historical information would be beneficial, soliciting party or amicus briefs addressing such information would be one potential path.

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

Response: Please see my response above.

12. 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: I have not encountered these programs, either as a practicing attorney or as a state appellate judge. I would give careful consideration to attending any programs recommended or sponsored by the U.S. Sentencing Commission, as my schedule and judicial duties may allow.

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: Out of respect for the Senate's advice and consent role, I have refrained from making definitive plans such as these. However, if confirmed, I would give careful consideration to participating in or supporting any programs recommended or sponsored by the U.S. Sentencing Commission, as my schedule and judicial duties may allow.

13. 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: I would aim to attend such trainings to the extent that my schedule and judicial responsibilities allow.

14. 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: I plan to continue attending conferences that feature ideologically diverse perspectives and debates on pressing legal and policy topics, staying informed on major decisions by my reviewing courts, and digesting news from various outlets of different political polarities.

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: I have attended—and in my past work as a Federalist Society volunteer, I have helped to organize—conferences featuring ideologically diverse perspectives and debates on pressing legal and policy topics. When major cases are issued by my reviewing courts, I often read all the opinions, and not just the majority opinion. In my spare time, I also have made a habit of digesting news from various outlets of different political polarities.

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

Response: Out of respect for the Senate's advice and consent role, I have held on making any new clerkship hiring plans. If confirmed, I will give due consideration to all clerkship applications that I receive.

15. 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: From 2020 to 2021, as the second-ranked attorney at the United States Small Business Administration, I assisted its general counsel in managing an office of 108 attorneys and 22 support staff and supervised the agency's litigation. From 2021 to 2023, as a senior counsel at First Liberty Institute, I managed a team of attorneys and litigated civil-rights cases in federal and state courts across the country. And in my current role as a state appellate judge, I supervise three law clerks, one of whom serves as my chambers administrator.

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

Response: During my selection process, I have suspended my consideration of clerkship applications out of respect for the Senate's advice and consent role. Should I be confirmed, I will resume consideration of applications and assess at that time whether to make any changes to my recruitment and hiring practices. In my current

role as a state appellate judge, during past clerkship application cycles, I have advertised clerkship openings through a variety of means, including the circulation of notices to various law schools' career services offices, law professors, and others who have access to qualified students. I then hired the applicants that I believed would best assist the fulfillment of my judicial duties.

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

    Response: I have not given any thought to the matter and, therefore, have no such present plans. I am aware that various legal entities are studying the issue, and that the Administrative Office of the Courts has issued guidance with respect to artificial intelligence. If confirmed I would consider all relevant guidance and court-specific instructions on the topic.

17. 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: To the best of my recollection, no with respect to publications. With respect to posts: I have maintained a LinkedIn account, and I have added and removed content, as I thought appropriate, at various stages of my legal career. To the best of my knowledge, I do not have access to any deleted material. With respect to other posts, I recall deleting a Facebook account during my studies at the University of Florida as part of an effort to take a hiatus from social media. I believe I occasionally have deleted old content from my current Facebook account. To the best of my knowledge, I do not have access to the old account or to any deleted material.

18. 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: To the best of my recollection, no.

19. 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?

    b. Sex-based discrimination?

    c. Race-based discrimination?

    d. Discrimination on the basis of national origin?

    e. Discrimination on the basis of religion?

f. Workplace misconduct of any kind?

Response: No as to all the above.

20. Did Joe Biden win the 2020 presidential election?

Response: President Biden was certified as the winner of the Electoral College following the 2020 election, and that certification is the constitutionally prescribed process for prevailing in a presidential election. *See* U.S. Const., art. II, § 1; U.S. Const. amend. XII. To the extent that this question asks me to opine on political debates surrounding the 2020 election or the statements of political figures, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: I acknowledge that several individuals were convicted of violent offenses for their actions at the U.S. Capitol on January 6, 2021. However, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct, I must avoid weighing in on political controversies and statements regarding the events that occurred at the U.S. Capitol on January 6, 2021, including this question's characterization of those events, which has been the subject of political debate. Moreover, to the extent that this question seeks a comment on the issuance of any pardons, I similarly must decline to address the matter.

22. Where were you on January 6, 2021?

Response: Per my best recollection, I was in Western North Carolina (either on vacation or working remotely). I particularly remember being snowed in on that day.

Nomination of Jordan Pratt 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. 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: Approximately twenty minutes.

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

      Response: Per my best recollection, the other Florida district court nominees, two lawyers from the White House Counsel's Office, and the White House photographer.

   d. What was discussed at the meeting?

      Response: The President congratulated me on my forthcoming nomination, and we discussed my background and qualifications.

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

      Response: I do not recall specific questions; I generally remember the President discussing my background and qualifications.

3. In a 2017 article published in the *Mississippi Law Review*, you wrote, "the Senate has shown an increasing willingness to inject partisan politics into the selection of federal judges. Considerations of competence and character have taken a backseat in the confirmation process."

    a. Was that the case for your nomination—did considerations of your "competence and character" take "a backseat" to "partisan politics"?

    Response: No.

    b. How many cases have you tried to final judgment as lead counsel?

    Response: As disclosed in my Questionnaire, I have taken two cases to final judgment on the merits in trial courts as lead counsel—one on a petition for writ of quo warranto, and one on cross-motions for summary judgment. Both of those cases entailed my presentation of live, in-court argument as lead counsel at the court's final hearing. Moreover, I have taken approximately ten cases to final judgment on appeal as lead counsel. In addition, I have served as co-counsel on dozens of cases that went to final judgment in trial and appellate courts. And as a state appellate judge, I have reviewed hundreds of final judgments. Finally, I note that as my Questionnaire makes clear, my answers to this question, to the similar question in my Questionnaire, and to Senator Whitehouse's repetition of that question during my hearing hinge on my understanding that trying a case to final decision or final judgment in this context means taking a case to a final decision or final judgment on the merits, and not necessarily presenting a factual dispute to a court or jury sitting as the trier of fact.

    c. How many voir dires have you personally conducted?

    Response: None. As indicated in my Questionnaire, as a deputy solicitor general and later a senior counsel at a non-profit, my litigation activities generally focused on appeals and trial-court cases that presented disputed issues of law rather than disputed issues of fact. I have litigated significant constitutional issues at every level of the state and federal court systems.

    d. How many direct examinations have you personally conducted?

    Response: None; please see my responses above.

    e. How many cross examinations have you personally conducted?

    Response: None; please see my responses above.

f. You donated to President Trump's 2020 campaign. Why should the American people have confidence that you are not an example of a trend you have personally criticized—rewarding partisan loyalty over experience?

Response: I believe that my judicial record and my experience litigating significant constitutional issues at every level of the state and federal court systems—including my successes as lead counsel on appeals in which a former U.S. Solicitor General and a former Florida Chief Justice were my opposing counsel—speak for themselves.

4. How would you describe your judicial philosophy?

Response: My judicial philosophy is that judges should apply the law as written to the case before them without fear, favor, or partiality.

5. 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: In addressing whether a right is fundamental and secured by the Fourteenth Amendment to the U.S. Constitution, I would faithfully apply the standards established by applicable Supreme Court and Eleventh Circuit precedent.

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

Response: Yes, as reflected in the Supreme Court's incorporation jurisprudence.

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, according to the standard set forth in—and consulting the kinds of sources relied upon in—*Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022), *Washington v. Glucksberg*, 521 U.S. 702 (1997), and any other pertinent binding precedent.

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: If the Supreme Court or the Eleventh Circuit has previously recognized a right, that precedent would bind me. If another federal court of appeals (or any other lower federal or state court, for that matter) has recognized a right that the Supreme Court and Eleventh Circuit have not addressed, I would evaluate the

precedent for its persuasive value and accord it whatever weight I deem appropriate.

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 would consider any other factors that Supreme Court or Eleventh Circuit precedent direct me to consider as part of the analysis.

6. 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 cannot envision a circumstance in which that is appropriate, especially given that lower courts must follow the precedent (and not just the orders and mandates) of higher courts. The U.S. Supreme Court, for example, has "reaffirm[ed] that '[i]f a precedent of this Court has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the Court of Appeals should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions.'" *Agostini v. Felton*, 521 U.S. 203, 237 (1997).

7. 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: For a district judge within the Eleventh Circuit, it is appropriate to consider such evidence where Supreme Court or Eleventh Circuit precedent counsel its consideration.

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

Response: For a district judge within the Eleventh Circuit, it is appropriate to

consider such sources where Supreme Court or Eleventh Circuit precedent counsel their consideration. To the extent that this question concerns the admissibility of expert testimony, a judge should faithfully apply Rule 702 of the Federal Rules of Evidence and any binding precedent construing it.

8. 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 would endeavor to faithfully follow 18 U.S.C. §§ 3553 and 3583, including by thoughtfully imposing supervision based on the factors that 18 U.S.C. § 3583(c) requires sentencing judges to consider.

    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.

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

    Response: This question is too abstract for me to answer.

10. Is President Trump eligible to be elected President for a third term?

    Response: The Twenty-Second Amendment to the U.S. Constitution provides, in pertinent part, that "[n]o person shall be elected to the office of the President more than

twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once." To the extent that this question asks me to opine on how the Amendment may apply to a particular set of facts, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

11. Who won the 2020 U.S. Presidential Election?

    Response: President Biden was certified as the winner of the Electoral College following the 2020 election, and that certification is the constitutionally prescribed process for prevailing in a presidential election. *See* U.S. Const., art. II, § 1; U.S. Const. amend. XII. To the extent that this question asks me to opine on political debates surrounding the 2020 election or the statements of political figures, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

12. 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: As a general matter, the First Amendment limits the government's authority to engage in viewpoint-based regulation of protected speech. To the extent that this question asks me to opine on how this legal principle might apply to a particular set of facts, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

13. 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: Please see my response above.

14. 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: Because this question asks me to opine on a matter that is the subject of pending or impending litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

15. 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 held that there is a constitutional right to use contraceptives. *See Eisenstadt v. Baird*, 405 U.S. 438 (1972); *Griswold v. Connecticut*,

381 U.S. 479 (1965). I would faithfully apply all binding precedents of the Supreme Court.

16. 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: Because this question asks me to opine on a matter that is the subject of political controversy or pending or impending litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

    Response: Judges have a duty to fairly adjudicate all claims. The Fifth Amendment to the U.S. Constitution guarantees due process of law and provides, in relevant part: "nor shall any person . . . be deprived of life, liberty, or property, without due process of law . . . ." The Supreme Court has stated 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. To the extent that this question asks me to opine on a matter of political controversy and pending or impending litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

18. Under 28 U.S.C. § 455, "[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themself] in any proceeding in which [their] impartiality might reasonably be questioned." While at First Liberty Institute, you worked on two matters related to transgender rights. In one of these matters, you represented Turbocam, a manufacturing company, after an employee filed a discrimination claim challenging the company's exclusion of gender-transition health coverage. In a statement regarding the exclusion of health coverage, you said, "Turbocam sees Lillian and all employees as created in God's image and is providing as much support as possible consistent with its Mission, faith and the law." Should you be confirmed, would you recuse yourself from any future cases involving transgender rights?

    Response: I will recuse from any case that I worked on as either an attorney or a judge, and I will follow the recusal statute and all ethical requirements of the Code of Conduct for United States Judges. To the extent that this question concerns work that I did as an attorney on behalf of my clients, I note my understanding that judges are not required to recuse simply because they advocated for a client on one side of an issue in a different case; were that the standard, prosecutors and public defenders who become judges would have to recuse in criminal cases.

a. While at First Liberty, you submitted an amicus brief on behalf of the National Institute of Family and Life Advocates in *State v. Planned Parenthood of Southwest & Central Florida*. The brief supported the State of Florida following a challenge to a Florida law prohibiting abortions beyond the gestational age of 15 weeks. In the brief, you argued that "judicial creation of abortion 'rights'" generated "needless conflicts" with freedom of speech and free exercise of religion. Should you be confirmed, would you recuse yourself from any future cases involving reproductive healthcare procedures like abortion?

   Response: Please see my response above.

b. While at First Liberty, you represented a Christian church and its pastor in a constitutional challenge to New York's statutory ban on carrying firearms in places of worship. You stated, "[s]ingling out houses of worship for total disarmament demonstrates hostility toward religion" and "leaves them defenseless to rebuff violent attacks." Should you be confirmed, would you recuse yourself from any future cases involving application of the Second Amendment right?

   Response: Please see my response above.

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

    Response: I will faithfully follow all binding precedent of the Supreme Court and Eleventh Circuit on this issue. To the extent that this question asks whether it is appropriate for a judge to substitute his or her own moral views for the law, I believe that doing so is inappropriate. Judges have a duty to decide cases fairly and impartially according to the law, rather than their own beliefs or preferences.

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

    Response: I will faithfully follow all binding precedent of the Supreme Court and Eleventh Circuit on this issue. Generally speaking, consideration of consequences is appropriate where the governing law directs or permits the judge to consider them. To the extent that this question asks whether it is appropriate for a judge to substitute his or her own weighing of consequences for the law, I believe that doing so is inappropriate. Judges have a duty to decide cases fairly and impartially according to the law, rather than their own preferences.

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

    Response: I will faithfully follow all binding precedent of the Supreme Court and Eleventh Circuit on this issue. Generally speaking, consideration of a party's life circumstances is appropriate where the governing law directs or permits the judge to

consider them. To the extent that this question asks whether it is appropriate for a judge to substitute his or her own sense of justice for the law, I believe that doing so is inappropriate. Judges have a duty to decide cases fairly and impartially according to the law, rather than their own sense of justice. At the same time, judges should not be blinded to the real-world impact that their work has on others' lives. One way in which this realization might appropriately influence a judge's work is in the way a judge chooses to express his or her rulings; a ruling generally should be accessible to the parties so they can understand the reasons for the court's decision.

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

    Response: Each judge's life experiences hopefully have prepared him or her to take and fulfill the judicial oath, and to fairly and impartially administer justice without fear, favor, or partiality.

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

    Response: I would fairly entertain any request for reconsideration, stay, or deferral of an order according to established procedures for entertaining such requests. I also would acknowledge the effect of any stay, vacatur, or reversal issued by the Eleventh Circuit or U.S. Supreme Court. Otherwise, I would fairly entertain a party's argument that it has a valid defense to non-compliance or that its non-compliance should otherwise be excused.

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

       Response: Please see my response above.

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

       Response: Please see my response above.

24. Discuss your proposed hiring process for law clerks.

    Response: During my selection process, I suspended my consideration of clerkship applications out of respect for the Senate's advice and consent role. Should I be confirmed, I will resume consideration of applications. In my current role as a state appellate judge, during past clerkship application cycles, I have advertised clerkship openings through a variety of means, including the circulation of notices to various law schools' career services offices, law professors, and others who have access to qualified students. I then hired the applicants that I believed would best assist the fulfillment of my judicial duties.

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

Response: To the extent that this question asks me to opine on a policy question, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct. I can, however, represent that discrimination on the basis of protected characteristics has no place in my chambers, and will continue to have no place in my chambers regardless whether I am confirmed.

25. 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: While I will refrain from committing myself to the issuance of standing orders out of respect for the Senate's advice and consent role, I can state as a general matter that I believe oral argument opportunities are important for junior lawyers. When I was a junior lawyer, I had oral argument opportunities in federal district and circuit court, as well as in every level of the Florida state court system. I believe that those opportunities early in my career allowed me to accomplish in a dozen years of practice what it takes many lawyers over twenty years to accomplish. I also believe that those opportunities are a central reason why I am now before the Senate Judiciary Committee. I certainly appreciate the impact that oral argument opportunities can make on the career trajectories of junior lawyers.

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

Response: I appreciate that junior lawyers are learning the practice of law, and learning often entails making mistakes. I believe that this perspective would allow me to be patient with junior lawyers when they make mistakes. I also would consider opportunities to mentor young lawyers through bar association events and the like.

26. 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: Harassment, discrimination, and other forms of misconduct have no place in my chambers, and they will continue to have no place in my chambers regardless whether I am confirmed. While I will refrain from anticipatorily formulating particular chambers policies out of respect for the Senate's advice and consent role, as a general matter, I will continue to consider any policies that help achieve my goal of a harassment-, discrimination-, and misconduct-free workplace.

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: Please see my response above.

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: As a general matter, I would consider taking whatever action(s) the circumstances warrant, keeping in mind the seriousness and credibility of the allegations and the privacy of the individuals concerned.

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

Response: I have many role models. As I shared during my hearing, I particularly admire and respect the judges for whom I clerked—Chief Judge Jennifer W. Elrod and Judge Harvey E. Schlesinger—and my colleagues on the Fifth District Court of Appeal. During my clerkships and my service on the state bench, I have been blessed to learn from and work with judges of various backgrounds and perspectives who all approach the job with a dedication to the highest ethical standards.

28. 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 do not recall with particularity the curriculum of the trainings that I attended when I joined my court and when I clerked in the federal judiciary. Every year, the conference of Florida district court of appeal judges hosts an education conference, and I believe that the event typically includes at least one judicial ethics session. I have attended each annual education conference during my time on the Fifth District Court of Appeal.

29. 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: I am aware that this topic has been the subject of significant scholarly attention and that many well-renowned scholars believe the decision is consistent with originalist principles. *See, e.g.*, Michael W. McConnell, *Originalism and the Desegregation Decision*, 81 Va. L. Rev. 947, 1140 (1995) ("This Article shows . . . that school segregation was understood during Reconstruction to violate the principles of equality of the Fourteenth Amendment.").

Brown was correctly decided. While it is almost always improper for judicial nominees to opine on whether a Supreme Court precedent is correctly decided, many previous nominees have recognized that *Brown* and *Loving* are exceptions to this general rule. In assessing the propriety of acknowledging the correctness of *Brown*, I have accorded weight to this common practice of previous nominees. Beyond sharing my view that *Brown* was correctly decided, I do not believe it would be appropriate for me to further parse and evaluate the opinion here.

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 U.S. Supreme Court has held that certain constitutional provisions must be interpreted according to their original meaning. *See, e.g.*, *United States v. Rahimi*, 602 U.S. 680 (2024); *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541 U.S. 36 (2004); *Wilson v. Arkansas*, 514 U.S. 927 (1995). I will faithfully follow all such binding precedent.

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

   Response: Please see my response above.

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

Response: I will consult whatever sources that binding precedent of the U.S. Supreme Court and Eleventh Circuit counsel me to consult.

Questions for the Record for Judge Jordan Emery Pratt
Submitted by Senator Richard Blumenthal
July 2, 2025

1. The Trump administration has stepped up attacks on reproductive rights, including freezing Title X funding for clinics that offer reproductive care, cutting Biden-era emergency abortion protections, pardoning anti-abortion extremists, and fighting to defund Planned Parenthood. And the Republican budget bill will kick 16 million people off their health insurance and defund Planned Parenthood—threatening the closure of 200 health centers across the country and putting access to vital reproductive care for millions of families at risk.

   You have crusaded against reproductive rights throughout your career. You wrote an amicus brief supporting Florida's 15-week abortion ban. You defended Florida's 24-hour waiting period for women seeking abortions. And, in May, you raised constitutional questions not put before the court by the parties, invited the Florida Attorney General to intervene and weigh in on those questions, and then wrote an opinion holding unconstitutional a Florida law that allows minors to seek abortions without parental consent through judicial waivers.

   a. Do you believe it is proper for a judge to raise and address arguments not put forward by the parties themselves? If so, please describe the circumstances where you think doing so is proper and where you think it is improper.

      Response: Respectfully, I disagree with your question's characterizations of my former work as an attorney and my current service as a state appellate judge. As a deputy solicitor general, I defended state laws against legal challenges, and as an attorney at a non-profit organization, I represented various clients. In both of those roles, I fulfilled my duty of zealous advocacy; the positions I took were not mine, but instead were those of my clients. Moreover, as an appellate judge, I alone do not decide cases or order briefing; the panel does. And the positions for which I vote or write are not my private interests, but rather represent my best view of what the law requires in a particular case.

      In *Doe v. Uthmeier*, 407 So. 3d 1281 (Fla. 5th DCA 2025), the three-judge panel on which I served properly ordered briefing and decided the case based on the briefs and applicable law. Florida Rule of Appellate Procedure 9.147(e) provides that in judicial waiver cases, "[b]riefs, oral argument, or both may be ordered at the discretion of the court." Pursuant to this procedural rule, the panel ordered the minor to brief four questions and invited the Florida Attorney General to brief those questions as amicus curiae. *Doe*, 407 So. 3d at 1285–86. The Florida Attorney General then moved to intervene as of right, and the panel agreed that he had a right to intervene, thus granting the motion. *Doe*, 407 So. 3d at 1286 (citing art. IV, § 4(b), Fla. Const.; § 16.01(4), Fla. Stat. (2025); *State ex rel. Shevin v. Kerwin*, 279 So. 2d 836, 838 (Fla. 1973); and *Fla. Carry, Inc. v. Univ. of N. Fla.*, 133 So. 3d 966, 989 (Fla. 1st DCA 2013) (Makar, J., concurring)). My opinion for

the panel majority explains the authorities that undergirded the panel's briefing order and its order granting the Attorney General's intervention motion. The opinion goes on to explain the legal basis for its ruling. The opinion speaks for itself. The concurring opinion also speaks for itself. *See Doe*, 407 So. 3d at 1292–93 (MacIver, J., concurring).

As to your suggestion that ordering briefing and inviting the state attorney general's participation is improper in judicial waiver cases, I further note that the Pennsylvania Supreme Court did just that in a precedent-setting judicial waiver case. *See In re Doe*, 33 A.3d 615, 622 (Pa. 2011) ("We further invited the Attorney General to participate in this case to offer advocacy in addition to that presented by Appellant."); *id.* at 623 ("Accepting this Court's invitation to participate in this appeal, the Attorney General advocates application of the standard of review that comports with that found in other similar areas."); *id.* at 624 ("Upon consideration of the parties' arguments, we agree with the position set forth by the Attorney General . . . .").

b. With such clear anti-choice views—even going as far as to raise constitutional issues from the bench that the parties had not raised themselves—how can litigants expect you to be fair on issues related to reproductive rights?

Response: I will recuse from any case that I worked on as either an attorney or a judge, and I will follow the recusal statute and all ethical requirements of the Code of Conduct for United States Judges. To the extent that this question concerns work that I did as an attorney on behalf of my clients, I note my understanding that judges are not required to recuse simply because they advocated for a client on one side of an issue in a different case; were that the standard, prosecutors and public defenders who become judges would have to recuse in criminal cases. To the extent that this question hinges on my opinion for the panel majority in *Doe v. Uthmeier*, please see my response above.

2. You were the recipient of the Alliance Defending Freedom's Blackstone Fellowship in 2014. One of the Alliance Defending Freedom's founders, James Dobson, said that the 2012 massacre of children at Sandy Hook Elementary School happened because "we have turned our back on the Scripture and on God Almighty and I think He has allowed judgment to fall upon us. I think that's what's going on."

a. Do you believe the Sandy Hook school shooting happened because "we have turned our back on the Scripture and on God Almighty and I think He has allowed judgment to fall upon us."?

Response: The Sandy Hook school shooting was an unspeakable act of evil that I condemn in the strongest possible terms. I am not familiar with the comments you describe. I also note that I was commissioned a Blackstone fellow in 2010 (rather than 2014, as your question asserts), and the fellowship consisted of a variety of lectures delivered to a fellowship of over a hundred students. I do not recall

hearing in any of those lectures any statements about the Sandy Hook shooting, nor could I have heard any such comments, given that the 2010 fellowship pre-dated the shooting. To the extent your question asks about my participation in the 2014 fellowship as a mentor, I note that I do not recall hearing any statements about the shooting during that program, either.

b. Do you disavow these comments?

Response: I generally avoid opining on comments with which I am not familiar. Otherwise, please see my response above.

3. In a 2014 piece, you wrote that courts "should not interpret *Heller*'s schools to encompass college campuses" and that "[c]ourts therefore should not interpret *Heller* to stand for the sweeping proposition that the government may act with impunity whenever it bans the carry of firearms on its property." And you conclude that "courts should subject broad gun bans on university campuses, national parks, and remote public lands to some form of heightened scrutiny, rather than regard them as burdening conduct that is categorically unprotected under the Second Amendment."

This is particularly concerning as this country witnesses a rise in both school and political violence. Two months ago, a deadly shooting at Florida State University left two people dead and at least six wounded. And last month, two Minnesota legislators and their spouses were attacked, one couple fatally, in a senseless political attack.

a. Can you explain what a sensitive place is as established under *Heller*?

Response: The Supreme Court's *Heller* opinion states that, "[a]lthough we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms." *District of Columbia v. Heller*, 554 U.S. 570, 626–27 (2008). The Court provided further guidance in *Bruen*: "Although the historical record yields relatively few 18th- and 19th-century 'sensitive places' where weapons were altogether prohibited—*e.g.,* legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions. . . . We therefore can assume it settled that these locations were 'sensitive places' where arms carrying could be prohibited consistent with the Second Amendment." *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 30 (2022). *Bruen* continued that "courts can use analogies to those historical regulations of 'sensitive places' to determine that modern regulations prohibiting the carry of firearms in *new* and analogous sensitive places are constitutionally permissible," *id.*, and it rejected as "far too broad[ ]" the analogy that New York sought to draw in defending the proper-cause law at issue in *Bruen*, *see id.* at 31.

Finally, the Court provided further guidance in the application of *Bruen*'s historical method in *United States v. Rahimi*, 602 U.S. 680 (2024).

Heller, *Bruen*, and *Rahimi* are binding precedent, and I would faithfully follow them in any case that calls for their application.

b. Do you believe that elementary schools are sensitive places under *Heller*?

Response: *Heller*, *Bruen*, and *Rahimi* are binding precedent, and I would faithfully follow them in any case that calls for their application. To the extent this question calls for my opinion concerning a matter of pending or impending litigation, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

c. Do you believe that secondary schools are sensitive places under *Heller*?

Response: *Heller*, *Bruen*, and *Rahimi* are binding precedent, and I would faithfully follow them in any case that calls for their application. To the extent this question calls for my opinion concerning a matter of pending or impending litigation, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

d. Do you believe that high schools are sensitive places under *Heller*?

Response: *Heller*, *Bruen*, and *Rahimi* are binding precedent, and I would faithfully follow them in any case that calls for their application. To the extent this question calls for my opinion concerning a matter of pending or impending litigation, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

e. Do you believe that college campuses are sensitive places under *Heller*?

Response: *Heller*, *Bruen*, and *Rahimi* are binding precedent, and I would faithfully follow them in any case that calls for their application. To the extent this question calls for my opinion concerning a matter of pending or impending litigation, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

f. Do you believe that government property is a sensitive place under *Heller*?

Response: *Heller*, *Bruen*, and *Rahimi* are binding precedent, and I would faithfully follow them in any case that calls for their application. To the extent this question calls for my opinion concerning a matter of pending or impending litigation, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

g. What do you believe is the appropriate standard of judicial review over firearms restrictions on campuses and on public land?

Response: *Heller*, *Bruen*, and *Rahimi* are binding precedent, and I would faithfully follow them in any case that calls for their application. To the extent this question calls for my opinion concerning a matter of pending or impending litigation, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

4. 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: Under 28 U.S.C. § 455(a), "[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." Under 28 U.S.C. § 455(b), recusal is required in several enumerated circumstances. Under Canon 3(C) of the Code of Conduct for United States Judges, "[a] judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to" several enumerated circumstances. If confirmed, when making any recusal decision, I will follow the recusal statute and all ethical requirements of the Code of Conduct for United States Judges. Where appropriate, I will consult additional authorities, such as ethics opinions from the Committee on Codes of Conduct for the Judicial Conference of the United States, as well as the opinions and experiences of my colleagues.

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: Please see my response above.

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: Please see my response above.

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

Response: Please see my response above.

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

Response: Subject to several enumerated exceptions, Canon 3(A)(4) provides that "a judge should not initiate, permit, or consider ex parte communications or consider other communications concerning a pending or impending matter that are made outside the presence of the parties or their lawyers. If a judge receives an unauthorized ex parte communication bearing on the substance of a matter, the judge should promptly notify the parties of the subject matter of the communication and allow the parties an opportunity to respond, if requested." In addition, Canon 3(A)(6) provides that "[a] judge should not make public comment on the merits of a matter pending or impending in any court," and "[t]he prohibition on public comment on the merits does not extend to public statements made in the course of the judge's official duties, to explanations of court procedures, or to scholarly presentations made for purposes of legal education." I commit to following Canons 3(A)(4) and 3(A)(6) and all ethical requirements of the Code of Conduct for United States Judges. Where appropriate, I will consult additional authorities, such as ethics opinions from the Committee on Codes of Conduct for the Judicial Conference of the United States, as well as the opinions and experiences of my colleagues.

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

   Response: Please see my response above.

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

   Response: Please see my response above.

c. 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: Under Canon 3(A)(6), "[a] judge should not make public comment on the merits of a matter pending or impending in any court. . . . The prohibition on public comment on the merits does not extend to public statements made in the course of the judge's official duties, to explanations of court procedures, or to scholarly presentations made for purposes of legal education." I commit to following Canon 3(A)(6) and all ethical requirements of the Code of Conduct for United States Judges. Where appropriate, I will consult additional authorities, such as ethics opinions from the Committee on Codes of Conduct for the Judicial Conference of the United States, as well as the opinions and experiences of my colleagues.

6. 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: I commit to filing all required financial disclosure reports with all required information that is complete and accurate to the best of my knowledge.

a. 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: Consistent with Canon 4(D)(4), I will "comply with the restrictions on acceptance of gifts and the prohibition on solicitation of gifts set forth in the Judicial Conference Gift Regulations." Where appropriate, I will consult additional authorities, such as ethics opinions from the Committee on Codes of Conduct for the Judicial Conference of the United States, as well as the opinions and experiences of my colleagues.

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

   Response: Please see my response above.

c. 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.

7. 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: This passage appears in the U.S. Supreme Court's decision in *Ex Parte Robinson*, 86 U.S. 505, 510 (1873). If confirmed, I would be bound by Supreme Court precedent governing the contempt power of the federal courts and congressional authority to regulate it, including *Ex Parte Robinson*, and I would

faithfully follow such precedent and any other applicable binding precedent. To the extent that this question asks me to weigh in on a matter of current political controversy, under the canons of judicial conduct, I must decline to do so.

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

Response: Please see my response above.

8. 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.

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

Response: As a general matter, courts have various available mechanisms to ensure compliance with their orders. For example, they may order sanctions for discovery violations or draw adverse inferences from discovery failures. In more serious cases, the contempt power is an available power to enforce a lawful order.

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, all parties must obey federal court orders. However, there are well established exceptions regarding the obligatory nature of court orders. For example, a party can defend its non-compliance on the basis that the court lacked jurisdiction to issue the order or that compliance with the order was impossible. *See, e.g.*, *United States v. Rylander*, 460 U.S. 752, 757 (1983) ("In a civil contempt proceeding such as this, of course, a defendant may assert a *present* inability to comply with the order in question." (emphasis in original)); *In re Novak*, 932 F.2d 1397, 1401 (11th Cir. 1991) ("[I]f the issuing court lacks subject-matter jurisdiction over the underlying controversy or personal jurisdiction over the parties to it, its order may be violated with impunity."). In some circumstances, defying a court order is necessary to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed

sanctions. Such sanctions allow a party to obtain post-judgment review without having to reveal its privileged information."); *see also id.* ("Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment."); *accord In re Novak*, 932 F.2d at 1401–02 (listing circumstances justifying non-compliance where the alleged contemnor lacks "adequate and effective remedies . . . for orderly review of the challenged ruling," or where the order requires "an irretrievable surrender of constitutional guarantees"). "Finally, court orders that are transparently invalid or patently frivolous need not be obeyed." *In re Novak*, 932 F.2d at 1402.

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 above.

d. What would make a court order unlawful?

   Response: If by "unlawful" this question means "void," it is generally well recognized that orders issued without jurisdiction are void ab initio. Otherwise, please see my response above.

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

      Response: The process will vary according to the circumstances. In general, parties may move for reconsideration, seek a stay, or appeal (assuming the order is appealable). In some cases, non-compliance an incurring court-imposed sanctions may be a pre-condition to an appeal. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

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

      Response: Parties should follow whatever process applies to their situation. Sometimes the applicable process is an appeal or a motion for a stay. But as the Supreme Court has held, sometimes the applicable process is non-compliance as a precondition to an appeal. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

9. 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
Jordan E. Pratt
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. If confirmed for this position, you will have such power.

    a. As a federal judge, what tools will be at your disposal to ensure compliance with your court orders?

    Response: As a general matter, courts have various available mechanisms to ensure compliance with their orders. For example, they may order sanctions for discovery violations or draw adverse inferences from discovery failures. In more serious cases, the contempt power is an available power to enforce a lawful order.

        i. When should each of these tools be used?

        Response: Whether, when, and how to use any particular tool would depend on the particular facts and circumstances of the case, as well as the governing substantive and procedural law. If I am confirmed, I commit to fairly and impartially resolving any such issues according to the applicable law and upon full consideration of the parties' arguments.

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

    Response: As a general matter, all parties must obey federal court orders. However, there are well established exceptions regarding the obligatory nature of court orders. For example, a party can defend its non-compliance on the basis that the court lacked jurisdiction to issue the order or that compliance with the order was impossible. *See, e.g.*, *United States v. Rylander*, 460 U.S. 752, 757 (1983) ("In a civil contempt proceeding such as this, of course, a defendant may assert

a *present* inability to comply with the order in question." (emphasis in original)); *In re Novak*, 932 F.2d 1397, 1401 (11th Cir. 1991) ("[I]f the issuing court lacks subject-matter jurisdiction over the underlying controversy or personal jurisdiction over the parties to it, its order may be violated with impunity."). In some circumstances, defying a court order is necessary to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. Such sanctions allow a party to obtain post-judgment review without having to reveal its privileged information."); *see also id.* ("Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment."); *accord In re Novak*, 932 F.2d at 1401–02 (listing circumstances justifying non-compliance where the alleged contemnor lacks "adequate and effective remedies . . . for orderly review of the challenged ruling," or where the order requires "an irretrievable surrender of constitutional guarantees"). "Finally, court orders that are transparently invalid or patently frivolous need not be obeyed." *In re Novak*, 932 F.2d at 1402.

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

Response: Please see my responses above.

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

Response: Please see my responses above. In addition, I note the U.S. Supreme Court's recent observation of the need for clear orders that give "due regard for the deference owed to the Executive Branch in the conduct of foreign affairs." *Noem v. Abrego Garcia*, 145 S. Ct. 1017, 1018 (2025).

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

Response: Generally, holding a party in contempt entails a finding, after notice and opportunity to be heard, that a party, without sufficient cause, has failed to comply with a lawful court order. Sanctions on a finding of civil contempt are designed to secure compliance, and sanctions on a finding of criminal contempt punish a party's past non-compliance or actions that harm or obstruct the judicial process.

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

Response: I have not studied this issue, and in any event, because this question solicits my views on a legal issue that could come before me, I

must refrain from answering, consistent with consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct. I would resolve any related questions through the judicial process upon careful consideration and application of the parties' arguments and the governing law and precedents.

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

   Response: Please see my previous responses.

2. **If no, why not?**

   Response: I am generally aware that the Department of Justice has sometimes successfully invoked federal sovereign immunity in response to contempt proceedings. *See, e.g.*, N. Parrillo, *The Endgame of Administrative Law: Governmental Disobedience and the Judicial Contempt Power*, 131 Harv. L. Rev. 685, 697, 704 (2018). Otherwise, please see my previous responses.

3. You previously worked as Senior Counsel at the First Liberty Institute, an organization known for advancing an extreme conservative agenda. First Liberty was also part of the Project 2025 Advisory Board. The president and CEO of First Liberty signed a letter urging members of the Senate to contest electoral votes from several states in the 2020 presidential election.

   a. **Who won the 2020 presidential election?**

      Response: President Biden was certified as the winner of the Electoral College following the 2020 election, and that certification is the constitutionally prescribed process for prevailing in a presidential election. *See* U.S. Const., art. II, § 1; U.S. Const. amend. XII. To the extent that this question asks me to opine on political debates surrounding the 2020 election or the statements of political figures, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

   b. **If your answer to the question above includes the word "certified," explain why President Trump was not certified as the winner of the 2020 election.**

      Response: Please see my previous response.

4. Your former employer, First Liberty, is also the former employer of another federal district court judge who President Trump appointed in his first term and whose single judge division has become a favorite venue for judge shopping. **What is your understanding of the practice of judge shopping? Do you believe it is improper?**

   Response: I am generally aware of the notion that some litigants may choose to bring suit

in judicial circuits, districts, and divisions where they believe they will receive a more favorable result. I also am generally aware of arguments that defendant-oriented, non-party, or so-called "universal" or "nationwide" injunctions have exacerbated judge- and forum-shopping issues, and that the U.S. Supreme Court recently held that the 1789 Judiciary Act does not confer a power to issue those kinds of injunctions. *See Trump v. CASA, Inc.*, Nos. 24A884, 24A885, and 24A886, 2025 WL 1773631, at *6 (U.S. June 27, 2025) ("A universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power."). I also am aware that the Eleventh Circuit has cautioned that "[w]e are both weary and wary of this drastic form of relief," and that "[i]n their universal reach to plaintiffs and nonplaintiffs alike, nationwide injunctions push against the boundaries of judicial power, and very often impede the proper functioning of our federal court system." *Georgia v. President of the United States*, 46 F.4th 1283, 1303 (11th Cir. 2022). Were I to be confirmed as a federal district judge on the Middle District of Florida, both of those cases (and any other applicable Supreme Court and Eleventh Circuit precedent) would bind me, and I will faithfully apply them. To the extent that this question solicits my comment on the litigation strategies of a particular litigant or group of litigants, or my policy views on potential legislation or procedural rules, I must refrain from further answer, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

5. Your wife currently serves as an Assistant Solicitor General for the State of Florida. If confirmed, high-stakes cases where Florida is a party before the court on which you would sit could be litigated by Florida's Office of the Solicitor General. *See, e.g.*, *Florida v. Becerra*, 8:21-cv-839-SDM (M.D. Fla. 2021)

    a. Will you recuse yourself from any case in which your wife is representing one of the parties appearing before you?

    Response: Yes

    b. Will you recuse yourself from any case litigated by Florida's Office of the Solicitor General?

    Response: If confirmed as a federal district judge, I will address all potential or actual conflicts in accordance with the federal recusal statute, the Code of Conduct for United States Judges, and any other laws and rules governing disqualification. Where appropriate, I will consult additional authorities, such as ethics opinions from the Committee on Codes of Conduct for the Judicial Conference of the United States, as well as the opinions and experiences of my colleagues. To the extent that this question asks about recusals in my present judicial position on the Florida Fifth District Court of Appeal, I note that various Florida authorities have addressed the common situation of judges with spouses who work in government, and those authorities hold that state judges have no obligation to recuse from a government office's cases merely because their spouse works for the office (as an attorney or otherwise); recusal may be warranted only where the spouse has worked on the matter or is in the direct line of supervision

of those working on or appearing in the matter. *See, e.g.*, *Laurence v. State*, 394 So. 3d 241, 248 (Fla. 3d DCA 2024); Fla. Judicial Ethics Advisory Committee Op. 24-14; Fla. Judicial Ethics Advisory Committee Op. 23-09; Fla. Judicial Ethics Advisory Committee Op. 2018-13. Conversely, where there is no recusal obligation, Florida judges have an obligation to decide all cases to which they are assigned. *See* Canon 3.B.1., Fla. Code of Judicial Conduct. To the best of my knowledge, my wife has no supervisory responsibilities over any attorneys in the office, she has never appeared in any case pending or impending in my court, and she is screened from all matters pending or impending in my court. I also have ensured that my wife appears on my court clerk's recusals list, which the clerk uses to screen incoming matters for conflicts and avoid case assignments that would necessitate recusals. Therefore, pursuant to the authorities discussed above, in my present position as a Florida state judge, I have no duty to recuse from cases litigated by Florida's Office of the Solicitor General, and I generally must decide any such cases that are assigned to me. Indeed, insofar as the office is part of the Florida Office of the Attorney General and in that capacity may supervise the State's appeals, including its criminal appeals, recusing from the office's cases could result in recusal from my court's entire criminal caseload, which, in my experience, has been approximately 69 percent of our cases. As explained above, that untenable result is neither compelled nor permitted by the Florida authorities that address this situation, and I have no such recusal obligation.

Nomination of Jordan Emery Pratt
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 had the "same answer."

    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, all parties must obey federal court orders. However, there are well established exceptions regarding the obligatory nature of court orders. For example, a party can defend its non-compliance on the basis that the court lacked jurisdiction to issue the order or that compliance with the order was impossible. *See, e.g.*, *United States v. Rylander*, 460 U.S. 752, 757 (1983) ("In a civil contempt proceeding such as this, of course, a defendant may assert a *present* inability to comply with the order in question." (emphasis in original)); *In re Novak*, 932 F.2d 1397, 1401 (11th Cir. 1991) ("[I]f the issuing court lacks subject-matter jurisdiction over the underlying controversy or personal jurisdiction over the parties to it, its order may be violated with impunity."). In some circumstances, defying a court order is necessary to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. Such sanctions allow a party to obtain post-judgment review without having to reveal its privileged information."); *see also id.* ("Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment."); *accord In re Novak*, 932 F.2d at 1401–02 (listing circumstances justifying non-compliance where the alleged contemnor lacks "adequate and effective remedies . . . for orderly review of the challenged ruling," or where the order requires "an irretrievable surrender of constitutional guarantees"). "Finally, court orders that are transparently invalid or patently frivolous need not be obeyed." *In re Novak*, 932 F.2d at 1402.

2. Your spouse is an Assistant Solicitor General in the Office of the Attorney General for the State of Florida, correct?

    Response: Correct.

a. If you are confirmed to the federal bench, would you recuse yourself in any case in which your spouse appeared as counsel for the State of Florida?

Response: Yes.

3. 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: I am aware of criticisms that have been levied against the nominee ratings of the ABA's Standing Committee on the Federal Judiciary. However, because this issue is one of current political controversy, I must refrain from addressing it, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

4. How would you characterize your judicial philosophy?

Response: My judicial philosophy is that judges should apply the law as written to the case before them without fear, favor, or partiality.

5. What do you understand originalism to mean?

Response: I understand originalism to consist of two propositions. First, a written law carries a meaning that is fixed at the time it was ratified (in the case of a constitutional provision) or enacted (in the case of a statute), and this fixed meaning cannot be changed by judges or other government actors outside the prescribed processes for amendment or repeal of the text. Second, a written law's fixed meaning constrains government actors in the performance of their functions; for judges, this means that the law's fixed meaning constrains their resolution of cases and controversies.

6. Do you consider yourself an originalist?

[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.

Response: Generally yes, with the caveat that different people may define the term "originalist" differently. In interpreting the Constitution, I would employ methodologies consistent with the interpretive methods that the Supreme Court employs when it undertakes to interpret constitutional provisions. The Court has routinely interpreted various constitutional provisions by attempting to discern their original meaning as understood by the public at the time of ratification.

7. What do you understand textualism to mean?

   Response: I understand textualism to consist of the proposition that the meaning of a written law should be discerned from its text and context, as opposed to speculation about the law's purpose(s).

8. Do you consider yourself a textualist?

   Response: Generally yes, with the caveat that different people may define the term "textualist" differently. In approaching statutory interpretation, I would follow the Supreme Court's methodological instructions. The Supreme Court has instructed that the best meaning of statutory text, as assessed by the time of enactment, is generally entitled to controlling weight. That is the approach I would follow, along with any other relevant instructions. In addition, I understand that context surrounding a law's passage can be probative to a textualist to the extent that the context sheds light on the original public meaning of the statutory text.

9. 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: Jurists have taken different approaches on whether to consult legislative history. Even those generally skeptical of legislative history have acknowledged that it may be useful in at least one limited sense: providing "at least some evidence" of how "ordinary speakers at the time of [a statute's] enactment understood" a given term or phrase. *Delligatti v. United States*, 145 S. Ct. 797, 813 (2025) (Gorsuch, J., dissenting) (quoting A. Scalia & B. Garner, Reading Law: The Interpretation of Legal Texts 388 (2012), for the proposition "that courts may use legislative history 'for the purpose of establishing linguistic usage'"). The U.S. Supreme Court has made clear that at a minimum, judges need not consult legislative history where a statute's meaning is plain and unambiguous. *See Azar v. Allina Health Servs.*, 587 U.S. 566, 579 (2019) ("And even those of us who believe that clear legislative history can 'illuminate ambiguous text' won't allow 'ambiguous legislative history to muddy clear statutory language.'"); *Encino Motorcars, LLC v. Navarro*, 584 U.S. 79, 90 (2018) ("If the text is clear, it needs no repetition in the legislative history; and if the

text is ambiguous, silence in the legislative history cannot lend any clarity."); *Gemsco, Inc. v. Walling*, 324 U.S. 244, 260 (1945) ("The plain words and meaning of a statute cannot be overcome by a legislative history which, through strained processes of deduction from events of wholly ambiguous significance, may furnish dubious bases for inference in every direction."). The Court has further instructed that any reliance on legislative history "is meant to clear up ambiguity, not create it." *Milner v. Dep't of Navy*, 562 U.S. 562, 574 (2011). I would faithfully apply binding precedent, keeping in mind that under the Constitution, a "Law" consists only of a bill that has undergone the constitutionally prescribed processes of bicameralism and presentment, *see* U.S. Const. art. I § 7, and that legislative history is not itself the law. *See Epic Systems Corp. v. Lewis*, 584 U.S. 497, 523 (2018) ("[L]egislative history is not the law."). I would also keep in mind that "[f]ew pieces of legislation pursue any single 'purpos[e] at all costs.'" *Martin v. United States*, 145 S. Ct. 1689, 1699 (2025).

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

   Response: To the extent that congressional intent is reflected in the statute that Congress enacted, it matters very much; the statute is, after all, the law. To the extent this question concerns situations where a party urges a court to disregard unambiguous statutory text in favor of a speculated congressional purpose not reflected in the text, the Supreme Court has observed that "Congress expresses its intentions through statutory text passed by both Houses and signed by the President (or passed over a Presidential veto). As this Court has repeatedly stated, the text of a law controls over purported legislative intentions unmoored from any statutory text. The Court may not replace the actual text with speculation as to Congress' intent. Rather, the Court will presume more modestly that the legislature says what it means and means what it says." *Oklahoma v. Castro–Huerta*, 597 U.S. 629, 642 (2022) (internal quotation marks and citations omitted). I will faithfully follow all binding precedent regarding the role of congressional intent in the interpretation of federal statutes.

10. 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 am unfamiliar with this study, and I am not positioned to offer a causative explanation for the statistic that this question concerns.

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

11. 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: I am unfamiliar with this report, and I am not positioned to offer a causative explanation for the statistic that this question concerns.

12. 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?

    Response: 18 U.S.C. § 3553(a)(6) directs sentencing judges to consider "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." As a federal judge, I would apply this statute when making sentencing determinations.

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

    Response: Yes. No one should be denied an opportunity to serve in the judiciary—whether as a judge or a court employee—based on any protected characteristic.

14. 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
    b. Affirmative action
    c. Contraceptives or birth control
    d. Gender-affirming care
    e. Firearms
    f. Immigration
    g. Same-sex marriage
    h. Miscegenation
    i. Participation of transgender people in sports
    j. Service of transgender people in the U.S. military
    k. Racial discrimination
    l. Sex discrimination
    m. Religious discrimination

[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.

n. Disability discrimination
o. Climate change or environmental disasters
p. "DEI" or Diversity Equity and Inclusion

Response: To the best of my knowledge, my Senate Judiciary Questionnaire, as supplemented in my June 24, 2025 letter to Chairman Grassley and Ranking Member Durbin, discloses all my responsive published writings and public statements. To the best of my recollection, my published writings and public statements have addressed some (but not all) of these topics. To discern which topics my published writings and public statements have addressed, I would consult my as-supplemented Questionnaire and the materials that I provided to the Committee.

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

Response: As a general matter, all parties must obey federal court orders. However, there are well established exceptions regarding the obligatory nature of court orders. For example, a party can defend its non-compliance on the basis that the court lacked jurisdiction to issue the order or that compliance with the order was impossible. *See, e.g.*, *United States v. Rylander*, 460 U.S. 752, 757 (1983) ("In a civil contempt proceeding such as this, of course, a defendant may assert a *present* inability to comply with the order in question." (emphasis in original)); *In re Novak*, 932 F.2d 1397, 1401 (11th Cir. 1991) ("[I]f the issuing court lacks subject-matter jurisdiction over the underlying controversy or personal jurisdiction over the parties to it, its order may be violated with impunity."). In some circumstances, one must defy a court order to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. Such sanctions allow a party to obtain post-judgment review without having to reveal its privileged information."); *see also id.* ("Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment."); *accord In re Novak*, 932 F.2d at 1401–02 (listing circumstances justifying non-compliance where the alleged contemnor lacks "adequate and effective remedies . . . for orderly review of the challenged ruling," or where the order requires "an irretrievable surrender of constitutional guarantees"). "Finally, court orders that are transparently invalid or patently frivolous need not be obeyed." *In re Novak*, 932 F.2d at 1402.

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: I would assess whether the official failed to comply with the order and, if so, whether the official had a valid defense to non-compliance, giving the parties notice and opportunity to be heard on the matter.

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: Please see my two immediately preceding responses.

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

The Constitution gives the President the authority to veto legislation passed by Congress. Art. I, § 7, Cl. 2. The Supreme Court has recognized the Executive Branch's prosecutorial discretion in deciding how and when to enforce federal laws. *See, e.g.*, *Trump v. United States*, 603 U.S. 593, 627 (2024); *United States v. Texas*, 599 U.S. 670, 678–79 (2023). In addition, various presidents have voiced constitutional concerns with certain congressional enactments through signing statements, and they occasionally have used the powers of the presidency to counteract the effect of statutes they believed were unconstitutional (as President Jefferson did when he pardoned those who had been convicted under the Sedition Act of 1798—a statute that he believed ran afoul of the First Amendment). To the extent this question asks me to offer an opinion on current legal or political disputes, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: I am aware of the Supreme Court's decision in *Train v. City of New York*, 420 U.S. 35 (1975), and the Impoundment Control Act of 1974, 2 U.S.C. §§ 681 *et seq.* To the extent that this question asks me to opine on a matter of current political and legal controversy subject to pending and impending litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

18. 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: I am aware of the Supreme Court's decision in *Train v. City of New York*, 420 U.S. 35 (1975), and the Impoundment Control Act of 1974, 2 U.S.C. §§ 681 *et seq.* To the extent that this question asks me to opine on a matter of current political and legal controversy subject to pending and impending litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: The Supremacy Clause provides that "[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or

Laws of any State to the Contrary notwithstanding." Therefore, it establishes that federal laws made in pursuance of the U.S. Constitution supersede conflicting state laws.

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: Whether various state laws conflict with EMTALA is a matter of pending and impending litigation. To the extent this question asks me to opine on any such litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: The Fifth Amendment to the U.S. Constitution guarantees due process of law and provides, in relevant part: "nor shall any person . . . be deprived of life, liberty, or property, without due process of law . . . ." The Supreme Court has stated 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. To the extent that this question asks me to opine on a matter of political controversy and pending or impending litigation, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: Congress may authorize agencies to implement statutes through rulemaking so long as it does not violate the non-delegation doctrine. Specifically, the Supreme Court held in *Whitman v. American Trucking* that "Article I, § 1, of the Constitution vests" all legislative powers in Congress, and its "text permits no delegation of those powers." 531 U.S. 457, 472 (2001). *Whitman* also held that no unconstitutional delegation of legislative power occurs where Congress "lay[s] down by legislative act an intelligible principle to which the person or body authorized to [act] is directed to conform." *Id.* (internal quotation marks omitted). The Court recently reiterated these principles in *FCC v. Consumers' Research*, Nos. 24-354 and 24-422, 2025 WL 1773630, at *8 (June 27, 2025).

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

Response: Yes, *Brown* was correctly decided. While it is almost always improper for judicial nominees to opine on whether a Supreme Court precedent is correctly decided, many previous nominees have recognized that *Brown* and *Loving* are exceptions to this general

rule. In assessing the propriety of acknowledging the correctness of *Brown*, I have accorded weight to this common practice of previous nominees.

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

    Response: Yes, *Griswold* is binding precedent. The case concerned individuals who prescribed contraceptives to married persons and were convicted and fined under a state statute that prohibited assisting or abetting another's use of contraceptives. 381 U.S. at 480. The Court held "that appellants have standing to raise the constitutional rights of the married people with whom they had a professional relationship." *Id.* at 481. The Court further held that the statute regulated conduct "within the zone of privacy created by several fundamental constitutional guarantees" and violated a "right to privacy" that the Court interpreted to be within the Constitution. 381 U.S. at 485–86.

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

    Response: Yes, *Lawrence* is binding precedent. The case concerned two men convicted and fined under a state statute for engaging in certain sexual conduct with each other. The Court held that the statute violated the Fourteenth Amendment's due process clause, overruling *Bowers v. Hardwick*, 478 U.S. 186 (1986).

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

    Response: Yes, *Obergefell* is binding precedent. It involved constitutional challenges to four states' statutes defining marriage as a union between one man and one woman. The Court held that the Fourteenth Amendment requires a State to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state, overruling *Baker v. Nelson*, 409 U.S. 810 (1972).

26. 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: Respectfully, I believe that this question *does* ask who was certified as the winner of the Electoral College in the 2020 election, because that is the constitutionally prescribed process for prevailing in a presidential election. *See* U.S. Const., art. II, § 1; U.S. Const. amend. XII. President Biden was so-certified following the 2020 election. To the extent that this question asks me to opine on political debates surrounding the 2020 election or the statements of political figures, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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

Response: Please see my response 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 personal knowledge of the accuracy of the vote count. To the extent that this question asks whether President Biden won the 2020 election, please see my response above.

27. 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: Yes, President Trump was certified as the winner of the Electoral College in the 2016 election, and the candidates did not dispute the election outcome.

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

Response: Please see my response above.

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

Response: Yes, President Trump was certified as the winner of the Electoral College in the 2024 election, and the candidates did not dispute the election outcome.

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

Response: Please see my response above.

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

Response: Section 1 of the Twenty-Second Amendment states, in pertinent part, that "[n]o person shall be elected to the office of the President more than twice . . . ." I have not reviewed any case law or other authorities addressing or interpreting this provision. To the extent the question asks me to opine on any current or future legal disputes, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

[4] U.S. CONST. amend. XXII.

28. 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: The preparation for my hearing involved general discussion of the responses to various questions that prior nominees have offered to the Committee. However, my answers are my own. I have answered based on what I believe is consistent with my ethical duties, and in forming my views on what answers my ethical duties will permit, I have accorded weight to the practices of past nominees.

29. 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.

30. 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: I am not familiar with DOGE's membership, but to the best of my knowledge, no.

31. 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.

32. 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: I consider Chad a friend, and I have known him for several years. Back in December 2024, I texted him about an issue concerning his alma mater; I did not bring up the subject of my selection process. On May 28, Chad texted me to let me know that Attorney General Bondi had tried to call me to congratulate me on my nomination. During my May 29 visit with Attorney General Bondi (see my response below), which Chad helped coordinate, and during my and the other Florida district court nominees' June 24 visit to the Office of Legal Policy, I saw Chad and he congratulated me on my nomination.

33. 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: I worked as a deputy solicitor general for Attorney General Bondi in Tallahassee when she was the Florida Attorney General, and we have sporadically kept in touch since then. I texted her to congratulate her on her nomination in November 2024 and to congratulate her on her confirmation in February 2025. On February 24, after my White House Counsel's Office interview was scheduled, I texted General Bondi to let her know

about it; this was the first time I mentioned my selection process to her. On May 28, she congratulated me on my nomination and, in response to my offer to visit her office, invited me to visit the Department of Justice the following day. I met with General Bondi on May 29, during which meeting she congratulated me in person.

34. 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: During my May 29 visit to the Department of Justice, a friend gave me a tour of the leadership offices, and I very briefly met Deputy Attorney General Blanche. He congratulated me on my nomination.

35. 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: During my May 29 visit to the Department of Justice, a friend gave me a tour of the leadership offices, and I very briefly met Principal Associate Deputy Attorney General Bove for the first time. We congratulated each other on our nominations and briefly discussed hearing logistics. On the day immediately following our hearing, I and the other nominees attended a training at the Administrative Office of the U.S. Courts; Mr. Bove was there. After the training, a group text was sent to ensure that we all have each other's contact information.

36. 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.

37. 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.

38. 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: No.

39. 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: To the best of my knowledge, no.

40. 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.

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 affirm 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.

41. 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.

42. 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]

[5] https://www.article3project.org/about

a. Do you agree with the above statement?

Response: I am not familiar with the statement described in this question, and I generally avoid opining on comments with which I am not familiar. To the extent that this question asks me to opine on a matter of political controversy, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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.

Response: I generally am unfamiliar with who is associated with this organization aside from Mike Davis, but to the best of my knowledge and recollection, no.

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

Response: To the best of my knowledge, no.

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

Response: I briefly met Mike Davis at a lawyers' conference reception where over a hundred individuals were present, but I did not discuss with him any aspect of my nomination to the federal bench.

43. 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: I have been in contact with the Department of Justice's Office of Legal Policy, which provided general guidance about how to complete the Questionnaire. I made my own decisions about which cases to list.

a. Who?

Response: Please see my response above.

b. What advice did they give?

Response: Please see my response above.

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

Response: Please see my response above. In addition, I note that in response to

my question about whether two cases were responsive to the Questionnaire, an Office of Legal Policy official advised me to use my best judgment, and if I thought a case was significant, it would be responsive to questions calling for significant cases.

44. 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 and recollection, no, as set forth in my responses above.

45. 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 recollection, I did not speak with any Federalist Society officials or employees as part of my selection process. To the extent this question asks about conversations with Federalist Society members or officials that occurred between the time of my first phone call with Senator Scott's office and my nomination, I note that the Society has tens of thousands of members and dozens of officials, I have several friends who are members or officials, and I generally have kept my close friends apprised of significant developments in my selection process.

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

    Response: My selection process and interviews are described in my answer to question 26 on the Questionnaire. Since submitting the Questionnaire, I have been in regular contact with the Office of Legal Policy regarding logistics of the nomination.

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

    Response: I reviewed answers submitted by a few other nominees to orient myself and gain familiarity with the format and general content that those other nominees found appropriate and responsive. I then drafted my responses to these questions and circulated them to the Office of Legal Policy for feedback. Following review by the Office of Legal Policy, I finalized my answers.

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

June 25, 2025

Questions for Mr. Pratt:

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, all parties must obey federal court orders. However, there are well established exceptions regarding the obligatory nature of court orders. For example, a party can defend its non-compliance on the basis that the court lacked jurisdiction to issue the order or that compliance with the order was impossible. *See, e.g.*, *United States v. Rylander*, 460 U.S. 752, 757 (1983) ("In a civil contempt proceeding such as this, of course, a defendant may assert a *present* inability to comply with the order in question." (emphasis in original)); *In re Novak*, 932 F.2d 1397, 1401 (11th Cir. 1991) ("[I]f the issuing court lacks subject-matter jurisdiction over the underlying controversy or personal jurisdiction over the parties to it, its order may be violated with impunity."). In some circumstances, defying a court order is necessary to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. Such sanctions allow a party to obtain post-judgment review without having to reveal its privileged information."); *see also id.* ("Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment."); *accord In re Novak*, 932 F.2d at 1401–02 (listing circumstances justifying non-compliance where the alleged contemnor lacks "adequate and effective remedies . . . for orderly review of the challenged ruling," or where the order requires "an irretrievable surrender of constitutional guarantees"). "Finally, court orders that are transparently invalid or patently frivolous need not be obeyed." *In re Novak*, 932 F.2d at 1402.

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

   Response: In my years of practice before I became a judge, I never had occasion to advise a client to defy a court order. In *Maness v. Meyers*, 419 U.S. 449, 465–66 (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]the 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).

To the extent that this question asks me to publicly offer legal advice on these issues, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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: Litigants generally enjoy a First Amendment right to criticize court rulings so long as they do not engage in unprotected speech. To the extent that this question asks me to comment on the political statements of any political figure, I must refrain from doing so, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

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, aside from my general personal positions on the appropriate and limited role of a judge in our constitutional system. I believe that judges should fairly and impartially decide the cases and controversies before them according to the governing procedural and substantive law, rather than their personal policy views or preferences. I generally shared that position with those involved in my selection process.

Questions for the Record
Sen. Adam Schiff (CA)

Jordan E. Pratt, Nominee to the United States District Court for the Middle District of Florida

1. Is it true that from 2021 to 2023, you worked as senior counsel at First Liberty Institute?

   Response: Yes.

2. Is the First Liberty Institute a member of the Project 2025 advisory board?

   Response: Yes.

3. Are you aware that in December 2020, President and CEO of First Liberty Institute, Kelly Shackelford, signed a letter urging members of the United States Senate to contest electoral votes from several states in the 2020 election?

   Response: As I stated during my hearing, I am generally aware of headlines stating that Mr. Shackleford signed a letter concerning the 2020 election, but I am unfamiliar with the letter, did not discuss the letter with him, and therefore cannot confirm this question's characterization of the letter.

4. Do you believe that it is unconstitutional for colleges and universities to ban students and faculty from carrying firearms?

   Response: To the extent this question calls for my opinion concerning a matter of pending or impending litigation, I must refrain from answering, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct. However, I can make some general observations about the Supreme Court precedent in this area. The Supreme Court's *Heller* opinion states that, "[a]lthough we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms." *District of Columbia v. Heller*, 554 U.S. 570, 626–27 (2008). The Court provided further guidance in *Bruen*: "Although the historical record yields relatively few 18th- and 19th-century 'sensitive places' where weapons were altogether prohibited—*e.g.,* legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions. . . . We therefore can assume it settled that these

locations were ‘sensitive places’ where arms carrying could be prohibited consistent with the Second Amendment.” *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 30 (2022). *Bruen* continued that “courts can use analogies to those historical regulations of ‘sensitive places’ to determine that modern regulations prohibiting the carry of firearms in *new* and analogous sensitive places are constitutionally permissible,” *id.*, and it rejected as “far too broad[ ]” the analogy that New York sought to draw in defending the proper-cause law at issue in *Bruen*, *see id.* at 31. Finally, the Court provided further guidance in the application of *Bruen*’s historical method in *United States v. Rahimi*, 602 U.S. 680 (2024). *Heller*, *Bruen*, and *Rahimi* are binding precedent, and I would faithfully follow them in any case that calls for their application.

5. Do you believe that students should be permitted to carry firearms in their college and university classrooms?

   Response: Please see my previous response.

6. Do you believe that high school students who are eighteen years old and otherwise legally permitted to carry firearms should be permitted to carry firearms in their high school classrooms?

   Response: Please see my previous response.