

Questions for the Record
Chairman Charles E. Grassley of Iowa
The Nomination of the Honorable Kyle F. Reardon
to be a U.S. District Judge for the District of Alaska
September 23, 2026

At the hearing, I noted that, due to time constraints, I would be submitting my questions for you in writing for the record. Please find my question below:

1. You've had an impressive legal career in both military and civilian courts. But I want to talk about the District of Alaska. You're no stranger to that court. You prosecuted cases there as an Assistant U.S. Attorney, and you now preside over its cases as a Magistrate Judge.

Please tell us about your experience in the District of Alaska and how that's prepared you to serve as a federal judge there.

Response: During my legal career I have had the privilege of serving my country and my state—first as an Assistant United States Attorney prosecuting child sex offenses and other violent crimes for more than seven years, and now as a United States Magistrate Judge for the past five. This experience exposed me to the distinct nature of our Alaska federal district court and the practice of law in the state. Alaska is unique because for many of the state's most pressing federal issues relating to land use, resource development, tribal relations, and conservation, Alaska is governed by its own unique set of statutes, including the Alaska Statehood Act, the Alaska Native Claims Settlement Act (ANCSA), and the Alaska National Interest Lands Conservation Act (ANILCA). As the Supreme Court has observed, in many important respects, "Alaska is the exception, not the rule." *Sturgeon v. Frost*, 577 U.S. 424, 440 (2016).

Furthermore, my experience has also given me insight into the impact that federal criminal prosecutions have in Alaska and the court's vital role in ensuring public safety while zealously protecting a defendant's constitutional and statutory rights. Finally, my experience in Alaska has familiarized me with the practical issues that the state's geography presents. I understand the critical role the court must play to ensure all residents have access to the court, that juries are composed of a fair cross section of individuals, and that victims have a meaningful opportunity to be heard.

My experience has prepared me well to be a district court judge. As a prosecutor and magistrate judge I have been involved in the litigation and adjudication of many of the complex issues that are likely to come before the district court. If confirmed, I am ready to hit the ground running on day one. It would be the professional honor of a lifetime and the culmination of a career dedicated to public service to serve as a United States District Judge for the District of Alaska.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Kyle Frederick Reardon
Nominee to be U.S. District Judge for the District of Alaska
September 23, 2026

1. Last year you issued a Report & Recommendation denying a defendant's motion to dismiss charges against him, which included nine counts of threats against a federal judge. The defendant had transmitted 465 messages in which he made threats to assault, kidnap, and murder some of the justices on the Supreme Court and their families for actions they had taken in their official capacity. According to the U.S. Marshals Service, in fiscal year 2025 federal judges have faced a 57 percent increase in "security incidents of specific concern."

Based on your experience in this case, what does the threat environment look like for federal judges?

Response: As noted above, the United States Marshals Service, the agency charged with protecting federal judges, has reported an increase in "security incidents of specific concern." As a United States Magistrate Judge, I have been the subject of threatening communications and have worked closely with the Marshals Service to ensure my safety, my family's safety, and the safety of everyone I work with in the courthouse. Like Chief Justice Roberts, who dedicated a substantial portion of his 2024 Year-End Report on the Federal Judiciary to the issue of threats against the judiciary, I am concerned about the increase in threatening rhetoric toward judges and the risk this rhetoric poses to the rule of law. I also strongly believe in the free speech protections afforded to all persons under the First Amendment, and respect everyone's right to vigorously disagree with any judicial opinion I might author. I am confident that I, and the judges I work with, will continue to do our work without fear or favor, and that we will continue to uphold the finest traditions of our Nation's independent judiciary.

2. Officials within the Trump Administration, including then-Acting Deputy Attorney General Emil Bove and then-Interim U.S. Attorney Ed Martin, fired Assistant U.S. Attorneys (AUSAs) who had been assigned to investigate and prosecute cases against defendants accused of committing crimes arising out of the January 6 attack on the Capitol.

As someone who spent approximately 14 years as an AUSA, do you believe that apolitical, career civil servants should be terminated simply because they were assigned to work on certain matters?

Response: Assistant United States Attorneys can be removed at will pursuant to federal law. *See* 28 U.S.C. § 542. I am aware that Assistant United States Attorneys who investigated and prosecuted cases arising from the events of

January 6, 2021, have been terminated. I am also aware that the removals have been and may continue to be the subject of pending litigation. Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me to comment any further on this issue that calls for an opinion on pending litigation and is a matter of political controversy.

3. As an AUSA, you served as a team member for the Alaska Hope Court, an 18-month long federal reentry court designed to reduce recidivism by building life skills and requiring participants to complete therapy sessions, obtain stable housing, and volunteer in the community.

- a. **Do you view such programs as useful tools in our justice system?**

Response: Reentry courts and other similar programs that build life skills, provide therapy and stable housing, and that promote service to the community in an effort to reduce recidivism can be a useful tool for some individuals in our justice system.

- b. **If confirmed, how would you incorporate or emphasize such programs on the bench?**

Response: If confirmed, I would work with the United States Pretrial and Probation Service to identify and potentially implement any evidence-based programs that can meaningfully reduce recidivism and promote community safety, consistent with the court's statutory sentencing obligations under 18 U.S.C. §§ 3553(a) and 3583, and the sentencing guidelines.

4. You are currently a magistrate judge after a long career as a federal prosecutor, serving during both Democratic and Republican Administrations. The role of the prosecutor is one that demands great care in bringing cases supported by facts and the law—without regard to partisan politics. As a result, prosecutors are usually afforded the “presumption of regularity,” meaning that judges presume that the Executive Branch’s representations about its reasons for taking a particular action are trustworthy.

- a. **What happens when judges do not trust the representations of a party before them?**

Response: All licensed attorneys appearing before a court have an ethical duty of candor to the tribunal. When judges cannot trust the representations made by the parties, the judicial process slows as the court shifts from a posture of deference to one of skepticism and heightened scrutiny. The result is an increase of time, effort, and expense.

- b. **Is it harmful to line prosecutors’ efforts to hold criminals accountable when the Justice Department loses the presumption of regularity?**

Response: In a criminal matter, prosecutors must establish the facts necessary to prove their case or to establish a basis for the relief sought. These facts are generally established through evidence. However, in some instances, a prosecutor can proceed by way of proffer. *See e.g.* 18 U.S.C. § 3142(f); *United States v. Cardenas*, 784 F.2d 937, *vacated as moot*, 792 F.2d 906 (9th Cir. 1986). It would be inappropriate for me, as a magistrate judge and judicial nominee, to opine further on this issue, as Assistant United States Attorneys regularly appear before me.

5. In your application to Senator Murkowski to serve on the Alaska District Court, you stated that “At this time, when confidence in the judiciary is at historic lows, it is critical that a district court judge be someone who has a demonstrated record of service and leadership.”

To what do you attribute this low confidence in the judiciary?

Response: At the time of my letter to Senator Murkowski in February 2025, I attributed low confidence in the judiciary to two factors. The first was a general perception among the public that courts were serving as quasi-political branches deciding cases not on how the Constitution or law was written, but how the court wished it to be. Second, I attributed low confidence in the judiciary to the unique issues faced in the District of Alaska relating to the resignation of former Judge Kindred and the Ninth Circuit’s finding that he engaged in serious misconduct.

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

Response: Pursuant to the procedure established by the 12th Amendment, President Biden received a majority of electoral college votes and served as President from January 20, 2021, until January 20, 2025.

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

Response: On January 6, 2021, I was in Anchorage, Alaska.

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

Response: I condemn all acts of violence and vandalism, including the acts of violence against Capitol Police Officers and vandalism that occurred on January 6, 2021. The term “insurrection” has legal implications. *See* U.S. Const. amend. XIV, § 3. Accordingly, under the Code of Conduct for United States Judges it would be inappropriate for me to opine as to whether the acts committed on January 6, 2025, constituted an “insurrection.” *See* Code of Conduct for United States Judges, Canons 3(A)(6), 5.

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: The President has the power to “Grant Reprieves and Pardons for Offences against the United States[.]” U.S. Const. art. II, § 2, cl. 1. The Supreme Court has held that this power is entrusted “to the executive alone[.]” *United States v. Klein*, 80 U.S. 128, 147-48 (1872), and that the pardon power is “conclusive and preclusive[.]” *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 637-38 (1952) (Jackson, J., concurring). Consistent with Canon 5 of the Code of Conduct for United States Judges, it would be inappropriate for me to comment any further on the use of the President’s pardon power.

- 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. Alarming, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

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

Response: As a magistrate judge, I expect all parties to abide by my orders. If a party disagrees with an order, the party may request reconsideration, a stay or deferral of entry of the order, or the party may appeal.

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

Response: Generally, no. However, in *extremely* limited circumstances, it may be necessary for a litigant to defy a court order in order to appeal. *See Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). Noncompliance with a court order may also be excused in the very rare scenario where compliance with that order is impossible. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966).

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

Response: In *Marbury v. Madison*, 5 U.S. 137, 177 (1803), the Supreme Court held that “[i]t is emphatically the province and duty of the judicial department to say what the law is.” This power originates in Article III, Section 1 of the Constitution, which places “[t]he judicial Power of the United States...in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.” This power “extend[s] to all Cases, in Law and Equity, arising under the Constitution [and] the Laws of the United States[.]” U.S. Const., art. III, § 2.

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

a. Are non-party injunctions constitutional?

Response: In *Trump v. CASA*, 145 S. Ct. 2540 (2025), the Supreme Court declined to address the specific question of whether non-party injunctions were constitutional. Lower courts are now beginning to apply the *CASA* decision and I may be called upon to do so as a magistrate judge and a district judge, if I am confirmed. As a result, it would be inappropriate for me to comment on this legal issue. See Code of Conduct for United States Judges, Canon 3(A)(6). However, I can say that if confirmed I will follow all binding Supreme Court and Ninth Circuit precedent on this issue.

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

Response: Federal courts generally lack the authority to issue non-party, or universal, injunctions. See *Trump v. CASA*, 145 S. Ct. 2540 (2025). Rather, as a general matter, a federal court’s equitable authority to issue injunctions is limited to affording “complete relief between the parties.” *Kinney-Coastal Oil Co. v. Kieffer*, 277 U.S. 488, 507 (1928).

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

Response: See my response to Questions 11(b).

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: No.

- 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 22nd Amendment states that “[n]o person shall be elected to the office of the President more than twice[.]”

- 14. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as “USA HATING JUDGES” and “MONSTERS”, who**

“...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”¹

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

Response: Consistent with Canon 5 of the Code of Conduct for United States Judges, it would be inappropriate for me as a magistrate judge and judicial nominee to comment on statements made by the President.

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

Response: See my response to Question 14(a).

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

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

Response: Consistent with Canon 5 of the Code of Conduct for United States Judges, it would be inappropriate for me as a magistrate judge and judicial nominee to comment on statements made by any of the President’s advisers.

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

Response: See my response to Question 15(a).

- 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: Cases that I have adjudicated as a magistrate judge have been reported on in local, national, and international news outlets. In addition, news of my confirmation hearing, which included my picture, was widely reported. I believe strongly in the free speech protections contained in the First Amendment and am confident that if confirmed I possess the integrity and temperament to serve as a district court judge without fear or favor. Any further comment on what a

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

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

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

political figure may or may not do would be inappropriate. *See* Code of Conduct for United States Judges, Canon 5.

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

Response: Lower courts are bound to follow all binding Supreme Court precedent.

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

Response: The Ninth Circuit has adopted standards for overturning its own precedent. In the Ninth Circuit, precedent may be overturned by an en banc panel or when a new higher authority is “clearly irreconcilable” with existing Ninth Circuit precedent. *Miller v. Gammie*, 335 F.3d 889, 900 (9th Cir. 2003). As a magistrate judge and district court nominee, it would be inappropriate for me to do more than state the legal principles under which the circuit court may overrule its own precedent. As a magistrate judge it is my duty to faithfully apply Supreme Court and Ninth Circuit precedent, and if confirmed to the district court I will continue to do so.

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

Response: The Supreme Court has identified factors that should be considered when it overrules its own precedent. *See Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 267 (2022) (constitutional interpretation precedents); *Kimble v. Marvel Ent., LLC*, 576 U.S. 446 (2015) (statutory interpretation precedents). As a magistrate judge and district court nominee, it would be inappropriate for me to do more than state the legal factors the Supreme Court has identified for consideration when overruling its own precedent. As a magistrate judge it is my duty to faithfully apply Supreme Court precedent, and if confirmed to the district court I will continue to do so.

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*
- b. *Plyler v. Doe*
- c. *Loving v. Virginia*
- d. *Griswold v. Connecticut*
- e. *Trump v. United States*
- f. *Dobbs v. Jackson Women’s Health Organization*
- g. *New York State Rifle & Pistol Association, Inc. v. Bruen*
- h. *Obergefell v. Hodges*
- i. *Bostock v. Clayton County*
- j. *Masterpiece Cakeshop v. Colorado*
- k. *303 Creative LLC v. Elenis*
- l. *United States v. Rahimi*

m. *Loper Bright Enterprises v. Raimondo*

Response: *Brown v. Board of Education* and *Loving v. Virginia* were correctly decided by the Supreme Court. It is generally inappropriate to opine on whether binding precedent from a higher court is correct. However, consistent with the practice of prior nominees, I am comfortable making an exception in these two instances.

As to the remaining cases listed in Question 19, these cases are binding Supreme Court precedent. As a magistrate judge it is my duty to faithfully apply Supreme Court and Ninth Circuit precedent, and if confirmed to the district court I will continue to do so.

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

Response: The Supreme Court has applied the public’s original understanding of the Constitution to determine its meaning. See, e.g., *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 267 (2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008). By adhering to the original public meaning, the Supreme Court anchors its decisions in the text of the Constitution and avoids engaging in changing policy debates that our constitutional system leaves to the elected branches. As a magistrate judge I set aside all personal preferences when deciding the matters before me and have worked hard to ensure that all decisions made by me are squarely grounded in the facts and law. If confirmed, I would continue to interpret the Constitution consistent with the methods employed by the Supreme Court and Ninth Circuit when those courts consider constitutional provisions and would continue to faithfully apply precedent.

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

Response: See my response to Question 20.

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

Response: In *Obergefell v. Hodges*, 576 U.S. 644 (2015), the Supreme Court held that the Fourteenth Amendment requires states to license marriages between same-sex couples on the same terms and conditions as two people of the opposite sex.

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

Response: In *Loving v. Virginia*, 388 U.S. 1 (1967), the Supreme Court unanimously struck down state laws banning interracial marriage.

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

Response: The Equal Protection Clause prohibits the states from denying any person “the equal protection of the laws.” Generally speaking, the Equal Protection Clause requires the government to treat similarly situated people similarly. Courts use strict scrutiny when assessing a government classification based on suspect classifications like race, national origin, and religion, and for infringements of fundamental rights. Courts apply intermediate scrutiny for laws that discriminate based on characteristics such as sex or gender. Other classifications are analyzed using rational basis review.

The Due Process Clause states that no “State shall deprive any person of life, liberty, or property, without due process of law[.]” It provides both “substantive, as well as procedural, protection for liberty.” *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 237 (2022). These clauses have been among the most litigated constitutional provisions. To the extent the question seeks an opinion as to how I might rule in a future case, it would be inappropriate for me to answer. *See* Code of Conduct for United States Judges, Canon 3(A)(6). As a magistrate judge it is my duty to faithfully apply binding precedent interpreting the Equal Protection and Due Process Clauses, and if confirmed to the district court I will continue to do so.

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 Supreme Court has applied these clauses to discrimination based on sex and sexual orientation. *See United States v. Virginia*, 518 U.S. 515 (1996) (sex); *Romer v. Evans*, 517 U.S. 620 (1996); *Lawrence v. Texas*, 539 U.S. 558 (2003) (sexual orientation).

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: See my 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: See my response to Question 20.

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

Response: The First Amendment states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” Some or all of these rights apply to individuals, associations, churches, corporations, and other similar groups, depending upon the context. The Supreme Court and Ninth Circuit have ruled in thousands of cases

applying the First Amendment to myriad contexts. *See, e.g., Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507 (2022) (free exercise and free speech clauses); *Citizens United v. Federal Election Com’n*, 588 U.S. 310 (2010) (political speech by corporations); *N.Y. Times Co. v. United States*, 403 U.S. 713 (1971) (prior restraint on press publication of Pentagon Papers); *Tinker v. Des Moines Independent Cmty. Sch. Dist.*, 393 U.S. 503 (1969) (student speech); *Engel v. Vitale*, 370 U.S. 421 (1962) (public school prayer). To the extent the question seeks an opinion as to how I might rule in a future case, it would be inappropriate for me to answer further. *See* Code of Conduct for United States Judges, Canon 3(A)(6). As a magistrate judge it is my duty to faithfully apply these binding precedents, and if confirmed to the district court I will continue to do so.

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: To determine if a law that regulates speech is content-based or content-neutral, I would apply relevant Supreme Court and Ninth Circuit precedent. Under Supreme Court precedent, a “regulation of speech is content based...if it ‘target[s] speech based on its communicative content’ – that is, if it ‘applies to particular speech because of the topic discussed or the idea or message expressed.’” *City of Austin v. Reagan Nat’l Advertising of Austin, LLC.*, 576 U.S. 155, 163 (2022) (quoting *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015)). A district court should analyze whether a law regulating speech seeks to “draw[] distinctions based on the message the speaker conveys,” including distinctions based on the “particular subject matter” of the speech” or its “function and purpose.” *Reed*, 576 U.S. at 163. To the extent the question seeks an opinion as to how I might rule in a future case, it would be inappropriate for me to answer further. *See* Code of Conduct for United States Judges, Canon 3(A)(6). As a magistrate judge it is my duty to faithfully apply these binding precedents, and if confirmed to the district court I will continue to do so.

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

Response: “True threats are ‘serious expressions’ conveying that a speaker means to ‘commit an act of unlawful violence.’” *Counterman v. Colorado*, 660 U.S. 66, 74 (2023) (quoting *Virginia v. Black*, 538 U.S. 343, 359 (2003)). In determining whether something is a true threat it does not depend on the “‘mental state of the author,’ but on ‘what the statement conveys’ to the person on the other end.” *Id.* (quoting *United States v. Elonis*, 575 U.S. 723, 733 (2015)). True threats are distinct from “‘jests, ‘hyperbole,’ or other statements that when taken in context do not convey a real possibility that violence will follow[.]” *Id.* (quoting *Watts v. United States*, 394 U.S. 705, 708 (1969) (*per curiam*)). To the extent the question seeks an opinion as to how I might rule in a future case, it would be inappropriate for me to answer further. *See* Code of Conduct for United States Judges, Canon 3(A)(6). As a magistrate judge it is my duty to faithfully apply these binding precedents, and if confirmed to the district court I will continue to do so.

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

Response: The Supreme Court has held that the Due Process Clause of the Fifth Amendment applies to “all ‘persons’ within the United States, including aliens, whether their presence here is unlawful, temporary, or permanent.” *Zadvydas v. United States*, 533 U.S. 678, 693 (2001). To the extent the question seeks an opinion as to how I might rule in a future case, it would be inappropriate for me to answer further. *See* Code of Conduct for United States Judges, Canon 3(A)(6). As a magistrate judge it is my duty to faithfully apply these binding precedents, and if confirmed to the district court I will continue to do so.

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

Response: It would be inappropriate for me, as a magistrate judge and judicial nominee, to opine on this legal issue. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

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: In *Trump v. Barbara*, 609 U.S. ____ (2026), the Supreme Court held that children born in the United States to parents subject to the jurisdiction of the United States are citizens at birth under the Fourteenth Amendment. To the extent the question seeks an opinion as to how I might rule in a future case, it would be inappropriate for me to answer further. *See* Code of Conduct for United States Judges, Canon 3(A)(6). As a magistrate judge it is my duty to faithfully apply this binding precedent, and if confirmed to the district court I will continue to do so.

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: See my response to Question 33(a).

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

Response: I believe it is important for all qualified individuals to be considered equally for all positions in the judicial branch and that no one should ever be denied consideration on the basis of any protected characteristic.

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: Judges should apply the law faithfully in every instance, including in their application of the *First Step Act*. I would do so if confirmed to be a district judge.

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 commit to following the law at sentencing. At sentencing, judges should determine the advisory sentencing guideline range and then should carefully apply the sentencing factors found at 18 U.S.C. § 3553(a) to determine the appropriate sentence for each individual appearing before the judge, consistent with the need for the sentence to, among other things, reflect the seriousness of the offense, promote respect for the law, provide a just punishment, and to deter future criminal conduct. Importantly, sentences should be sufficient, but no greater than necessary, to meet these statutory goals.

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. 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 am not familiar with the membership of the Federalist Society. I do not know if I have spoken to or corresponded with anyone who is a member of that organization during my selection process. I have never spoken to or corresponded with Leonard Leo or Steven G. Calabresi.

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

Response: No.

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

Response: No.

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

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

Response: I am not familiar with the membership of the Teneo Network. I do not know if I have spoken to or corresponded with anyone who is a member of that organization during my selection process. I have never spoken to or corresponded with Leonard Leo.

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

Response: No.

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

Response: No.

38. 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 am not familiar with the membership of the Heritage Foundation or Heritage Action. I do not know if I have spoken to or corresponded with anyone

who is a member of those organizations during my selection process. I have never spoken to or corresponded with Kevin D. Roberts.

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

Response: No.

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

Response: No.

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

Response: No.

- 39. 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 am not familiar with the membership of the America First Policy Institute during my selection process. I do not know if I have spoken to or corresponded with anyone who is a member of that organization.

- 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.

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

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

Response: I am not familiar with the membership of the America First Legal Institute. I do not know if I have spoken to or corresponded with anyone who is a member of that organization during my selection process. I have never spoken to or corresponded with Stephen Miller, Gene Hamilton, or Daniel Epstein.

- 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.

41. 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 am not familiar with the membership of the Article III Project. I do not know if I have spoken to or corresponded with anyone who is a member of that organization during my selection process. I have never spoken to or corresponded with Mike Davis, Will Chamberlain, or Josh Hammer.

- 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.

42. 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 am not familiar with the membership of the Alliance Defending Freedom. I do not know if I have spoken to or corresponded with anyone who is a member of that organization during my selection process.

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

Response: No.

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

Response: No.

- 43. 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 am not familiar with the membership of these organizations. I do not know if I have spoken to or corresponded with anyone who is a member of those organizations during my selection process. I have never spoken to or corresponded with Leonard Leo or Carrie Severino.

- 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 the allegations referenced in the question, nor am I familiar with the organization accused of making undisclosed donations. To the extent the question seeks an opinion as to how I might rule in a future case, it would be inappropriate for me to answer. *See* Code of Conduct for United States Judges, Canon 3(A)(6). This issue also appears to be a matter of political controversy and so it would be inappropriate for me to comment further. *See* Code of Conduct for United States Judges, Canon 5.

- 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: As stated above, I am unaware of the organizations or matters at issue. I will address all actual or potential conflicts in accordance with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws, ethics opinions, and practices governing conflicts of interest. It is important that the public have confidence in the judiciary. As such, I take my ethical obligations seriously and will take every reasonable measure to ensure the public trust and protect the reputation of the judiciary.

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

Response: See my responses to Questions 43(d) and (e).

**Nomination of Kyle Reardon
to the United States District Court for the District of Alaska
Questions for the Record
Submitted September 22, 2026**

QUESTIONS FROM SENATOR COONS

1. Do you believe that the Senate Judiciary Committee has a responsibility to evaluate judicial nominees to the best of its ability, including by asking questions on the record to make each nominee's unique background and viewpoint clear to the American people?

Response: Yes. The Senate Judiciary Committee has an important constitutional role to provide "Advice and Consent" for judicial nominees. U.S. Const., art. II, § 2.

2. Do you believe that you, as a judicial nominee, have a responsibility to the American people to give full and complete answers to the Committee's questions to the best of your ability and in good faith?

Response: Yes. As a nominee I believe I have a responsibility to give full and complete answers to the Committee's questions to the best of my ability and in good faith.

3. Do you believe you fulfilled this responsibility with the answers you have provided to my questions for the record?

Response: Yes. I believe I have fulfilled this responsibility with the answers I have provided to these questions for the record.

- a. Did you receive assistance from staff in the White House, the Department of Justice, or any other organization in writing your responses to these questions? If so, from whom did you receive assistance and what was the nature of the assistance you received?

Response: I drafted all response to these questions. The Department of Justice referred me to samples of previous nominee's responses, which are publicly available, and provided general advice and limited feedback on my responses. I finalized my answers and authorized them to be submitted to the Committee. All responses are my own.

- b. Do you believe it is appropriate for a nominee to answer my questions for the record with the verbatim answers of previous nominees who answered the same questions?

Response: I believe it is appropriate for a nominee to review prior responses that previous nominees have given. When a prior nominee's views are truthful, accurate, and consistent with those of the nominee, I do not believe it is inappropriate to answer in the same way as the prior nominee.

- c. Did you review the answers to my questions for the record submitted by previous judicial nominees before answering these questions?

Response: Yes.

- d. To your knowledge, are any of your answers to these questions for the record exact duplicates of answers provided by previous nominees?

Response: Answers requiring a “yes” or “no” answer are exact duplicates. Other answers which state a noncontroversial constitutional provision or statement of fact are not exact duplicates but may be substantially similar to answers given by prior nominees. The remaining responses are my work product.

- 4. 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 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.

- 5. In your Senate Judiciary Questionnaire, you note that President Trump called you on August 18, 2026, to inform you that he planned to nominate you to a judgeship.

- a. How long did the call last?

Response: According to the call log on my iPhone, the call lasted approximately one minute.

- b. What topics or issues were discussed?

Response: President Trump called me to inform me that he was nominating me to be a district judge for the District of Alaska. He offered his congratulations, and we briefly discussed my background and qualifications.

- c. Other than you and President Trump, did anyone else join the call? If so, who?

Response: No.

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

Response: Role models in the legal profession that I seek to emulate include the military officers I served under as a Judge Advocate in the United States Army who practiced law consistent with the finest military values and always emphasized doing the “hard right over the easy wrong.” In addition, the judges that I currently serve with are role models who have demonstrated their commitment to ethical behavior.

7. How would you describe your judicial philosophy?

Response: My judicial philosophy is anchored in the belief that judges must demonstrate intellectual humility and recognize that their role is limited to interpreting the law as it exists, not as the judge might want it to be or wish that it were. By practicing intellectual humility, judges promote confidence in the system by ensuring that all cases are decided on the facts and the law, that the law is consistently applied to all parties, and that the judge maintains his or her constitutional role as an adjudicator of live cases and controversies, and not a political actor deciding political questions.

8. 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: As a magistrate judge, when determining whether a right is fundamental and protected under the Fourteenth Amendment, it is my duty to faithfully apply binding Supreme Court and Ninth Circuit precedent. If confirmed to the district court, I will continue to do so.

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

Response: Yes. Consistent with binding precedent, one factor that I would consider is whether the right is expressly enumerated in the Constitution.

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. Consistent with binding precedent, I would consider whether the right is deeply rooted in this nation’s history and traditions. Sources to consider in making this assessment have been articulated by the Supreme Court in *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 267 (2022), and *Washington v. Glucksberg*, 521 U.S. 702 (1997), and include the country’s history, legal traditions, practices, and whether the right is implicit in the concept of ordered liberty. In assessing whether a right is fundamental and protected under the Fourteenth Amendment I would faithfully follow binding Supreme Court and Ninth Circuit 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: Yes. I would consider whether a right has been previously recognized by the Supreme Court or Ninth Circuit. In this situation, the higher court's holding would be binding precedent, and I would faithfully apply that precedent. Precedent from other circuit courts of appeal would only be persuasive authority but would not be binding.

- d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent? If so, how does the existence of a similar right impact your analysis?

Response: Yes. I would consider whether a similar right has previously been recognized by the Supreme Court or circuit precedent. The recognition of a similar right can provide a relevant framework or parallel for consideration of the right at issue.

- e. What other factors would you consider?

Response: I would consider any other factors established in the relevant Supreme Court and Ninth Circuit case law in assessing whether a right is fundamental and protected under the Fourteenth Amendment. Among these factors is a careful description of the asserted fundamental liberty. *See Dep't of State v. Munoz*, 602 U.S. 899 (2024).

- 9. The 22nd Amendment states: "No person shall be elected to the office of the President more than twice."

- a. Was President Trump elected to the office of the President twice?

Response: Yes.

- b. If President Trump were elected again in 2028, how many times in total would he have been elected to the office of the President?

Response: Three.

- c. Is President Trump eligible to be elected President for a third term in 2028?

Response: No.

- 10. If Congress certifies a candidate as being the winner of a presidential election, does that mean that the candidate won the election? If not, what does it mean?

Response: If Congress certifies a candidate as being the winner of the presidential elections, it means that person has been elected President.

11. At your hearing, Senator Blumenthal asked you who won the 2020 election. You agreed with fellow nominee Daniel Ballou's response that "Joe Biden was certified the winner of the 2020 election."

- a. In advance of the hearing, did you prepare a potential answer or set of answers to question(s) you might receive related to who won the 2020 election? If so, what information or sources did you use to develop your answer(s)?

Response: Prior to my hearing, I watched many hours of past hearings. I also reviewed prior opinions I had written, and conducted independent research and study of constitutional law, criminal law, civil procedure, and other areas that I thought would help me to prepare. I prepared for my confirmation hearing in much the same way as I would prepare for any court hearing over which I preside, or as I would have prepared for any trial or oral argument.

- b. Prior to the hearing, did anyone instruct, suggest, imply, or otherwise represent that you should avoid directly answering questions about who won the 2020 election? If so, please explain. If not, please explain how you, without any outside input, made the decision to reply with who was *certified* the winner when asked about who *won* the 2020 election.

Response: No. At all phases of my preparation, I was instructed to provide truthful, factually accurate answers to the questions posed. I made the decision to reply with who was certified the winner of the 2020 election based on my desire to be factually accurate, legally precise, and to avoid any answer which might violate Canon 5 of the Code of Conduct for United States Judges.

- c. Do you believe that you would face any adverse professional consequences if you directly stated, during your hearing or otherwise on the record, that President Trump lost the 2020 election, or that President Biden won the 2020 election? Please explain.

Response: As a magistrate judge and judicial nominee, I am bound by Canon 5 of the Code of Conduct for United States Judges. My response to the question was a careful and accurate description of the results of the election and was consistent with my ethical obligations.

12. The *New York Times* reported that on March 25, 2026, President Trump stated the following at a National Republican Congressional Committee event: "The time has also come for Republicans to pass a tough new crime bill that imposes harsh penalties for dangerous repeat offenders, cracks down on rogue judges. We got rogue judges that are criminals. They are criminals, what they do to our country. The decisions that they hand down and hurt our country."

- a. Is it a crime for a judge to rule against President Trump’s desired outcome in a particular case?

Response: No. Beyond that, consistent with Canon 5 of the Code of Conduct for United States Judges, it would be inappropriate for me as a magistrate judge and judicial nominee to comment on these statements made by the President about potential legislation.

- b. Do you think that judges ruling against President Trump’s desired outcome should be “crack[ed] down on”?

Response: Consistent with Canon 5 of the Code of Conduct for United States Judges, it would be inappropriate for me as a magistrate judge and judicial nominee to comment on these statements made by the President about potential legislation.

- c. Is it possible for a judge’s decision to be correct, as a matter of fact and law, even if it differs from President Trump’s desired outcome?

Response: Yes. Judges are bound to interpret the law faithfully and to apply that law to the facts of the cases, irrespective of the parties or the outcome.

- d. Do you agree with President Trump that we need a “tough new crime bill” that “cracks down on rogue judges”?

Response: Consistent with Canon 5 of the Code of Conduct for United States Judges, it would be inappropriate for me as a magistrate judge and judicial nominee to comment on these statements made by the President about potential legislation.

- e. Do you think that rhetoric like the example quoted above could discourage a judge from ruling against President Trump’s desired outcome?

Response: See my response to Question 12(a).

- f. If you were confirmed and you ruled against President Trump’s desired outcome in a case, would you consider yourself a “rogue judge[]” and a “criminal[]”?

Response: If confirmed, I will faithfully interpret the law and apply that law to the facts of the case. Additionally, see my response to Question 12(a).

- g. Do you think statements like those made by President Trump quoted above make federal judges more or less safe?

Response: Consistent with Canon 5 of the Code of Conduct for United States Judges, it would be inappropriate for me as a magistrate judge and judicial

nominee to comment on these statements made by the President about potential legislation.

13. Under 28 U.S.C. § 455, “[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themselves] in any proceeding in which [their] impartiality might reasonably be questioned.” As a general matter, what criteria would you use when deciding whether to recuse yourself from a case?

Response: I will address all actual or potential conflicts in accordance with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws, ethics opinions, and practices governing conflicts of interest. It is important that the public have confidence in the judiciary. As such, I take my ethical obligations seriously and will take every reasonable measure to protect the reputation of the judiciary.

14. 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 adopted an amendment to supervision guidelines implementing certain parts of the bill; this amendment went into effect on November 1.

- 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.

- 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: In some cases, early termination can provide individuals with incentives to rehabilitate.

- 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: If confirmed, I will review applicable statutes and relevant guidance from the Sentencing Commission in making sentencing decisions.

15. If you had to determine whether it is appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: As with any case before me. I would determine the facts, consider the arguments of the parties, and apply the law and any applicable binding precedent to the facts. Consistent with Canon 3(A)(6) of the Code of Conduct for United States Judges, it would be inappropriate for me as a magistrate judge and judicial nominee to opine further on this scenario.

16. Do you agree that the constitutional right to travel across state lines is fundamental and well established?

Response: Yes. The Supreme Court has held that the constitutional right to travel is fundamental. *See, e.g., Crandall v. Nevada*, 73 U.S. 35, 48-49 (1868) (“[O]ne people, with one common country ... members of the same community must have the right to pass and repass throughout every part without interruption.”); *United States v. Guest*, 383 U.S. 745, 757 (1965) (right to interstate travel is “fundamental to the concept of our Federal Union”); *Saenz v. Roe*, 526 U.S. 489 (1999) (“[T]he ‘constitutional right to travel from one State to another’ is firmly embedded in our jurisprudence.” (quoting *Guest*, 383 U.S. at 757)). As a magistrate judge, it is my duty to faithfully apply these binding precedents, and if confirmed to the district court I will continue to do so.

- a. If you had to determine whether it is constitutional for a state to restrict the interstate travel of its citizens, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: I would apply the precedents described above, as well as any additional cases that are relevant to the issues presented by the parties, to the facts of the case. Consistent with Canon 3(A)(6) of the Code of Conduct for United States Judges, it would be inappropriate for me as a magistrate judge and judicial nominee to opine further on this scenario.

17. Do you believe that the Constitution protects a fundamental right to privacy?

Response: The Supreme Court has held in several cases that the Constitution does include a fundamental right to privacy. *See Obergefell v. Hodges*, 576 U.S. 644 (2015); *Lawrence v. Texas*, 539 U.S. 558 (2003); *Zablocki v. Redhail*, 434 U.S. 374 (1978); *Eisenstadt v. Baird*, 405 U.S. 438 (1972); *Griswold v. Connecticut*, 381 U.S. 479 (1965). As a magistrate judge it is my duty to faithfully apply these binding precedents, and if confirmed to the district court I will continue to do so.

- a. Do you agree that that right 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 the Constitution protects a woman's right to use contraceptives. *See Eisenstadt v. Baird*, 405 U.S. 438 (1972); *Griswold v. Connecticut*, 381 U.S. 479 (1965). As a magistrate judge it is my duty to faithfully apply these binding precedents, and if confirmed to the district court I will continue to do so.

18. What specific method of analysis do you apply when interpreting constitutional provisions?

Response: As a magistrate judge I have strived to set aside all personal preferences when deciding the matters before me and have worked hard to ensure that all decisions made by me are squarely grounded in the facts and law. When deciding the meaning of a constitutional provision as a matter of first impression, I interpret the provision consistent with the methods employed by the Supreme Court and Ninth Circuit. The Supreme Court has used the public's original understanding of the Constitution to determine its meaning. *See, e.g., Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 267 (2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008). However, if the constitutional provision has been interpreted by the Supreme Court or Ninth Circuit, I am, and would continue to be if confirmed, bound by that precedent.

- a. Why do you apply this method of analysis? On what grounds do you conclude this method is the correct one to apply?

Response: By adhering to the original public meaning, the Supreme Court anchors its decisions in the text of the Constitution and avoids engaging in changing policy debates that our constitutional system leaves to the elected branches. This method is preferred because it best captures the intent of the people and promotes consistent application of the law.

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

Response: The Supreme Court has held that the Due Process Clause of the Fifth Amendment applies to "all 'persons' within the United States, including aliens, whether their presence here is unlawful, temporary, or permanent." *Zadvydas v. United States*, 533 U.S. 678, 693 (2001). Consistent with Canon 3(A)(6) of the Code of Conduct for United States Judges, it would be inappropriate for me as a magistrate judge and judicial nominee to opine further on this scenario.

20. What was the holding of the Supreme Court's ruling in *Trump v. Barbara*? Will you faithfully apply that precedent if confirmed?

Response: In *Trump v. Barbara*, 609 U.S. ____ (2026), the Supreme Court held that children born in the United States to parents subject to the jurisdiction of the United States are citizens at birth under the Fourteenth Amendment. As a magistrate judge it is my duty to faithfully apply binding precedent, and if confirmed to the district court I will continue to do so.

21. Should you be confirmed, what would you do if a party refuses to comply with one of your orders?

Response: As a magistrate judge, I expect all parties to abide by my orders, and I would continue to do so if I am confirmed. If a party disagrees with an order, I would expect the party to proceed in a way that is consistent with the law and rules of procedure by requesting reconsideration, a stay or deferral of entry of the order, or appealing to a higher court. In extremely limited circumstances, it may be necessary for a litigant to defy a court order in order to appeal. See *Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). Noncompliance with a court order may also be excused in the very rare scenario where compliance with that order is impossible. See *Shillitani v. United States*, 384 U.S. 364, 371 (1966). However, in situations where a party's disobedience of a court order was not excusable, a court may consider show cause orders, sanctions, or contempt. In every instance a court's response should be consistent with the law and binding precedent, proportionate to the violation, and limited to what is necessary to ensure compliance and deter future violations.

22. What facts, circumstances, and authoritative precedent would you use to determine whether a party was engaging in abusive litigation tactics, such as excessive discovery requests, repeatedly or frivolously filing motions, or other procedural delays?

Response: In determining whether a party was engaging in abusive litigation tactics, I would consider the specific conduct at issue in the context of the entire record and apply the specific law, rule of procedure, or local court rule at issue.

- a. If you determined that a party was engaging in such tactics, how would you address it?

Response: I would provide the party notice and an opportunity to address the potential violation or to be heard. If I found that a party had violated a rule of procedure, I would consider an appropriate sanction to address the misconduct and to deter future violations.

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

Response: Judges should apply the facts of a case to the law and should avoid consideration of the practical consequences of their rulings unless the law or binding precedent requires such consideration. See, e.g., *Ramos v. Louisiana*, 590 U.S. 83, 122 (2020) (Kavanaugh, J., concurring) (identifying as a factor for overruling precedent

whether a decision has caused “significant negative jurisprudential or real-world consequences”); *see also Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7 (2008) (including irreparable harm and the balance of equities as factors when considering an injunction); Fed. R. Evid. 403 (excluding relevant evidence when its admission would, among other factors, result in “undue delay, wasting time, or needlessly presenting cumulative evidence”).

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

Response: A judge’s legal opinions should be based on the facts in the record before them and the application of the law to those facts. A judge’s life experience should play no role in this process..

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

Response: A judge’s obligation is to decide every case impartially, without fear or favor, and consistent with the sworn oath to uphold the Constitution. In performing this role, a judge should ensure that all parties are heard and are able to fully present their case. The ability to understand the feelings of others may also be important in fulfilling the court’s statutory obligation to ensure that victims have a reasonable opportunity to be heard in any criminal case. However, ultimately a judge’s decision must be based on facts and the application of the law to those facts.

26. What case or legal matter are you most proud of having worked on during your career?

Response: I am most proud of working on the dozens of sex trafficking and child exploitation cases I prosecuted as an Assistant United States Attorney between 2007 and 2021. Working alongside dedicated federal agents and local law enforcement officers, I was able to play a small part in keeping my community safe and securing justice for victims of horrible crimes. I took genuine satisfaction in the positive impact that my cases had. In the cases I prosecuted, I always thought about the defendant’s victims, and how our prosecution would hopefully be a positive step in their lifelong recovery. I also took pride in the fact that other young people never became victims of childhood sexual abuse because of the work that we did.

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

Response: I am familiar with other courts that have issued such standing orders and believe that it is a commendable practice that can promote the growth and development of junior lawyers. As a general matter, I would support all efforts to provide junior lawyers with opportunities to improve their advocacy skills. However, any such practice

must be balanced against the needs of the court and the impact such arguments would have on the docket and the timely disposition of cases.

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

Response: In addition to providing reasonable opportunities for junior lawyers to argue matters before me, I would attempt to demonstrate the same judicial temperament and patience shown to me when I was a young lawyer. As a young lawyer, I was fortunate to appear before military judges and district court judges who held me to the same high standard required of all attorneys and who expected excellence, but who also demonstrated patience and kindness when my inexperience obscured my arguments. If confirmed, I will also seek appropriate opportunities to engage with the local bar, including legal conferences and training sessions.

28. Discuss your proposed hiring process for law clerks.

Response: When hiring law clerks, I will solicit applications from individuals throughout the country who have a demonstrated interest in Alaska and with the unique legal issues district court judges preside over, including issues related to land use, resource development, tribal relations, and conservation, and who have a familiarity with the statutes specific to Alaska, including the Alaska Statehood Act, the Alaska Native Claims Settlement Act (ANCSA), and the Alaska National Interest Lands Conservation Act (ANILCA). I will hire the best-qualified individuals and will work to promote their professional development so that they emerge from their clerkship as better lawyers who are capable of continuing their careers with distinction.

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

Response: I will continue to work to provide an exemplary workplace for my law clerk and for anyone else who works with me in my chambers and in the district court. However, consistent with the Code of Conduct for United States Judges, it would be inappropriate for me as a magistrate judge and judicial nominee to comment on this issue.

29. Recently, 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 that 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: As a magistrate judge, I work hard to model appropriate behavior and to treat everyone in the courthouse with respect. I also ensure that those who work with me in my chambers are aware of their rights under the *Guide to Judiciary Policy*, Vol. 12, Ch. 2, and all other applicable national and Ninth Circuit policies, and their options for reporting workplace misconduct. I also encourage attendance at training sessions related to identifying and reporting workplace misconduct. I would continue to do this if confirmed to be a district judge.

- 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: If presented with workplace-related concerns, I would respond in accordance with the policies described in the *Guide to Judiciary Policy*, Vol. 12, Ch. 2, and the Ninth Circuit's Employment Dispute Resolution policy. Steps that I might take depend upon the circumstances of any matter that comes to my attention, but I would first ensure that any individual reporting misconduct is safe and protected from any further harm. I could then consult with the Ninth Circuit's Office of Workplace Relations for further guidance, as well as report the matter to the chief district judge or chief circuit judge, when appropriate.

- 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: See my response to Question 29(b).

30. Do you agree with me that the attack at the U.S. Capitol on January 6, 2021, was an insurrection? Why or why not?

Response: I condemn all acts of violence and vandalism, including the acts of violence against Capitol Police Officers and vandalism that occurred on January 6, 2021. The term "insurrection" has legal implications. *See* U.S. Const. amend. XIV, § 3. Consistent with Canon 3(A)(6) of the Code of Conduct for United States Judges, it would be inappropriate for me as a magistrate judge and judicial nominee to opine further.

- a. If you think this question would require you to express an opinion on "political" matters, as some judicial nominees have responded when asked this question, please explain why labeling the events of January 6, 2021, as either "an insurrection" or "not an insurrection" requires you to opine on a "political" matter.

Response: See my response to Question 30.

31. As you know, the President has the power under the Constitution to grant executive clemency relief. Even so, in your opinion, do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned? I am asking for your opinion about whether the pardons were prudent, not whether the President has the authority to issue them.

Response: The President has the power to “Grant Reprieves and Pardons for Offences against the United States[.]” U.S. Const. art. II, § 2, cl. 1. The Supreme Court has held that this power is entrusted “to the executive alone[.]” *United States v. Klein*, 80 U.S. 128, 147-48 (1872), and that the pardon power is “conclusive and preclusive[.]” *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 637-38 (1952) (Jackson, J., concurring). Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me to comment on an exercise of the President’s pardon power.

32. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021? Again, I know that the President has the power under the Constitution to grant executive clemency relief. I want to know whether you—if serving as President on January 20, 2025—would have chosen to issue pardons to those convicted of assaulting law enforcement officers at the Capitol on January 6, 2021.

Response: See my response to Question 31.

Questions for the Record for Justice Kyle Frederick Reardon
Submitted by Senator Richard Blumenthal
September 23, 2026

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

Response: Pursuant to 28 U.S.C. § 455(a), a district judge must recuse “in any proceeding in which their impartiality might reasonably be questioned.” In the Ninth Circuit, this standard is an objective one that asks “[w]hether a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.” *United States v. Conforte*, 624 F.2d 869, 880 (9th Cir. 1980). Canon 3(C)(1) of the Code of Conduct for United States Judges also states that a “judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned[.]” In this instance, recusal can be waived but only after a full disclosure on the record of the basis for the conflict. As a magistrate judge I am subject to the recusal statute and bound by the canon and, if confirmed, I will continue to abide by them.

- 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: See my response to Question 1.

- 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: I spent the entirety of my legal career as a government lawyer, either serving in the United States Army Judge Advocate General Corps or as an Assistant United States Attorney. For the past five years I have been a United States Magistrate Judge. I will not recuse myself simply by virtue of the fact that one of the parties is the United States. However, when a case involves a matter I personally worked on, I will recuse myself pursuant to the mandatory recusal provision at 28 U.S.C. § 455(b)(3) and Canon 3(C)(1)(b) and (e) of the Code of Conduct for United States Judges. As a magistrate judge I am subject to the recusal statute and bound by the canon and, if confirmed, I will continue to abide by them.

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

Response: See my response to Question 1.

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

Response: Except for the limited circumstances described in Canon 3(A)(4) of the Code of Conduct for United States Judges, which include *ex parte* communications 1) permitted by law; and 2) when required for scheduling, administrative, or emergency purposes, a judge should avoid *ex parte* communications in every instance, irrespective of the location or setting in which they might occur. As a magistrate judge I am bound by this canon and, if confirmed, I will continue to abide by it.

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

Response: See my response to Question 2.

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

Response: See my response to Question 2.

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

Response: Yes. Pursuant to Canon 3(A)(6) of the Code of Conduct for United States Judges, judges must refrain from making “public comment on the merits of [any] matter pending or impending in any court.” As a magistrate judge I am bound by this canon and, if confirmed, I will continue to abide by it.

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

Response: Yes.

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

Response: As a magistrate judge, I am subject to all applicable laws, regulations, and judicial canons relating to the receipt of gifts. I am also subject to Canon 2(A) of the Code of Conduct for United States Judges, which requires judges to act “at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” If confirmed, I will continue to abide by these laws, regulations, and canons.

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

Response: As a magistrate judge, I am subject to all applicable laws, regulations, and judicial canons relating to privately funded travel, hospitality, or entertainment that could create an appearance of impropriety or special access. I am also subject to Canon 2(A) of the Code of Conduct for United States Judges, which requires judges to act “at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” If confirmed, I will continue to abide by these laws, regulations, and canons.

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

Response: As a magistrate judge, I am subject to all applicable laws, regulations, and judicial canons relating to teaching, speaking, and writing activities. I am also subject to Canon 2(A) of the Code of Conduct for United States Judges, which requires judges to act “at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” If confirmed, I will continue to abide by these laws, regulations, and canons, and comply with all ethics requirements to ensure that these activities do not create conflicts of interest with my judicial duties.

- 4. The House Republican-authored budget reconciliation bill for Fiscal Year 2026 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: Consistent with Canon 5 of the Code of Conduct for United States Judges, it would be inappropriate for me as a magistrate judge and judicial nominee to comment on the merits of any proposed legislation. As noted in your question, the Supreme Court stated in *Ex parte Robinson*, 86 U.S. 505, 510

(1873), that the contempt power is “essential...to the administration of justice.” More recently, the Supreme Court has reiterated that “[c]ourts independently must be vested with the ‘power to impose...submission to their lawful mandates[.]’” *Int’l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 831 (1994) (quoting *Anderson v. Dunn*, 6 Wheat. 204, 227 (1821)). As a magistrate judge, it is my duty to faithfully apply binding Supreme Court precedent, and if confirmed to the district court I will continue 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: Consistent with Canon 5 of the Code of Conduct for United States Judges, it would be inappropriate for me as a magistrate judge and judicial nominee to express an opinion on the merits of any legislation limiting a court’s contempt power.

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

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

Response: Yes.

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

Response: Yes.

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

Response: As a magistrate judge, I expect all parties to abide by my orders. If a party disagrees with an order, the party may request reconsideration, a stay or deferral of entry of the order, or the party may appeal. Noncompliance with a court order may be excused in the very rare scenario where compliance with that order is impossible. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966). However, in situations where a party’s disobedience of a court order was not excusable, a court may consider show cause orders, sanctions, or contempt. In every instance a court’s course of action should be consistent with the law and binding precedent, proportionate to the violation, and limited to what is necessary to ensure compliance and deter future violations.

- 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: All parties appearing before the court are bound by the court's orders. As stated in my response to Question 5(a)(ii), if a party disagrees with an order the party may request reconsideration, a stay or deferral of entry of the order, or the party may appeal. Consistent with Canon 3(A)(6) of the Code of Conduct, it would be inappropriate for me as a magistrate judge and judicial nominee to comment further on what might occur were an executive branch official to refuse to comply with a court order.

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

Response: See my response to Question 5(b).

- d. What would make a court order unlawful?

Response: Assuming the matter is justiciable, the parties are properly before the court and have been provided notice and an opportunity to be heard, and the order does not compel a violation of the Constitution or an illegal act, I am unaware of anything that would make a court's order unlawful.

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

Response: If a party believes a court's order to be unlawful, the party should request reconsideration, a stay or deferral of entry of the order, or appeal to a higher court.

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

Response: In *extremely* limited circumstances, it may be necessary for a litigant to defy a court order in order to appeal. See *Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). In addition, as described above in my response to Question 5(a)(ii), noncompliance with a court order may also be excused in the very rare scenario where compliance with that order is impossible. See *Shillitani v. United States*, 384 U.S. 364, 371 (1966).

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

Response: No. I was in Anchorage, Alaska, on January 6, 2021.

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

Response: No.

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

September 16, 2026

Questions for Kyle Frederick Reardon (U.S. District Court for the District of Alaska)

1. The following are yes or no questions related to the 2020 election:

- a. According to Wisconsin's certified 2020 General Election results, did Joe Biden receive more than 19,000 votes more than Donald Trump?

Response: I am not personally familiar with the certified vote counts for any state in the 2020 election.

- b. According to Pennsylvania's certified 2020 General Election results, did Joe Biden receive more than 80,000 votes more than Donald Trump?

Response: See my response to Question 1(a).

- c. According to Georgia's certified 2020 General Election results, did Joe Biden receive more than 11,000 votes more than Donald Trump?

Response: See my response to Question 1(a).

- d. According to Arizona's certified 2020 General Election results, did Joe Biden receive more than 10,000 votes more than Donald Trump?

Response: See my response to Question 1(a).

- e. According to Nevada's certified 2020 General Election results, did Joe Biden receive more than 20,000 votes more than Donald Trump?

Response: See my response to Question 1(a).

- f. According to Michigan's certified 2020 General Election results, did Joe Biden receive more than 154,000 votes more than Donald Trump?

Response: See my response to Question 1(a).

- g. Setting aside the precise vote totals, do you accept that, according to each state's certified results, Joe Biden received more votes than Donald Trump in Wisconsin, Pennsylvania, Georgia, Arizona, Nevada, and Michigan in the 2020 General Election?

Response: See responses to Questions 1(a)-(f) above.

- h. Are you aware of any evidence that Joe Biden did not win more votes than Donald Trump in each of the states listed above? If so, please explain.

Response: See responses to Questions 1(a)-(f) above.

- 2. Some judicial nominees have stated that Joe Biden “legally” won the 2020 election or won the election “as a matter of law.” Setting aside any legal characterization: as a matter of fact, did Joe Biden win the 2020 presidential election?

Response: Pursuant to the procedure established by the 12th Amendment, President Biden received a majority of electoral college votes and served as President from January 20, 2021 until January 20, 2025.

- 3. Do you have any reason to believe that the outcome of any state’s presidential vote was impacted by irregularities or fraud? If so, please explain.

Response: Consistent with Canons 3(A)(6) and 5 of the Code of Conduct for United States Judges, as a magistrate judge and judicial nominee, it would be inappropriate for me to opine on this matter of political controversy.

- 4. On January 7, 2021, a joint session of Congress certified 306 electoral votes for Joseph Biden and 232 electoral votes for Donald Trump. Joe Biden received more votes than Donald Trump across 25 states, DC, and NE-02 in the 2020 election.

- a. Do you have any reason to believe that Congress was wrong to certify each state’s electoral votes?

Response: Pursuant to the procedure established by the 12th Amendment, President Biden received a majority of electoral college votes and served as President from January 20, 2021, until January 20, 2025. Consistent with the Code of Conduct for United States Judges, as a magistrate judge and judicial nominee, it would be inappropriate for me to comment on a co-equal branch’s execution of its Constitutional duties. *See* Code of Conduct for United States Judges, Canon 5.

- 5. On January 6, 2021, a mob attacked the United States Capitol and more than 140 law enforcement officers were assaulted. President Trump has repeatedly described that day as "a day of love."

- a. Do you believe that January 6, 2021 was a "day of love"?

Response: I condemn all acts of violence and vandalism, including the acts of violence against Capitol Police Officers and vandalism that occurred on January 6, 2021. Consistent with Canon 5 of the Code of Conduct for United States Judges, it

would be inappropriate for me as a magistrate judge and judicial nominee to comment on statements made by the President.

6. More than 60 federal and state lawsuits, including those presided over by judges appointed by Republican presidents, dismissed legal challenges to the 2020 presidential election results for lack of evidence, lack of standing, or lack of merit.
 - a. Do you have any reason to believe that any of those courts reached the wrong conclusion?

Response: Consistent with the Code of Conduct for United States Judges, as a magistrate judge and judicial nominee, it would be inappropriate for me to answer this question and evaluate the recent work of another court. *See* Code of Conduct of United States Judge, Canon 2(C). Furthermore, I am not aware of the current status of the case described in the question. To the extent any of them remain pending on appeal, answering this question would and may require me to make a statement about a pending or impending matter. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

- b. Do you have any reason to believe that any one of those judges -- many of whom were appointed by Republican presidents, including President Trump -- acted improperly or in bad faith in dismissing those challenges?

Response: See response to Question 6(a).

7. Have you ever, publicly or in an official capacity, questioned or disparaged: (i) the legitimacy of the 2020 presidential election results; (ii) Congress's certification of those results; or (iii) any federal or state court ruling rejecting legal challenges to those results? If so, please explain.

Response: No.

8. To the extent you would decline to answer any election-related question on the ground that the 2020 result is a "subject of political debate," please identify what you believe remains genuinely debatable about whether Joe Biden received more votes than Donald Trump in the states at issue, given that those results were certified by the responsible state officials and upheld in more than sixty state and federal proceedings.

Response: Elected officials from both parties continue to make statements about the 2020 election. As a magistrate judge and judicial nominee, it would be inappropriate for me to make any statements that assess the validity of these statements. *See* Code of Conduct for United States Judges, Canon 5.

9. Do you believe in a constitutional right to privacy? If so, please explain the constitutional basis for that right.

Response: The Supreme Court has held in several cases that the Constitution does include a fundamental right to privacy. *See Obergefell v. Hodges*, 576 U.S. 644 (2015); *Lawrence v. Texas*, 539 U.S. 558 (2003); *Zablocki v. Redhail*, 434 U.S. 374 (1978); *Eisenstadt v. Baird*, 405 U.S. 438 (1972); *Griswold v. Connecticut*, 381 U.S. 479 (1965).

- a. Do you believe that *Griswold v. Connecticut* was correctly decided?

Response: *Griswold v. Connecticut* is binding Supreme Court precedent. It is generally inappropriate to opine on whether binding precedent from a higher court is correct. As a magistrate judge it is my duty to faithfully apply binding Supreme Court and Ninth Circuit precedent, and if confirmed to the district court I will continue to do so.

10. What judges or justices would you consider foundational to your judicial philosophy, and why?

Response: I would consider Judge Greg Hollows foundational to my judicial philosophy. I clerked for Judge Hollows. Since becoming a judge I have tried to model his fidelity to the law, diligence, and judicial temperament. In addition, Judge Hollows practiced what I believe to be essential for a good judge – intellectual humility. Judges do not know everything. By practicing intellectual humility, Judge Hollows promoted confidence in the system by ensuring that all cases were decided on the facts and the law, that the law was consistently applied to all parties, and that the judge maintained their constitutional role as an adjudicator of live cases and controversies, and not a political actor deciding political questions.

11. If confirmed, cases involving reproductive rights -- including access to abortion, contraception, and assisted reproductive technology -- may come before you. Do you believe that individuals have any constitutionally protected right to make reproductive healthcare decisions? Please explain.

Response: To the extent the question seeks an opinion as to how I might rule in a future case involving reproductive rights, it would be inappropriate for me to answer. *See* Code of Conduct for United States Judges, Canon 3(A)(6). As a magistrate judge it is my duty to faithfully apply binding Supreme Court and Ninth Circuit precedent, and if confirmed to the district court I will continue to do so.

12. Judicial clerkships serve several important professional roles. They are a meaningful opportunity for recent law graduates to learn from an experienced mentor, and they serve as an important -- and often necessary -- step toward the highest levels of our legal profession. Too often, students from diverse backgrounds are overlooked for these opportunities despite equivalent qualifications.

- a. Do you believe that diversity at all levels of the federal judiciary is important? Please explain your view.

Response: Well-qualified individuals from all backgrounds should have the opportunity to compete for jobs in the federal judiciary. The selection of any individuals for positions within the federal judiciary should be based on merit alone. No one should ever be denied consideration on the basis of any protected characteristic.

- b. When selecting your law clerks, will you commit to considering qualified applicants from a broad range of backgrounds, including candidates from a variety of law schools, from varying socioeconomic circumstances, and of differing races, ethnicities, religions, gender identities, sexual orientations, and abilities?

Response: I am committed to seeking out and considering application from well-qualified individuals regardless of their backgrounds. I will hire based on merit and an individual's ability to do the difficult and challenging work that is required of a law clerk.

- c. Please describe how you plan to find and hire law clerks. Will you consider candidates from various law schools and backgrounds, including first-generation lawyers?

Response: If confirmed, I anticipate that I will solicit applications from well-qualified individuals through a variety of forums, including OSCAR, the District of Alaska webpage, and the Alaska Bar Association website.

- d. Will you make your clerkship hiring criteria and application process transparent and accessible to applicants who lack the networks or institutional connections that often drive clerkship hiring?

Response: Yes.

- e. If confirmed, how will you personally ensure diversity among your law clerk classes?

Response: If confirmed, I will hire based on merit and an individual's ability to do the difficult and challenging work that is required of a law clerk.

13. I want to give you an opportunity to discuss your views on the 22nd Amendment.

- a. What does the 22nd Amendment state?

Response: The 22nd Amendment read as follows:

Section 1 - No 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. But this Article shall not apply to any

person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2 - This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

- b. Under the text of that amendment, is there any basis on which an individual who has already been elected President twice could lawfully be elected to a third term?

Response: No.

- c. Donald Trump was elected President in 2016 and again in 2024. How many times has Donald Trump been elected President?

Response: Pursuant to the procedure established by the 12th Amendment, President Trump received a majority of electoral college votes following the 2016 and 2024 elections. President Trump has been elected President twice for the purposes of the 22nd Amendment.

- d. Are you aware of any provision of the Constitution, federal statute, or judicial precedent that would permit Donald Trump to be elected to a third term?

Response: No.

- e. If a case came before you challenging the eligibility of any individual to appear on a presidential ballot in violation of the 22nd Amendment and you concluded a candidate was ineligible under that amendment, would you have any hesitation in ruling against them regardless of that individual's political standing or the political consequences of your decision?

Response: If a case came before me as described, I would faithfully apply the 22nd Amendment, any applicable statute, and binding Supreme Court and Ninth Circuit precedent, regardless of any party's political standing or the political consequences of my decision.

14. If confirmed, cases involving discrimination claims brought by LGBTQ+ individuals under Title VII or other federal civil rights statutes may come before you. Will you commit to treating these individuals with dignity by ensuring that your courtroom is a forum where all LGBTQ+ litigants, witnesses, and counsel are addressed respectfully -- including by use of their correct name and gender identity -- and where their claims receive the same full and fair consideration afforded to all parties?

Response: As I have done for the past five years as a magistrate judge, if confirmed to the district court, I will treat all parties who appear before me with dignity and respect. I will also continue to ensure that all parties' claims receive full and fair consideration.

15. Do you believe that individuals in immigration removal proceedings, including those who entered the United States without authorization, are entitled to the due process protections guaranteed under the US Constitution? Please explain.

Response: The Supreme Court has held that the Due Process Clause of the Fifth Amendment applies to "all 'persons' within the United States, including aliens, whether their presence here is unlawful, temporary, or permanent." *Zadvydas v. United States*, 533 U.S. 678, 693 (2001). As a magistrate judge it is my duty to faithfully apply this and all other binding precedents, and if confirmed to the district court I will continue to do so. To the extent the question seeks an opinion as to how I might rule in a future case, it would be inappropriate for me to answer. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

16. If confirmed, will you commit to ensuring that every person who appears before you is treated with dignity and afforded the full protection of the Constitution and federal law regardless of their immigration status, national origin, or language?

Response: As I have done for the past five years as a magistrate judge, if confirmed to the district court, I will treat all parties who appear before me with dignity and afford them the full protection of the Constitution and federal law regardless of their immigration status, national origin, or language.

17. What recourse do you believe is available to a federal judge whose orders are not followed?

Response: In cases where a court's lawful order is not followed, a court may consider a show cause order, sanctions, or contempt. In every instance a court's course of action should be consistent with the law and binding precedent, proportionate to the violation, and limited to what is necessary to ensure compliance and deter future violations.

18. In the documents you provided the Senate Judiciary Committee, have you identified every publicly accessible -- or previously publicly accessible -- social media, blog, forum, or other online account that you have created, maintained, controlled, contributed to, or posted under, on any platform?

If not, please identify any publicly accessible social media, blog, forum, or other online account that you have created, maintained, controlled, contributed to, or posted under, on any platform. Please include any non-private (or any previously non-private) accounts on Twitter/X, Facebook, Instagram, LinkedIn, YouTube, TikTok, Truth Social, Substack, Reddit, any personal blogs or websites, or any comparable platforms. For each account, please state:

- a. the platform or service;
- b. the username, handle, screen name, and any display name associated with the account;
- c. the approximate dates the account was active;
- d. whether the account was maintained in your own name, under a pseudonym, or anonymously; and
- e. the account's current status (active, deactivated, deleted, or set to private).

Response: I have maintained a private social media account to communicate with family and friends. I have disclosed all responsive materials through my Senate Judiciary Questionnaire.

19. Since you were first under consideration for this nomination, have you deleted, deactivated, archived, restricted the visibility of, or removed content from any online account, or directed or requested that anyone do so on your behalf? If so, please identify the account and describe what was changed or removed and when.

Response: No.

20. Article III states that federal courts decide "cases" and "controversies."

- a. What do you look for when deciding whether a matter before you is actually a dispute constituting a "case" or "controversy?"

Response: The power of the district court "extend[s] to all Cases, in Law and Equity, arising under the Constitution [and] the Laws of the United States[.]" U.S. Const., art. III, § 2. Accordingly, in determining whether a matter met the "cases and controversy" standard, the court should assess whether there an injury-in-fact and ensure the matter is ripe and not moot. There must also be an actual dispute between adverse litigants and the matter should not address a political question.

- b. What harms could arise if a court were to decide a dispute that fails to meet the case-or-controversy requirement?

Response: Courts deciding cases that fail the case-or-controversy requirement are acting outside the scope of their constitutional powers.

- c. If neither party raises that requirement — even if both parties are satisfied with their positions or purported settlement agreements — does a judge still have an independent obligation to ensure that any case before them meets all constitutional requirements?

Response: Courts have an obligation to ensure that they are operating within the scope of their constitutional powers.

- d. What recourse is available to a judge who concludes the parties before them are not adverse as constitutionally required?

Response: Courts have an obligation to ensure that they are operating within the scope of their constitutional powers and can take any action authorized by the Constitution, statute or an appropriate federal rule, and consistent within binding Supreme Court and Ninth Circuit precedent to address any violations of the case-or-controversy requirement. To the extent the question seeks an opinion as to how I might rule in a future case, it would be inappropriate for me to answer further. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

21. You are nominated to a seat that has been vacant since Judge Joshua Kindred resigned in 2024. Judge Kindred resigned following a finding that he had created a hostile work environment, engaged in an inappropriate sexual relationship, and lied to investigators about his behavior.

- a. If confirmed will you commit to informing each incoming clerk how to report misconduct?

Response: Yes.

- b. Will you commit to reporting any sexual harassment you become aware of in any of your colleagues' chambers?

Response: If presented with workplace-related concerns, I would respond in accordance with the policies described in the *Guide to Judiciary Policy*, Vol. 12, Ch. 2, and the Ninth Circuit's Employment Dispute Resolution policy. Steps that I might take depend upon the circumstances of any matter that comes to my attention, but I would first ensure that any individual reporting misconduct is safe and protected from any further harm. I could then consult with the Ninth Circuit's Office of Workplace Relations for further guidance, as well as report the matter to the chief district judge or chief circuit judge, when appropriate.

- c. Will you commit to creating and maintaining a workplace that maintains professional standards and boundaries?

Response: Yes.

22. You wrote in your Questionnaire that since joining the bench you have expanded the District of Alaska's civics education program, bringing high school students "from all backgrounds into the courthouse to learn about the Constitution, federal law, and judicial careers."

- a. Do you agree that it matters for public confidence in the courts that young people from every background see a judicial career as something available to them?

Response: Yes. As part of the District of Alaska's civics education program, I have worked with my staff and the Clerk of Court to provide access to our program to all interested parties regardless of their background.

- b. You serve on the Alaska Bar Association's Law Related Education Committee, which helps to run and sponsor the "Color of Justice" program. This program is designed to encourage diverse young people to consider careers as lawyers and judges. Do you support that work, and if so, why?

Response: I support providing individuals from every background with the opportunity to learn about legal careers and have worked hard during my time as a magistrate judge to promote civics education at every opportunity and through every available forum.

23. During your confirmation hearing, Senator Blumenthal asked whether the U.S. Capitol was attacked on January 6, 2021. Judge Ballou, a sitting Kentucky state circuit court judge, answered first: "I did watch enough to see it certainly appeared like there were people attacking the Capitol. When you're slinging around barriers, breaking glass and punching cops ... it appeared like some people were attacking the Capitol."

After Judge Ballou's answer, you stated that you instead agreed with only Judge Bennett's subsequent answer. Judge Bennett had asserted that "characterizing it as an attack, I believe, weighs into a matter of political controversy, and it's inappropriate for me to comment on that under the canons."

- a. Which specific canon of the Code of Conduct for United States Judges do you believe barred you from answering whether the Capitol was attacked?

Response: The question of whether the events of January 6, 2021, were an "attack" have become a matter of political controversy. Accordingly, I believe it was appropriate for me to join Judge Bennett's response pursuant to Code of Conduct for United States Judges, Canon 5.

- b. Do you believe Judge Ballou's answer was inconsistent with the canons of judicial ethics? If not, explain why the canons barred you from giving the same answer.

Response: It would be inappropriate for me to opine on the merits of any answer given by another nominee.

Questions for the Record

Kyle Reardon – Nominee to be United States District Judge for the District of Alaska
Sen. Adam Schiff (D-CA)

1. How would you define public corruption as a matter of federal law?

Response: “Public corruption” is a general term that encompasses a wide range of conduct, including that individual’s abuse of a position of public trust through bribery, extortion under color of official right, and honest services fraud.

- a. If one of your law clerks used their position to give or steer money to their friends, would you consider that public corruption?

Response: Because the definition of public corruption depends on the context, I would evaluate the relevant facts and law before making such a determination

2. Do you agree that Article III Courts are courts of limited subject-matter jurisdiction?

Response: Yes.

- a. Describe the Article III cases and controversies requirement.

Response: The power of the district court “extend[s] to all Cases, in Law and Equity, arising under the Constitution [and] the Laws of the United States[.]” U.S. Const., art. III, § 2. Accordingly, in determining whether a matter met the cases and controversy requirement, the court should assess whether there is any injury-in-fact and ensure the matter is ripe and not moot. There must also be an actual dispute between adverse litigants and the matter should not address a political question.

- b. Are federal courts limited to cases and controversies where the parties have adverse legal interests?

Response: As the Supreme Court has written, “[t]he ‘judicial power...is the right to determine actual controversies arising between adverse litigants, duly instituted in courts of proper jurisdiction.’” *Muskrat v. United States*, 219 U.S. 346, 361 (1911).

- c. Would a lawsuit where the plaintiff and defendant are the same individual be frivolous?

Response: Under the Code of Conduct for United States Judges, it would be inappropriate for me, as a magistrate judge and judicial nominee, to opine on this issue.

- d. How does the legal profession typically respond to frivolous lawsuits?

Response: Generally, frivolous lawsuits are dismissed at some point in their litigation. For any complaint filed by a pro se plaintiff or prisoner, federal law requires screening prior to service on the opposing party. *See* 28 U.S.C. §§ 1915, 1915A. These complaints can be dismissed with or without prejudice as part of this screening process. Frivolous complaints filed by all other parties are generally dismissed prior to the commencement of discovery pursuant to a motion made by the opposing party under Federal Rule of Criminal Procedure 12(b) because the complaint fails to abide by the jurisdictional requirements of federal court or fail to state a claim upon which relief may be granted.

3. How would you describe your judicial philosophy?

Response: My judicial philosophy is anchored in the belief that judges must demonstrate intellectual humility. By practicing intellectual humility, judges promote confidence in the system by ensuring that all cases are decided on the facts and the law, that the law is consistently applied to all parties, and that the judge maintains their constitutional role as an adjudicator of live cases and controversies, and not a political actor deciding political questions.

4. How would you describe your philosophy regarding statutory interpretation?

Response: My philosophy regarding statutory interpretation is to apply the original public meaning to the text. By adhering to the original public meaning, a court anchors its interpretation and any resulting judicial opinion in the text of the statute, which most fully captures the will of the people at the time of the law's enactment. This method of interpretation allows the court to remain within its constitutional lane and prevents judges from becoming political actors. As a magistrate judge I set aside all personal preferences when deciding the matters before me and have worked hard to ensure that all decisions made by me are squarely grounded in the facts and law. If confirmed, I would continue to interpret the Constitution and laws consistent with the methods employed by the Supreme Court and Ninth Circuit when those courts consider constitutional and statutory provisions and would continue to faithfully apply precedent.

- a. What methodology do you use to ensure your rulings are predictable and properly constrained within the bounds of the law?

Response: See my response to Question 4.

5. When confronted with an ambiguous statute, how do you consider legislative history in your decision-making process?

Response: The use of legislative history is generally not the preferred method of statutory interpretation and should be used only when a statute's meaning is ambiguous and other canons of statutory construction do not provide a clear result of a statute's meaning. *See*

Exxon Mobil Corp. v. Allapattah Servs., 545 U.S. 546, 549 (2005); *see also Reed v. Town of Gilbert*, 576 U.S. 155, 166 (2015) (listing cases where legislative was part of statutory interpretation).

6. How do you define judicial activism?

Response: Judicial activism is a legal philosophy that views the Constitution as a living document and supports the belief that courts can and should go beyond the letter of the law to consider broader societal implications, protect individual rights, and correct perceived injustices.

7. Supreme Court Justice Clarence Thomas has argued that a judge has a constitutional duty to overrule past Supreme Court precedent if it is “demonstrably erroneous,” regardless of *stare decisis*.

a. Do you agree with this argument? Why or why not?

Response: It would be inappropriate for me to comment on the standards the Supreme Court should apply when overruling precedent. As a magistrate judge it is my duty to faithfully apply Supreme Court and Ninth Circuit precedent, and if confirmed to the district court I will continue to do so.

b. If you do agree, what factors would you consider to determine if precedent is “demonstrably erroneous”?

Response: See my response to Question 7(a).

c. What is your approach to considering *stare decisis*?

Response: *Stare decisis* is a foundational legal principle that obligates courts to follow precedent when making a ruling on a similar case. As a magistrate judge it is my duty to faithfully apply binding Supreme Court and Ninth Circuit precedent, and if confirmed to the district court I will continue to do so.

8. At your Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you which candidate won the 2020 election. You responded that Joe Biden was certified by the Electoral College but refused to say which candidate won the election as a matter of fact.

a. As a matter of fact, which of the two general election candidates lost the 2020 election?

Response: Pursuant to the procedure established by the 12th Amendment, President Biden received a majority of electoral college votes and served as President from January 20, 2021, until January 20, 2025.

- b. As a matter of fact, which of the two general election candidates lost the 2024 presidential election?

Response: Pursuant to the procedure established by the 12th Amendment, President Trump received a majority of electoral college votes and began serving as President on January 20, 2025.

- c. As a matter of fact, did Donald Trump lose the 2020 election? Yes or no.

Response: See my response to Question 8(a).

- d. Aside from the Electoral College and the certification of the election, who received the most recorded votes in the 2020 presidential election?

Response: I do not have personal knowledge of the votes of the 2020 presidential election. Additionally, see my response to Question 8(a).

- e. Who won the majority of the electoral college votes in the 2020 presidential election?

Response: See my response to Question 8(a).

- f. Do you have any doubts about the outcome or integrity of the 2020 presidential election results?

Response: Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a magistrate judge and judicial nominee, to publicly comment upon a matter of political controversy.

9. At your Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you whether the U.S. Capitol was attacked on January 6, 2021. You refused to describe the events on January 6, 2021, as an attack on the U.S. Capitol.

- a. Was there violence at the U.S. Capitol on January 6, 2021?

Response: Yes.

- b. If yes, what violence are you aware of that occurred on January 6, 2021, at the U.S. Capitol? Please list any events that you recall reading about, watching, or seeing in subsequent media reports.

Response: I watched on television and am aware through media reports that acts of violence were committed against Capitol Police officers.

- c. What level of violence would constitute an “attack” in your view? Do you consider the actions taken against law enforcement officers on January 6th at the U.S. Capitol to constitute an “attack”?

Response: The legal definition of “attack” depends upon the context in which it is used. Consistent with Canons 3(A)(6) and 5 of the Code of Conduct for United States Judges, it would be inappropriate for me as a magistrate judge and judicial nominee to comment further on what level of violence would constitute an “attack.”

10. At your Senate Judiciary Committee nomination hearing, you answered Senator Blumenthal’s questions about the 2020 presidential election and the January 6, 2021, attack on the U.S. Capitol with a response that was substantially similar, if not identical, to the responses of recent nominees.

- a. In preparing for your hearing and your written responses, did anyone, formally or informally, direct, advise, coach, suggest, or recommend how you should answer questions about the 2020 election and the January 6, 2021, attack on the U.S. Capitol? If so, who provided that guidance?

Response: Prior to my hearing, I watched many hours of past hearings. I also reviewed prior opinions I had written, and conducted independent research and study of constitutional law, criminal law, civil procedure, and other areas that I thought would help me to prepare. I prepared for my confirmation hearing in much the same way as I would prepare for any court hearing over which I preside, or as I would have prepared for any trial or oral argument. All answers at my hearing were my own.

As to my written responses, I drafted responses to these questions. The Department of Justice referred me to samples of previous nominee’s responses, which are publicly available, and provided general advice and limited feedback on my responses. I finalized my answers and authorized them to be submitted to the Committee. All responses are my own.

- b. In preparing for your hearing and your written responses, were you directed, encouraged, or advised to review the hearing testimony or written responses of previous nominees about the 2020 election and the January 6, 2021, attack on the U.S. Capitol? If so, who provided that guidance?

Response: See my response to Question 10(a).