

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Jason Daniel Manion

2. **Position:** State the position for which you have been nominated.

Commissioner, United States Sentencing Commission

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: The White House
 1600 Pennsylvania Avenue, N.W.
 Washington, District of Columbia 20500

Residence: Arlington, Virginia (temporary); Westlake, Ohio (permanent)

4. **Birthplace:** State year and place of birth.

1991, Walnut Creek, California

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2015 – 2017, Harvard Law School; J.D. (*cum laude*) received 2017

2014 – 2015, The Ohio State University Moritz College of Law; no degree conferred

2010, Thomas Edison State College; B.S.B.A. received 2010

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

May 2026 – present

The White House
1600 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20500
General Counsel and Senior Advisor, Task Force to Eliminate Fraud
On detail from the U.S. Attorney's Office for the Northern District of Ohio

January 2025 – April 2026
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20530
Counselor to the Attorney General (June 2025 – April 2026)
Counselor and Chief of Staff to the Associate Attorney General (January 2025 – June 2025)
On detail from the U.S. Attorney's Office for the Northern District of Ohio

2022 – present
United States Attorney's Office for the Northern District of Ohio
801 West Superior Avenue
Cleveland, Ohio 44113
Assistant United States Attorney
On detail to the U.S. Department of Justice and the White House since January 2025

2020 – 2022
Gibson, Dunn, and Crutcher
1700 M Street, N.W.
Washington, District of Columbia 20036
Associate Attorney

September 2020 – October 2020
Senator Ted Cruz
United States Senate Committee on the Judiciary
Dirksen Senate Office Building
Washington, District of Columbia 20510
Special Counsel

2019 – 2020
Honorable Eric E. Murphy
United States Court of Appeals for the Sixth Circuit
85 Marconi Boulevard
Columbus, Ohio 43215
Law Clerk

2018 – 2019
Ohio Attorney General
30 East Broad Street
Columbus, Ohio 43215
Simon Karas Fellow and Deputy Solicitor General

2017 – 2018
Honorable Alice M. Batchelder
United States Court of Appeals for the Sixth Circuit
143 West Liberty Street
Medina, Ohio 44256
Law Clerk

May 2017 – July 2017
United States Supreme Court
1 First Street, N.E.
Washington, District of Columbia 20543
Summer Assistant, Office of Legal Counsel

March 2017 – April 2017
Professor Philip Hamburger
Columbia Law School
435 West 116th Street
New York, New York 10027
Research Assistant

August 2016 – September 2016
Ohio Attorney General
30 East Broad Street
Columbus, Ohio 43215
Summer Law Clerk, Office of the Solicitor General

April 2016 – August 2016
Professor Charles Fried
Harvard Law School
1585 Massachusetts Avenue
Cambridge, Massachusetts 02138
Research Assistant

May 2016 – July 2016
Sidley Austin
1501 K Street, N.W.
Washington, District of Columbia 20005
Summer Associate

2010 – 2016
Self-Employed
No business address
Part-Time Internet Marketing Consulting

May 2015 – August 2015

Professors Christopher Walker & Guy Rub
The Ohio State University Moritz College of Law
55 West 12th Avenue
Columbus, Ohio 43210
Research Assistant

June 2015 – July 2015
Federal Trade Commission
400 7th Street Southwest
Washington, District of Columbia 20024
Legal Intern, Division of Privacy and Identity Protection

May 2015
Express Employment Professionals
140 East Town Street, Suite 1010
Columbus, Ohio 43215
Temporary Employee

2012 – 2014
Conversion Path
1105 Schrock Road, Suite 200
Columbus, Ohio 43229
Senior Internet Marketing Manager

2009 – 2012
CollegePlus (subsequently named Lumerit Education, now part of Pearson Education)
16414 San Pedro Avenue
San Antonio, Texas 78232
Internet Marketing Specialist

Other Affiliations (uncompensated)

September 2020
Article III Project
Post Office Box 26141
Alexandria, Virginia 22313
Member, Legal Advisory Board

2012 – 2018
Redeemed Vocational School
Fond Parisien, Haiti
Member, Board of Directors

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the United States Military. I have registered for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Next Generation Fellow, America First Legal (2026 – present)

New Assistant United States Attorney Award, United States Attorney's Office for the Northern District of Ohio (2023)

Antonin Scalia Fellow, The Public Interest Fellowship (2021)

John Marshall Fellow, The Claremont Institute for the Study of Statesmanship and Political Philosophy (2017)

James Wilson Fellow, The James Wilson Institute on Natural Rights and the American Founding (2017)

Degree from Harvard Law School conferred *cum laude* (2017)

Originalism Bootcamp Participant, Georgetown Law Center for the Constitution (2016)

Blackstone Legal Fellow, Alliance Defending Freedom (2015)

Arnold Fletcher Award, Thomas Edison State College (2010)

Sigma Beta Delta International Honor Society (2010)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (2017 – 2018)

Columbus Bar Association (2018 – 2020)

Federal Bar Association (2022 – 2025)

Judge John M. Manos Inn of Court (2024 – 2025)

Ohio State Bar Association (2014 – 2020, intermittent; 2020 – present)

10. **Bar and Court Admission:**

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Ohio, 2017 – present

District of Columbia, 2021 – present

There have been no lapses in membership.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 2024

U.S. Court of Appeals for the Third Circuit, 2025

U.S. Court of Appeals for the Sixth Circuit, 2018

U.S. Court of Appeals for the Seventh Circuit, 2025

U.S. Court of Appeals for the Tenth Circuit, 2022

U.S. Court of Appeals for the D.C. Circuit, 2025

U.S. District Court for the Northern District of Ohio, 2022

U.S. District Court for the Southern District of Ohio, 2025

U.S. District Court for the District of Columbia, 2025

There have been no lapses in membership.

11. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Article III Project Legal Advisory Board (September 2020)

The Federalist Society for Law and Public Policy Studies (2015 – present)

Member, D.C. Young Lawyers Chapter Steering Committee (2021 – 2022)

Member, Litigation Practice Group Executive Committee (2022 – 2025)

Member, Madison Club (2022 – present)

Member, Ohio Chapters Conference Planning Committee (2023 – 2025)

Harvard Journal of Law and Technology (2015 – 2017)

Editor (Fall 2015)

Article Editor (Spring 2016)
Citations Manager (2016 – 2017)

Harvard Journal of Law & Public Policy (2015 – 2017)
Senior Editor (2015 – 2016)
Executive Editor (2016 – 2017)

International Association of Privacy Professionals (2014 – 2022)

Redeemed Vocational School Board of Directors (2012 – 2018)

Republican National Lawyers Association (2018 – present, intermittent)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

I have done my best to identify and supply copies of all responsive materials. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

With Colleen Theresa Brown and Vivek K. Mohan, *FTC Hosts Fourth Start with Security Event in Chicago*, Sidley Austin Data Matters, June 24, 2016. Copy supplied.

Bloom Where You're Planted, Youth Challenge, June 24, 2011. Copy supplied.

I Timothy 4:12 – Practically Speaking, Youth Challenge, Feb. 27, 2011. Copy supplied.

Let No One Despise You..., Youth Challenge, Jan. 14, 2011. Copy supplied.

In addition to the posts listed above, I wrote some additional posts for the blog Youth

Challenge, including posts entitled "Free Crab Tomorrow," "The Response," "Walking Worthy...", and "The Curtain is Gone." I do not have copies of these posts, and these posts no longer appear to be available online.

In high school, I wrote two letters to the editor that were published in my local small-town newspaper, the Centerburg (Ohio) Gazette. As far as I am aware, these letters were never published on the internet, and my searches have not been able to locate any copies.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

c. Supply copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Letter to Hon. Chuck Grassley, Chairman and Hon. Richard Durbin, Ranking Member, Committee on the Judiciary, United States Senate, Letter of Support from Bipartisan Group of Appellate Lawyers Supporting the Nomination of Benjamin M. Flowers to the United States Court of Appeals for the Sixth Circuit (May 12, 2026). Copy supplied.

Letter to Hon. Chuck Grassley, Chairman and Hon. Richard Durbin, Ranking Member, Committee on the Judiciary, United States Senate, Letter of Support from Past and Present Simon Karas Fellows Supporting the Nomination of Mike Hendershot to the United States District Court for the Northern District of Ohio (Apr. 24, 2026). Copy supplied.

Letter to Hon. Chuck Grassley, Chairman and Hon. Richard Durbin, Ranking Member, Committee on the Judiciary, United States Senate, Letter of Support from Current or Former U.S. Department of Justice Officials Supporting the Nomination of Brian Lea to the United States District Court for the Western District of Tennessee (Dec. 12, 2025). Copy supplied.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

March 25, 2026, Panelist, "Ending Human Trafficking: An America First Priority," America First Policy Institute, Washington, D.C. Video available at <https://www.youtube.com/watch?v=acosiMTuvvA>.

January 15, 2026, Panelist, "Discussion on Federal Career Opportunities," Alliance Defending Freedom, Washington, D.C. The panel discussed opportunities for attorneys to serve in the federal government, particularly in career positions, and provided career advice. I have no notes, transcript, or recording. The address of the Alliance Defending Freedom is 440 First Street, N.W., Suite 600, Washington, District of Columbia 20001.

January 14, 2026, Speaker, Discussion on human trafficking, Conservative Political Action Conference Foundation Center for Combating Human Trafficking, Alexandria, Virginia. I attended as a representative of Attorney General Pamela Bondi and the United States Department of Justice. Notes supplied.

August 19, 2025, Participant, Roundtable on violent crime sponsored by Senator Moreno, Cincinnati, Ohio. I attended as a representative of Attorney General Pamela Bondi and the United States Department of Justice. Notes supplied.

June 19, 2025, Panelist, "The White House v. The Courthouse: Nationwide Injunctions and the Limits of Judicial Power," The Federalist Society Miami Lawyers Chapter, Miami, Florida. Notes supplied.

April 4, 2025, Introduction, "The Progressive Prosecution Problem," Federalist Society Ohio Chapters Conference, Columbus, Ohio. Video available at <https://www.youtube.com/watch?v=eZLEMLrGOB4>.

April 4, 2025, Introduction, "Young Lawyers Panel: Building a Legal Career in Ohio," Federalist Society Ohio Chapters Conference, Columbus, Ohio. I briefly introduced the panelists. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

November 12, 2024, Panelist, "SCOTUS Docket Review," Federalist Society Michigan Young Lawyers Chapter, Detroit, Michigan. Notes and PowerPoint presentation supplied.

November 12, 2024, Panelist, "SCOTUS Docket Review," Federalist Society University of Michigan Student Chapter, Ann Arbor, Michigan. Notes and PowerPoint presentation for this panel discussion supplied for the event listed immediately above.

April 12, 2024, Moderator, "Young Lawyers Breakfast Panel: Public Service in Columbus and D.C.," Federalist Society Ohio Lawyers Chapters, Columbus, Ohio. Outline supplied.

February 8, 2024, Panelist, "Ask Me Anything," the Appellate Project (virtual). The

panelists answered questions from law students about appellate careers in the federal government. I have no notes, transcript, or recording. The address of the Appellate Project is 1835 7th Street, N.W., Suite 194, Washington, District of Columbia 20001.

April 21, 2023, Introduction, "Breakfast Panel: Displaying Courage as Law Students and Young Lawyers," Federalist Society Ohio Lawyers Chapters, Columbus, Ohio. I briefly introduced the panelists. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

September 14, 2022, Speaker, "Supreme Court" class, University of Michigan Gerald R. Ford School of Public Policy, Ann Arbor, Michigan (virtual). Notes supplied.

July 5, 2022, Panelist, "Courthouse Steps Decision: *Oklahoma v. Castro-Huerta*," Federalist Society, online. Video available at <https://fedsoc.org/events/courthouse-steps-decision-oklahoma-v-castrohuerta>.

February 15, 2022, Moderator, "A Conversation with Judge Ho and Allyson Ho," Federalist Society D.C. Young Lawyers Chapter, Washington, District of Columbia. I moderated a discussion with Judge James Ho and Allyson Ho about their lives and careers and their advice for young lawyers. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

October 14, 2021, Introduction, "Reception with Judge Jeff Sutton," Federalist Society D.C. Young Lawyers Chapter, Washington, D.C. I briefly introduced Judge Sutton. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

April 15, 2021, Speaker, Career discussion with transfer students, Harvard Law School, Cambridge, Massachusetts (virtual). Notes supplied.

April 14, 2021, Panelist, Clerkship discussion with law students, The Ohio State University Moritz College of Law, Columbus, Ohio. Notes supplied.

March 25, 2021, Moderator, "Advancing Federalism in a State Solicitor General's Office," Federalist Society D.C. Young Lawyers Chapter and Columbus Lawyers Chapter (virtual). Outline supplied.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

In 2022, I provided a telephone interview with a reporter about the 2022 United States Senate race in Ohio. To the best of my recollection, no part of my interview was ultimately included in the story.

13. **Public Office, Political Activities and Affiliations:**

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

In 2025, I was appointed as a Counselor to the Attorney General by Attorney General Pamela Bondi.

In 2025, I was appointed to serve as Counselor and Chief of Staff to the Associate Attorney General by Acting Associate Attorney General Chad Mizelle.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Although I have never held a formal position in a political campaign, I served as an unpaid campaign volunteer for various Ohio statewide and Knox County Republican candidates during the 2006 general election; for the Patrick Johnston for State Representative (Dist. 94) campaign during the 2008 primary election; and for the Ohio statewide and Franklin County Republican candidates during the 2018 general election.

On November 3, 2020, I served as a volunteer participant in an Election Day legal "war room" coordinated by the Ohio Republican Party and the Donald J. Trump for President campaign in Ohio.

Finally, I served as a member of the Judicial Committee for the Republican Party of Cuyahoga County (Ohio) from April 2023 to January 2025.

14. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a law clerk to Judge Alice M. Batchelder on the U.S. Court of Appeals for the Sixth Circuit from 2017 to 2018. I served as a law clerk to Judge Eric E. Murphy on the same court from 2019 to 2020.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2018 – 2019

Ohio Attorney General

30 East Broad Street

Columbus, Ohio 43215

Simon Karas Fellow and Deputy Solicitor General

September 2020 – October 2020

Senator Ted Cruz

United States Senate Committee on the Judiciary

Dirksen Senate Office Building

Washington, District of Columbia 20510

Special Counsel

2020 – 2022

Gibson, Dunn, and Crutcher

1700 M Street, N.W.

Washington, District of Columbia 20036

Associate Attorney

2022 – present

United States Attorney's Office for the Northern District of Ohio

801 West Superior Avenue

Cleveland, Ohio 44113

Assistant United States Attorney

On detail to the U.S. Department of Justice and the White House since January 2025

2025 – 2026

United States Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, District of Columbia 20530

Counselor and Chief of Staff to the Associate Attorney General (January 2025 – June 2025)

Counselor to the Attorney General (June 2025 – April 2026)

On detail from the United States Attorney's Office for the Northern District of Ohio

May 2026 – present

The White House

1600 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20500
General Counsel and Senior Advisor, Task Force to Eliminate Fraud
On detail from the United States Attorney's Office for the Northern District of Ohio

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

My practice has had two main phases. In the first phase, I was a litigator, focusing primarily on appellate litigation. I did so in several settings, including in the Ohio Attorney General's office, in private practice at a large law firm in the District of Columbia, as a career federal prosecutor in a United States Attorney's Office, and in leadership offices at the United States Department of Justice. In these various roles, I handled dozens of civil and criminal appeals in appellate courts across the country (but primarily in the United States Supreme Court, the United States Court of Appeals for the Sixth Circuit, and the Ohio Supreme Court) and presented eighteen oral arguments (in the Sixth Circuit, the District of Columbia Circuit, the Ohio Supreme Court, and federal district courts in Ohio and the District of Columbia). In district courts, I also wrote law-intensive complaints, motions, briefs, and memoranda and assisted with various aspects of discovery and other pretrial matters in civil and criminal litigation matters.

In the second phase, I have held Executive Branch leadership roles. Beginning in January 2025, I served as Counselor and Chief of Staff to the Associate Attorney General; as Counselor to the Attorney General; and now as General Counsel and Senior Advisor for the White House Task Force to Eliminate Fraud.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

In the Ohio Attorney General's office, my clients were the State of Ohio and its departments, agencies, and employees in their official capacity. As an associate in private practice, my paid clients were primarily large corporations and my pro bono clients were individuals, a small business, churches, law professors, and cities. As an attorney for the United States Department of Justice, my clients were the United States and its departments, agencies, and employees in their

official capacity.

Currently, I am General Counsel and Senior Advisor for the White House Task Force to Eliminate Fraud, where I provide legal advice to policymakers in the White House and the Executive Branch.

For most of my legal career, I have not focused on any single substantive area. The cases and appeals I have litigated have spanned a broad spectrum, including administrative law, civil rights law, constitutional law, criminal law, data privacy law, defamation law, election law, energy law, federal and state habeas law, Indian law, national security law, the Second Amendment, and white-collar criminal law. But most of the cases and appeals that I litigated on my own were criminal cases and appeals during my service as an Assistant United States Attorney. And many of them involved my office's most complex criminal sentencing issues under the United States Sentencing Guidelines and various federal statutes. In particular, I litigated several cases and appeals, including one before the *en banc* United States Court of Appeals for the Sixth Circuit, about whether various Ohio state crimes qualified as "crimes of violence" under United States Sentencing Guideline § 4B1.2 or as "violent felonies" or "serious violent felonies" under similar federal sentence-enhancement statutes.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

My practice was almost 100% litigation until January 2025 and has been approximately 15% litigation since. I appeared in court frequently in my role as an Assistant United States Attorney (2022-2025), and occasionally before and after. Altogether, I have presented eighteen oral arguments in federal appellate courts, the Ohio Supreme Court, and federal district courts.

i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|-----|
| 1. | federal courts: | 90% |
| 2. | state courts of record: | 8% |
| 3. | other courts: | 2% |
| 4. | administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|-----|
| 1. | civil proceedings: | 25% |
| 2. | criminal proceedings: | 75% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

Most of my litigation practice has been as an appellate attorney, and I have not served as sole or chief counsel in any case tried to verdict or judgment in a trial court. However, as an Assistant United States Attorney and at the United States Department of Justice, I appeared in federal district courts on at least eight occasions and handled contested motions to dismiss in criminal cases, a preliminary injunction hearing in a civil case, and several contested Sentencing Guidelines issues at criminal sentencings.

i. What percentage of these trials were:

- | | | |
|----|-----------|------|
| 1. | jury: | N/A% |
| 2. | non-jury: | N/A% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

Earlier in my career, I maintained an active Supreme Court practice. To the best of my recollection, I drafted briefs, in whole or in part, in the following Supreme Court cases, although my name did not appear on every brief. I have not presented oral argument before the Supreme Court. Except as noted, copies supplied.

No. 15-9846, *Henderson v. Robinson* (not available from publicly available sources)

No. 16-965, *Jones v. Illinois*

No. 18-6044, *Beasley v. Ohio*

No. 18-6727, *Stojetz v. Shoop*

No. 18-7188, *Davis v. Marquis*

No. 18-9468, *Bonnell v. Shoop*

No. 20-1501, *Roman Cath. Diocese of Albany v. Lacewell*

No. 21-164, *Trs. of the New Life in Christ Church v. City of Fredericksburg, Va.*

No. 21-429, *Oklahoma v. Castro-Huerta*

No. 21-477, *Self v. Cher-Ae Heights Indian Cmty. of the Trinidad Rancheria*

Nos. 21A56 & 21-848, *Spire Mo. Inc. v. Env't Def. Fund*

No. 21-5592, *Ramirez v. Collier*

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Barnett v. Raoul*, Nos. 24-3060, 24-3061, 24-3062, and 24-3063 (7th Cir.) (Easterbrook, Brennan, & St. Eve, JJ.) (Representation: 2025 – 2026)

On behalf of the United States, I drafted (along with my co-counsel) an amicus brief supporting a challenge to an Illinois state statute that banned the possession of certain firearms and firearm attachments (including magazines and suppressors) that are in common use by law-abiding citizens for lawful reasons. We argued that these restrictions violated the Second Amendment and that an earlier panel's preliminary determination that the Illinois statute was likely constitutional because it applied only to "militaristic" firearms was incorrect because text, history, and precedent showed that legislatures may not ban a class of weapons on the ground that they are "militaristic." The Seventh Circuit has not yet issued its decision.

Co-counsel:

Chad Mizelle

Then-Acting Associate Attorney General, United States Department of Justice
7901 Fourth Street North
St. Petersburg, Florida 33702

Harmeet K. Dhillon

Jesus A. Osete
Civil Rights Division, United States Department of Justice
950 Pennsylvania Avenue Northwest
Washington, District of Columbia 20530
(202) 514-2000

Benjamin Mehr

Office of the Associate Attorney General, United States Department of Justice
950 Pennsylvania Avenue Northwest
Washington, District of Columbia 20530
(202) 514-2000

Opposing counsel

Sarah A. Hunger

Megan L. Brown

Illinois Attorney General's Office
115 South LaSalle Street
Chicago, Illinois 60603
(312) 814-3000

Counsel for additional parties

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Erin Murphy
Matthew Rowen
Nicholas A. Aquart
Clement & Murphy
706 Duke Street
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Swanson, Martin & Bell
330 North Wabash Avenue, Suite 3300
Chicago, Illinois 60611
(312) 923-8274

David G. Sigale
Law Firm of David G. Sigale
55 West 22nd Street, Suite 230
Lombard, Illinois 60148
(630) 452-4547

David Thompson
Cooper & Kirk
1523 New Hampshire Avenue, N.W.
Washington, District of Columbia 20036
(202) 220-9600

Thomas G. Maag
Peter J. Maag
Maag Law Firm
22 West Loreno Avenue
Wood River, Illinois 62095
(618) 216-5291

Carl D. Michel
Sean A. Brady
Michel & Associates
160 East Ocean Boulevard, Suite 200
Long Beach, California 90802
(562) 216-4444

Mark L. Shaw
Jennifer Craigmile Neubauer
Shaw Law

33 North County Street, Suite 300
Waukegan, Illinois 60085
(847) 244-4673

2. *Talbott v. United States*, No. 25-5087, 2025 U.S. App. LEXIS 32166 (D.C. Cir. Dec. 9, 2025) (Pillard, Katsas, & Rao, JJ.) (Representation: 2025 – 2026)

On behalf of the United State and various of its officials and agencies, I argued this motion for a stay pending appeal of the district court's preliminary injunction that enjoined United States military officials and agencies from implementing President Donald J. Trump's Executive Order No. 14183, Prioritizing Military Excellence and Readiness, which directed the United States military to establish new policies regarding the service of individuals with a history of gender dysphoria. *Talbott v. United States*, 775 F. Supp. 3d 283 (D.D.C. 2025). I also represented the same parties at the preliminary injunction hearing in the district court.

On appeal, I argued that the district court had given insufficient deference to the military's expert judgment that allowing individuals with a history of gender dysphoria to serve or remain serving in the military posed substantial risks and would undermine military readiness, disrupt unit cohesion, and impose an unreasonable burden on the military; that the district court had improperly substituted its contrary judgment for the military's expert judgment; and that the district court had improperly awarded universal relief. The stay panel agreed and stayed the district court's injunction in its entirety. A merits panel subsequently narrowed that relief. It affirmed the district court's injunction as to current military members with gender dysphoria but vacated the injunction in part to allow the military to apply its policies to individuals seeking to join the military. *Talbott v. United States*, 176 F.4th 720 (D.C. Cir. 2026).

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3. *United States v. Clay*, 162 F.4th 757 (6th Cir. 2025) (Gilman, Stranch, & Larsen, JJ.)
(Representation: 2023 – 2025).

On behalf of the United States, I briefed this trial and sentencing appeal defending the three jury convictions of, and the 51-month sentence that the district court imposed on, Kevin Clay, a fraudster who operated an extensive and expensive healthcare fraud pyramid scheme that involved paying people to obtain prescriptions for millions of dollars' worth of expensive and medically unnecessary compounded pain and scar creams. Clay also engaged in tax fraud to minimize the federal income taxes he would have to pay on his ill-gotten gains.

On appeal, Clay raised multiple challenges to his convictions, sentence, and restitution order. I argued that the Sixth Circuit should avoid reviewing Clay's trial challenge involving the jury instructions, reject his trial challenge involving agent testimony, and reject Clay's sentencing and restitution challenges. My colleague, then-Assistant United States Attorney Becky Lutzko, presented oral argument while I was on detail to the United States Department of Justice. The Sixth Circuit unanimously affirmed Clay's convictions but vacated his sentence and restitution order and remanded the case for further proceedings on both.

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4. *United States v. Cervenak*, 136 F.4th 311 (6th Cir. 2025) (en banc) (Representation: 2023 – 2025)

On behalf of the United States, I briefed and argued this sentencing appeal defending a 188-month prison sentence that the district court had imposed on a drug dealer whom the court classified as a “career offender” under U.S. Sentencing Guideline § 4B1.1. This career-offender designation was based on Cervenak’s previous convictions for “crimes of violence,” U.S.S.G. § 4B1.2, including an Ohio heroin-trafficking offense and an Ohio robbery offense (Ohio Rev. Code § 2911.02(a)(2)).

The panel majority initially held that Cervenak’s robbery conviction qualified as a crime of violence. *United States v. Cervenak*, 99 F.4th 852 (6th Cir. 2024). The Sixth Circuit subsequently granted *en banc* review and resolved an intra-circuit split of authority on when various Ohio robbery offenses qualify as crimes of violence under the Sentencing Guidelines. The *en banc* majority concluded that Cervenak’s robbery conviction did not qualify.

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5. *United States v. Bryant*, No. 23-3751, 2025 U.S. App. LEXIS 6728 (6th Cir. Mar. 21, 2025) (Stranch, Thapar, & Davis, JJ.);
United States v. Bryant, No. 24-3360, 2025 U.S. App. LEXIS 9929 (6th Cir. Apr. 23, 2025) (Sutton, C.J., Batchelder & Ritz, JJ.);
United States v. Drew, Nos. 23-3931 & 23-3932, 2025 U.S. App. LEXIS 9369 (6th Cir. Apr. 18, 2025) (Stranch, Thapar, & Davis, JJ.);
United States v. Fair, No. 23-3506, 2024 U.S. App. LEXIS 29382 (6th Cir. Nov. 19, 2024) (McKeague, Griffin, & Nalbandian, JJ.)
(Representations: 2023 – 2025)

On behalf of the United States, I briefed these four related trial and sentencing appeals arising out of the same 24-defendant drug-trafficking conspiracy case. The codefendants in these cases had sold large quantities of fentanyl and fentanyl analogues, along with other illegal drugs, in Cleveland, Ohio. This large-scale and lucrative drug-trafficking organization offered cheaper and higher-quality drugs than other local alternatives, and its members committed significant violence and inflicted other significant drug-related harms throughout northeast Ohio. Altogether, these four defendants received 1,404 months' (or 117 years') imprisonment for their crimes.

My merits briefs in these four appeals spanned nearly 250 pages and addressed over twenty trial and sentencing issues, including a dozen challenges to how the Sentencing Guidelines applied to these defendants. My colleague, Assistant United States Attorney Jim Lewis, presented oral argument in *United States v. Fair* while I was on detail to the United States Department of Justice. The Sixth Circuit unanimously and fully affirmed each conviction and sentence.

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6. *United States v. Erker*, 129 F.4th 966 (6th Cir. 2025) (Stranch, Thapar, & Murphy, JJ.) (Representation: 2023 – 2025).

On behalf of the United States, I briefed (along with my co-counsel) and argued this trial and sentencing appeal defending the twelve jury convictions of, and the 262-month sentence that the district court imposed on, Raymond Erker, a fraudster whom one of his victims described as “Cleveland’s own Bernie Madoff” after he operated a Ponzi scheme that defrauded more than 50 mostly elderly victims of more than \$9 million of their life savings.

On appeal, Erker raised multiple challenges to his convictions and sentence, and two issues presented by the case were issues of first impression in the Sixth Circuit. We argued that the Sixth Circuit should avoid deciding Erker’s two trial-related challenges and should reject his sentencing-related challenges. The Sixth Circuit unanimously affirmed Erker’s convictions and sentence but remanded to allow the district court to consider a sentence-reduction motion based on a retroactive Sentencing Guidelines amendment that had occurred while Erker’s case was on appeal.

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7. *United States v. Coy*, No. 22-3924, 2024 U.S. App. LEXIS 3497 (6th Cir. Feb. 14, 2024) (Boggs, White, & Thapar, JJ.) (Representation: 2022 – 2024)

On behalf of the United States, I briefed this sentencing appeal defending a 120-month prison sentence that the district court had imposed on a child predator who had engaged in a decades-long pattern of sexually abusing and exploiting young girls in northwest Ohio and elsewhere in the United States, including girls who were his close relatives and girls whose softball team he coached. At sentencing, the district court had applied a five-level enhancement under U.S. Sentencing Guideline § 2G2.2(b)(5) after finding that Coy had “engaged in a pattern of activity involving the sexual abuse or exploitation of a minor.”

On appeal, Coy challenged the application of this enhancement. I argued that the district court properly applied this enhancement based on Coy’s egregious conduct towards several young girls, particularly under the demanding standard of review that applied in this appeal because Coy’s counsel had admitted at sentencing that the enhancement properly applied. The Sixth Circuit unanimously affirmed Coy’s sentence.

Opposing counsel

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8. *United States v. Bethune*, No. 22-3688, 2023 U.S. App. LEXIS 16498 (6th Cir. June 27, 2023) (Boggs, White, & Bush, JJ.) (Representation: 2023 – 2023)

On behalf of the United States, I briefed this sentencing appeal defending a 100-month prison sentence that the district court had imposed on a defendant whom a jury had convicted of being a felon in possession of a firearm, and who had a lengthy history of violence towards women, including two women with whom he had children. Bethune went to trial and never admitted responsibility for his crimes. At sentencing, Bethune did not ask for, and district court did not award him, a three-level downward adjustment for acceptance of responsibility under U.S. Sentencing Guideline § 3E1.1.

On appeal, Bethune argued that the acceptance-of-responsibility Guideline was unconstitutional because it violated the Fifth and Sixth Amendments. I argued that the Guideline was constitutional, particularly under the demanding standard of review that applied in this appeal because of Bethune’s failure to request a downward adjustment. The Sixth Circuit unanimously affirmed Bethune’s sentence.

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9. *Spire Missouri Inc. v. Environmental Defense Fund*, Nos. 21A56, 21-848 (U.S.)
(Representation: 2021 – 2022)

On behalf of Spire Missouri, I was the associate and principal brief drafter on a team of appellate attorneys who sought emergency relief for a Missouri natural gas pipeline, the Spire STL Pipeline, in a series of filings in the D.C. Circuit and Supreme Court. We were retained after the D.C. Circuit issued a decision vacating the Federal Energy Regulatory Commission's authorization of the Spire STL Pipeline, which threatened to shutter the only pipeline that provided natural gas to the St. Louis, Missouri area just before the winter season. *Env't Def. Fund v. Fed. Energy Regul. Comm'n*, 2 F.4th 953 (D.C. Cir. 2021).

In the D.C. Circuit, we sought panel rehearing and rehearing *en banc*, and later a stay of the mandate, each of which the court denied. In the Supreme Court, we sought a stay of the D.C. Circuit's decision, which the Court denied. We then filed a petition for certiorari, which the Court ultimately denied. Our client ultimately received emergency authorization from FERC to allow the pipeline to continue operating.

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10. *A. Philip Randolph Inst. v. Husted*, No. 18-3984 (6th Cir.) (Siler, Jr., Clay, & Gibbons, JJ.) (Representation: 2018 – 2019)

On behalf of Ohio Secretaries of State Jon Husted and Frank LaRose, I was the primary drafter of emergency briefing related to the 2018 Ohio general election (although my name was not listed on the emergency briefs) and the Secretary's merits brief. This election-related appeal occurred after the United States Supreme Court decided *Husted v. A. Philip Randolph Institute*, 584 U.S. 756 (2018), in which the Court held that Ohio's process for removing voters from its voter rolls based on changes of residence did not violate the National Voter Registration Act.

On remand, the parties continued to dispute whether certain notices that Ohio had used as part of that process also complied with the NVRA. First, in emergency injunction-pending-appeal briefing immediately before the 2018 Ohio general election, we persuaded the Sixth Circuit not to enter most of the injunctive relief that the plaintiffs sought for that election. *A. Philip Randolph Institute v. Husted*, 907 F.3d 913 (6th Cir. 2018). Second, in the merits briefing, we argued that Ohio's challenged notices complied with the NVRA, relying heavily on the text and statutory context of the NVRA. Soon after we filed that merits brief, the parties settled the case and ended the litigation.

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16. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Much of my legal practice has been litigation. Besides litigation, I have counseled clients on legal matters and issues that were not in litigation, represented clients facing federal and state government investigations in an attempt to avoid litigation, and represented an individual in a congressional investigation. I also have extensive experience advising senior federal and state government officials on high-profile and significant legal matters and issues from my service as a lawyer in the White House, the United States Department of Justice, the United States Senate, and the Ohio Attorney General's office.

I have not performed lobbying activities.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

I have not taught any courses on a full-time basis.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have no arrangements to be compensated in the future for any financial or business interest.

19. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

Only the Chair and the Vice Chair positions on the United States Sentencing Commission are full-time positions. I have been nominated to serve as a Commissioner, which is a part-time position. While serving as a part-time Commissioner, I intend to maintain outside employment.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally transmitted to the Senate, I will file my Financial Disclosure Report and supplement this Questionnaire with a copy of that Report.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

Attached.

22. **Potential Conflicts of Interest:**

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I am not aware of any potential conflicts of interest that would be likely to arise during my service. In the event of a potential conflict of interest, I would consult with my colleagues and the Administrative Office of the United States Courts and recuse myself where necessary. In all circumstances, I would comply with all applicable statutes and binding policies relative to this office.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

In the event of a potential conflict of interest, I would consult with my colleagues and the Administrative Office of the United States Courts. In all circumstances, I would comply with all applicable statutes and binding policies relative to this office.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar

Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

For most of my legal career, I have served in public service roles in which I have generally not been allowed to provide pro bono legal services. But when I have not been in public service roles, I maintained an active pro bono practice. During my approximately two-year stint as an associate in private practice, I had an active pro bono practice in the United States Supreme Court and the United States Courts of Appeals, submitting petitions for certiorari and amicus briefs focused on religious liberty and First Amendment issues, crime victims' rights, and Indian law issues. My pro bono clients included individuals, a small business, churches, law professors, and cities. I also mooted other attorneys for arguments in pro bono cases. I also engaged in additional pro bono legal services that were confidential.

AFFIDAVIT

I, Jason Marion, do swear that the information
provided in this statement is, to the best of my knowledge, true and accurate.

7/3/2026
(DATE)

Jason Marion
(NAME)

Michael Torres
(NOTARY)

MICHAEL TORRES
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Registration No. 00385032
My Commission Expires October 31, 2029