

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Steven Paul Logan

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

United States District Judge for the District of Arizona

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.

United States District Court for the District of Arizona
Sandra Day O'Connor United States Courthouse
401 West Washington Street, Suite 324, SPC 82
Phoenix, Arizona 85003

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

1965; Tacoma, Washington

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.

Civilian Education:

1996 – 1997, National University; M.A., 1997
1989 – 1992, University of Oklahoma; J.D., 1992
1985 – 1988, University of Louisville; B.S., 1988
1984 – 1985, Murray State University; No Degree

Military Education:

2007 – 2008, United States Air Force, Air War College (Non-resident)
2000 – 2001, United States Marine Corps, Command and Staff College (Non-resident)
January – March 1996, Naval Justice School
May – November 1994, Amphibious Warfare School (Non-resident)
August – November 1993, Contracting and Disbursing Officer Course
1992 – 1993, The Basic School

June – August 1990, Officer Candidate School

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.

Civilian Employment:

2012 – present

United States District Court for the District of Arizona
Sandra Day O'Connor United States Courthouse
401 West Washington Street, Suite 324, SPC 82
Phoenix, Arizona 85003
United States Magistrate Judge

2010 – 2012

United States Department of Justice
Executive Office for Immigration Review
Eloy Immigration Court
1705 East Hanna Road, Suite 366
Eloy, Arizona 85131
United States Immigration Judge

2001 – 2010

United States Department of Justice
United States Attorney's Office for the District of Arizona
Two Renaissance Square, 40 North Central Avenue, Suite 1200
Phoenix, Arizona 85004
Assistant United States Attorney (2001 – 2010)
Chief, White Collar/Public Corruption Section (2008 – 2009)

1999 – 2001

United States Department of Justice
United States Attorney's Office for the District of Minnesota
United States Courthouse
300 South Fourth Street, Suite 600
Minneapolis, Minnesota 55415
Assistant United States Attorney

1988 – 1992

Wal-Mart (This store location no longer exists)
Cash Office
Norman, Oklahoma

Military Employment:

2013 – present

United States Marine Corps Reserves
Navy-Marine Corps Court of Criminal Appeals
Washington Navy Yard, District of Columbia
Military Court of Appeals Judge

2012 – 2013

United States Marine Corps Reserves
I Marine Expeditionary Force, Third Marine Aircraft Wing
Marine Corps Air Station Miramar
San Diego, California 92145
Staff Judge Advocate

January 2012 – July 2012

United States Strategic Command (Joint Assignment)
United States Marine Corps Reserves
Offutt Air Force Base
Omaha, Nebraska 68113
Staff Judge Advocate

2005 – 2011

United States Department of the Navy
United States Marine Corps Reserves
Navy-Marine Corps Trial Judiciary
Article I Deputy Chief Reserve Military Judge (2009 – 2011)
Article I Military Judge (2005 – 2009)

2008 – 2009

United States Marine Corps Reserves
II Marine Expeditionary Force (Camp Lejeune, North Carolina)
Second Marine Division
Afghanistan Deployment (Operation Enduring Freedom)
Senior Legal Mentor to the Afghanistan National Army

2007 – 2008

United States Marine Corps Reserves
II Marine Expeditionary Force (Camp Lejeune, North Carolina)
Second Marine Division
Iraq Deployment (Operation Iraqi Freedom)
Liaison Officer to the Al Anbar, Iraq Provincial Chief Judge

February 2004 – October 2004

United States Marine Corps Reserves
I Marine Expeditionary Force (Camp Pendleton, California)

First Marine Division
Iraq Deployment (Operation Iraqi Freedom)
Senior Defense Counsel

1999 – 2004
United States Marine Corps Reserves
United States Marine Corps Trial Advocacy Team
Team Member

1996 – 1999
United States Department of Defense
United States Marine Corps
Marine Corps Base Hawaii
Kaneohe Bay, Hawaii 96863
Chief Prosecutor (1996 – 1999)
Chief Civil Law Attorney (March 1996 – November 1996)

1993 – 1996
United States Department of Defense
United States Marine Corps
Marine Corps Air Ground Combat Center (MCAGCC)
29 Palms, California 92278
Contracting Officer

1990 – 1993
United States Department of Defense
United States Marine Corps
Marine Corps Base Quantico
24164 Belleau Avenue
Quantico, Virginia 22134
Officer, Basic School (1992 – 1993)
Officer, Candidate School (June 1990 – August 1990)

Other affiliations (uncompensated):

2007 – 2010
Federal Bar Association, Phoenix Chapter
(No physical address)
Board Member

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.

United States Marine Corps Reserves, 1999 – present;
Current Rank: Colonel of Marines

United States Marine Corps Active Duty, 1992 – 1999

At the conclusion of each period of duty service, I was awarded an honorable discharge as follows:

August 18, 1990

Rank at Honorable Discharge: Second Lieutenant

Discharge: I was discharged after completion of Marine Corps Officer Candidate School.

May 1, 1999

Rank at Honorable Discharge: Captain

Discharge: I was discharged after completion of my period of active duty.

October 22, 2004

Rank at Honorable Discharge: Major

Discharge: I was discharged after completion of my deployment to Iraq.

April 2, 2008

Rank at Honorable Discharge: Lieutenant Colonel

Discharge: I was discharged after completion of my deployment to Iraq.

May 21, 2009

Rank at Honorable Discharge: Lieutenant Colonel

Discharge: I was discharged after completion of my deployment to Afghanistan.

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.

Civilian Awards:

U.S. Department of Justice, Southwest Regional Organized Crime Drug Enforcement Task Force Award (2011)

U.S. Internal Revenue Service Award (2010)

U.S. Department of Education Award (2010)

U.S. Postal Inspection Service Award (2010)

U.S. Marshal Service Award (2010)

Judge Advocate Association, Outstanding Career Armed Services Attorney Award (2009)

U.S. Forest Service Award (2006)

Surprise Police Department Award (2006)

U.S. Department of Justice, Director's Award for Superior Performance (2004)

Scottsdale Police Department Award (2004)

Drug Enforcement Administration Award (2004, 2003, 2001)

U.S. Department of Justice, Southwest Regional Organized Crime Drug Enforcement Task Force Award (2003)

U.S. Department of Justice Office of the Inspector General's Award (2003)

Arizona Law Enforcement Coordinating Committee Award (2003)
U.S. Department of Justice, 20th Anniversary Organized Crime Drug Enforcement Task
Force National Award (2002)
Federal Bureau of Investigation Director's Award (2001)
Minnesota Bureau of Criminal Apprehension Award of Appreciation (2001)
Minneapolis Police Department Award (2000)
American Bar Association Finalist for the Legal Assistance for Military Personnel
(LAMP) Award for Superior Performance (1997)
American Jurisprudence Award (Civil Procedure) (1990)

Military Individual Awards and Decorations (In Order of Precedence):

Bronze Star, Operation Iraqi Freedom (2008)
Defense Meritorious Service Medal, Operation Enduring Freedom (2009)
Meritorious Service Medal (2012)
Meritorious Service Medal, Operation Iraqi Freedom (2004)
Navy and Marine Corps Commendation Medal, Two Gold Stars (2002, 1999, 1997)
Navy and Marine Corps Achievement Medal (1994)
Combat Action Ribbon, Operation Iraqi Freedom (2008)

Military Unit Awards and Decorations (In Order of Precedence):

Joint Meritorious Unit Award, Operation Enduring Freedom (2009)
Navy Unit Commendation (2004)
Navy Meritorious Unit Commendation (2008)
Selected Marine Corps Reserve Medal, Two Gold Stars (2008, 2005, 2002)
National Defense Service Medal, One Gold Star (2003, 1990)
Afghanistan Campaign Medal, One Campaign Star (2008)
Iraqi Campaign Medal, Three Campaign Stars (2008, 2007, 2004)
Global War on Terrorism Expeditionary Medal (2004)
Global War on Terrorism Service Medal (2004)
Navy Sea Service Deployment Ribbon, Three Stars (2009, 2008, 2004, 1997)
Navy and Marine Corps Overseas Service (2006)
Armed Forces Reserve Medal, Mobilization Device Three (2008, 2007, 2004)
NATO Medal, International Security Assistance Force (2008)

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 Inns of Court, Sandra Day O'Connor Chapter (2002 – 2006)
Federal Bar Association, Phoenix Chapter (2005 – present)
Board Member (2007 – 2010)
United States District Court for the District of Arizona (2012 – present)
Veteran Program Committee
Magistrate Judge Utilization Committee
Non-Appropriated Funds Committee
Sandra Day O'Connor History Museum Project Committee

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.

Arizona, 2011
District of Columbia, 1996
Pennsylvania, 1993 (inactive)

There have been no lapses in membership, although as indicated, my membership in Pennsylvania is inactive.

- 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 Arizona, 2011
United States Court of Appeals of Veterans Claims, 2007
United States Court of International Trade, 2007
United States Navy-Marine Corps Trial Judiciary, 2005
United States District Court for the District of Arizona, 2002
United States Court of Appeals for the Ninth Circuit, 2002
Supreme Court of the United States of America, 1999
United States Court of Federal Claims, 1999
United States District Court for the District of Minnesota, 1999
United States Court of Appeals for the Eighth Circuit, 1999
United States Court of Appeals for the Federal Circuit, 1999
United States Court of Appeals for the District of Columbia, 1996
United States Court of Appeals for the Armed Forces, 1996
Supreme Court of Pennsylvania, 1993

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.

Federal Magistrate Judges Association (2012 – present)
Marine Corps Reserves Association (2000 – 2005)

Marine Corps Toys for Tots (1993 – present)
National Association of Immigration Judges (2010 – 2011)

- 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 to which I have belonged 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 four (4) copies of all published material to the Committee.

I have not written or edited any published materials.

- b. Supply four (4) 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.

I have not prepared or contributed to any report, memorandum or policy statement on behalf of any bar association, committee, conference, or organization.

- c. Supply four (4) 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.

I have not issued, provided, nor have others presented on my behalf, any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation.

- d. Supply four (4) 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.

I have not maintained a record of my public speaking appearances. To respond to this question, I have reviewed my files and calendars and conducted an extensive Internet search. The following reflects the results of this research.

On the following dates, I have presided over naturalization ceremonies: February 17, 2012; April 20, 2012; May 4, 2012; May 18, 2012; July 13, 2012; September 28, 2012; October 26, 2012; November 16, 2012; February 1, 2013; March 22, 2013; May 3, 2013; August 2, 2013; and September 6, 2013. During these ceremonies, I have offered congratulatory remarks. I have no transcripts, notes or recordings of my congratulatory remarks. All ceremonies were held at the Sandra Day O'Connor Courthouse, United States District Court, located at 401 West Washington Street, Phoenix, Arizona 85003.

October 1, 2013: Speaker, Phoenix School of Law, Phoenix, Arizona. I spoke during a presentation to law students concerning my experience as a United States Marine Corps Judge Advocate. The address for the sponsoring organization, Phoenix School of Law, is 1 North Central Avenue, Phoenix, Arizona 85004. Podcast available at: <http://video.phoenixlaw.edu/recordings/90112d11c33fd8c1e9467f89a724d383>.

November 10, 2012: Guest of Honor, 237th Marine Corps Birthday Celebration, Arizona Country Club, Phoenix, Arizona. I offered celebratory remarks during the banquet ceremony. I have no notes, transcripts, or recordings of my remarks. The sponsorship organization was the Marine Corps Birthday Luncheon Committee, which does not have a physical address.

November 9, 2012: Remarks, 237th Marine Corps Birthday Celebration, Special Proceedings Courtroom, Sandra Day O'Connor United States Courthouse, Phoenix, Arizona. I offered celebratory remarks to the Marines, both retired and active. I have no notes, transcripts, or recordings. The ceremony was sponsored by the Honorable Michael Daly Hawkins, Senior Judge for the Ninth Circuit Court of Appeals, 401 West Washington Street, Phoenix, Arizona 85003.

June 21, 2012: Moderator, State Bar of Arizona 2012 Convention, Arizona Biltmore Resort & Spa, Phoenix, Arizona. I moderated and spoke at the convention during a session entitled "Lawyers in the Aftermath of War and

Human Rights Abuses.” I discussed my service in the Marine Corps while serving in Iraq and Afghanistan. I have no notes, transcripts or recordings. The address for the State Bar of Arizona is 4201 North 24th Street, Suite 100, Phoenix, Arizona 85016.

April 27, 2012: Speaker, Investiture Ceremony of United States Magistrate Judge Steven P. Logan, Sandra Day O’Connor United States Courthouse, United States District Court, Phoenix, Arizona. Transcript supplied.

January 21, 2008: Keynote Speaker, Fellowship Hall, in Camp Ramadi, Iraq. I spoke at a ceremony held in memory of Dr. Martin Luther King, Jr. and made remarks regarding King’s contributions. I have no notes, transcripts, or recordings, but press coverage is supplied. The sponsoring organization for this ceremony was the United States Army, First Brigade Combat Team, Third Infantry Division, Garrison: 1061 Harmon Avenue, Fort Stewart, Georgia 31314.

- 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 four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have not maintained a record of interviews that I have given to newspapers, magazines or other publications, or radio or television stations. To respond to this question, I have conducted an extensive Internet search. This research resulted in the following news sources that reported statements from prior interviews.

Maureen Kane, *Hon. Michael D. Ryan: Friend, Mentor, Hero*, Arizona Attorney, July/August 2012. Copy supplied.

Doug Murphy, *Local Marine Awarded Bronze Star*, Ahwatukee Foothills News, July 4, 2008. Copy supplied.

Joshua Coffman, *North Hardin Grad Receives Bronze Star*, The News-Enterprise, June 20, 2008. Copy supplied.

Ray Stern, *Valley Attorney Back from Iraq, Battlefield Law Kept Him Hopping*, East Valley Tribune, December 18, 2004. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

United States Military Trial Judge:

On May 13, 2005, I was appointed a United States Military Judge by the United States Navy-Marine Corps Trial Judiciary. The court-martial is a court of limited jurisdiction, adjudicating cases in accordance with the Uniform Code of Military Justice (UCMJ),

enacted by the United States Congress pursuant to Article I, Section 8 of the United States Constitution. While serving as a military judge, I presided over special court-martial proceedings (misdemeanor proceedings) and general court-martial proceedings (felony proceedings), in which United States military members were charged with military crimes. I served as a Military Trial Judge when on duty as a United States Marine Corps Reservist between May 2005 and December 2011.

United States Immigration Judge:

On August 29, 2010, I was appointed a United States Immigration Judge for the United States Department of Justice, Executive Office for Immigration Review. The United States Attorney General appoints immigration judges. The immigration court is a court of limited jurisdiction with the mission of adjudicating immigration cases under the authority of the United States Attorney General. While serving as an immigration judge, my responsibilities included, but were not limited to, presiding over proceedings requiring determinations on inadmissibility, removability, eligibility for relief, and detention. I served as a United States Immigration Judge for the Eloy Immigration Court from August 2010 through January 2012.

United States Magistrate Judge:

On January 30, 2012, I was appointed a United States Magistrate Judge by the United States District Court for the District of Arizona. As a magistrate judge, I am authorized to perform those responsibilities set forth in 28 U.S.C. § 636. Those responsibilities include, but are not limited to: presiding over all matters in civil proceedings in which there is consent of the parties; presiding over pretrial, non-dispositive matters, and post-judgment matters in civil proceedings referred by a district judge; presiding over 18 U.S.C. § 3401 misdemeanor or petty offense criminal proceedings; presiding over initial appearances, arraignments, preliminary and detention hearings, for criminal defendants arrested in the district; issuing search warrants, seizure warrants, and criminal complaints for federal law enforcement agencies in the district; and presiding over pretrial, felony plea, probation, and supervised release criminal proceedings referred by a district judge.

United States Military Appellate Judge:

On May 21, 2013, I was appointed a United States Military Appellate Judge by the Navy-Marine Corps Court of Criminal Appeals in Washington, District of Columbia. The Court conducts mandatory review, unless waived by the appellant pursuant to Articles 62, 66, 69 and 73, Uniform Code of Military Justice. When necessary in furtherance of its jurisdiction, the Court reviews all petitions for extraordinary relief properly filed before it. I currently serve in this capacity while on duty as a United States Marine Corps Reservist.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

As an immigration judge, I presided over numerous administrative immigration bench trials that resulted in a decision on removability or a pending application for relief. However, the records in immigration proceedings are not accessible to

the general public, and I do not have personal access to the number of cases over which I presided that went to judgment. Based on supposition alone, I would approximate that during the 18 months I was an immigration judge, each week approximately 40 matters went to judgment (issuance of an order of removal or grant of relief), of which three were the result of a bench trial. Therefore, based on those numbers, I would estimate that approximately 2,880 civil immigration matters over which I presided went to judgment, of which approximately 216 were the result of a bench trial.

As a United States military judge, I also presided over numerous military bench and jury trials that resulted in judgments and verdicts. However, the records in military proceedings are not accessible to the general public, and I do not have personal access to the number of cases over which I presided that went to verdict or judgment. Based on supposition alone, I would approximate that 50 matters went to verdict or judgment, of which 12 were tried by jury.

As a United States magistrate judge, I have presided, by consent of the parties, over approximately 53 civil cases that have gone to judgment. I have also presided over guilty plea and sentencing proceedings in approximately five Class A misdemeanor criminal cases, and approximately 80 Class B misdemeanor criminal cases that have gone to judgment.

Based upon a rough approximation of those cases that proceeded to trial, I have provided a breakdown below. I have also provided an estimated breakdown of civil and criminal proceedings over which I have presided in the course of these three judicial offices that were resolved by judgment or verdict.

- i. Of these, approximately what percent were:

jury trials:	25%
bench trials:	75%
civil proceedings:	75%
criminal proceedings:	25%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

I have attached a list of citations for all opinions issued while I have been a magistrate judge. However, I am unable to provide a list of my opinions as an immigration judge or as a military judge because those records are not accessible to the general public and I do not have personal access to this information.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy

of the opinion or judgment (if not reported).

Because the records in immigration proceedings and military proceedings are not accessible to the general public and I do not have personal access to this specific information, I have provided information relating to ten of the most significant cases over which I have presided as a magistrate judge (listed in alphabetical order).

- 1) *Anderson v. United States*, No. CV-10-00816-PHX-SPL (CM/ECF) (D. Ariz. January 24, 2013) (copy of unreported opinion supplied).

The plaintiff was stopped in his vehicle at a checkpoint by United States Border Patrol agents, and was subsequently arrested by officers of the Arizona Department of Public Safety (DPS). The plaintiff filed a complaint against the United States of America for the actions of the Border Patrol agents and the DPS officers. The plaintiff brought claims under the Federal Tort Claim Act and 42 U.S.C. § 1983 for excessive force, false arrest, negligence, breach of duty of care, assault, and intentional infliction of emotional distress. The parties consented to magistrate judge jurisdiction, and the DPS officers moved for summary judgment. In granting the motion, I found that no reasonable juror could conclude that the defendants lacked probable cause to arrest the plaintiff but that a reasonable fact-finder could conclude that the use of force was unreasonable and constitutionally excessive. However, I also concluded that the defendant was entitled to the defense of qualified immunity and that the defendants could not be held vicariously liable or liable for failing to intervene. The plaintiff and the remaining defendant, United States of America, ultimately reached a resolution of the case.

For Plaintiff: Keith M. Knowlton, Keith M. Knowlton LLC, 9920 South Rural Road, Suite 108 PMB 132, Tempe, Arizona 85284, Tel: (480) 755-1777; and Marc Jeffrey Victor, Attorney at Law, 3920 South Alma School Road, Suite 5, Chandler, Arizona 85248, Tel: (480) 755-7110.

For Defendants: Suzanne M. Chynoweth, United States Attorney's Office, 40 North Central Avenue, Suite 1200, Phoenix, Arizona 85004, Tel: (602) 514-7500; and Paul Correa, Office of the Attorney General, 177 North Church Street, Suite 1105, Tucson, Arizona 85701, Tel: (520) 638-2809.

- 2) *Bain v. State Farm Mutual Auto. Ins. Co.*, No. CV-10-02335-PHX-SPL (CM/ECF) (D. Ariz. September 4, 2012) (copy of unreported opinion supplied).

Following a car accident, the plaintiff brought an action against the defendant State Farm Mutual Automobile Insurance Company for breach of contract, bad faith, and punitive damages. The case was removed from

state court and the parties consented to magistrate judge jurisdiction. The defendant moved for summary judgment on all counts. Finding the defendant had not shown that there was no genuine issue as to any material fact concerning the plaintiff's bad faith claim, I denied the motion. Subsequent to my ruling, the parties reached a resolution of the case.

For Plaintiff: James F. Brook, James F. Brook & Associates, 7150 East Camelback Road, Suite 415, Scottsdale, Arizona 85251, Tel: (480) 990-0104.

For Defendants: Michael Matthew Roberts, Daniel Campbell III, and Michael R. Altaffer, O'Connor & Campbell PC, 3838 North Central Avenue, Suite 1800, Phoenix, Arizona 85012, Tel: (602) 241-7000.

- 3) *Demery v. Astrue*, No. CV-11-02237-PHX-SPL (CM/ECF) (D. Ariz. December 12, 2012) (copy of unreported opinion supplied).

The plaintiff sought judicial review and reversal of the final decision of Commissioner of the Social Security Administration denying her Social Security disability benefits pursuant to 42 U.S.C. § 405(g). The parties consented to magistrate judge jurisdiction. Finding that the Administrative Law Judge's decision was not supported by substantial evidence, I reversed the decision and remanded for an award of benefits. The parties did not appeal my decision.

For Plaintiff: Mark Ross Caldwell, Caldwell & Ober PLLC, 1940 East Camelback Road, Suite 150, Phoenix, Arizona 85016, Tel: (602) 277-1745.

For Defendant: Michael A. Johns, United States Attorney's Office, 40 North Central Avenue, Suite 1200, Phoenix, Arizona 85004, Tel: (602) 514-7500; and Pamela M. Wood, Social Security Administration, 1001 17th Street, Suite 600, Denver, Colorado 80202, Tel: (303) 844-0449.

- 4) *Fidelity & Guaranty Life Ins. Co. v. Bradfield*, No. CV-12-00805-PHX-SPL (CM/ECF) (D. Ariz. August 20, 2012) (copy of unreported opinion supplied).

The defendants were competing claimants to a death benefit owed under a term life insurance policy issued by the plaintiff Fidelity & Guaranty Life Insurance Company. The plaintiff filed a complaint for interpleader and permanent injunction, requesting that the Court determine to whom the death benefit should be paid. The defendant filed a cross claim, alleging causes of action for lack of testamentary capacity, undue influence, conversion, and intentional infliction of emotional distress. The parties

consented to magistrate judge jurisdiction, and moved to deposit the death benefit with the Court, to be dismissed from the case, and to be discharged of any and all liability. I granted the motion and dismissed the plaintiff from the case, awarding it reasonable attorneys' fees. The parties ultimately reached a resolution of the case.

For Plaintiff: Ann-Martha Andrews and Kathleen Kelly Kahn, Lewis & Roca LLP, 40 North Central Avenue, Suite 1900, Phoenix, Arizona 85004, Tel: (602) 262-5707.

For Defendants/Cross Claimants: Gary Dukarich and Steven Lynn Evans, Steven L. Evans PLC, 322 West Roosevelt Street, Phoenix, Arizona 85003, Tel: (602) 288-3325.

- 5) *GoRenter.com LLC v. Barber*, No. CV-13-00165-PHX-SPL (CM/ECF) (D. Ariz. April 4, 2013) (copy of unreported opinion supplied).

The plaintiff filed a complaint against the defendant in state court asserting a claim for breach of contract. The defendant filed an answer and counterclaim, in which she asserted various state-law claims. The defendant subsequently removed the case to federal court, and the parties consented to magistrate judge jurisdiction. The plaintiff moved to strike the notice of removal and the defendant moved to dismiss. I granted the plaintiff's motion to strike and denied the motion to dismiss as moot, concluding that the court lacked subject-matter jurisdiction and removal was otherwise untimely. The case was remanded to state court.

For Plaintiff: Daxton Reese Watson, John F. Fyke, and Michael Herman Orcutt, Mack Watson & Stratman PLC, 3200 North Central Avenue, Suite 1200, Phoenix, Arizona 85012, Tel: (602) 778-9947.

For Defendant: *Pro se*.

- 6) *Harper v. Spizzirri*, No. CV-12-08094-PCT-SPL (CM/ECF) (D. Ariz. March 7, 2013) (copy of unreported opinion supplied).

The plaintiff brought thirteen causes of action including, among others, claims for breach of contract, fraudulent concealment and nondisclosure, and negligent misrepresentation, arising out of the purchase of a 1965 Plymouth Belvedere from the defendants over the phone and internet. The parties consented to magistrate judge jurisdiction, and the defendants moved to dismiss and, in the alternative, to transfer venue. Although I found the defense of improper venue was not untimely, I concluded it was without merit, and denied the motion in part. I further found that the Central District of California was a more convenient forum and transfer would serve the interests of justice, and granted the motion in part. The

case was transferred to that district and remains pending.

For Plaintiff: Bryan W. Shook, Dethlefs-Pykosh Law Group LLC, 2132 Market Street, Camp Hill, Pennsylvania 17011, Tel: (717) 975-9446; Teresita Angela Tan Mercado, Phoenix Law Group of Feldman Brown Wala Hall & Akena, 8765 East Bell Road, Suite 110, Scottsdale, Arizona 85260, Tel: (480) 444-3500.

For Defendant: Roger Douglas Smith, Law Office of Roger D. Smith, 7373 East Doubletree Ranch Road, Suite 200, Scottsdale, Arizona 85258, Tel: (480) 443-7600.

- 7) *Mirabel Golf Club Inc. v. Altman*, No. CV-12-00784-PHX-SPL (CM/ECF) (D. Ariz. June 19, 2013) (copy of unreported opinion supplied).

The plaintiff was a golf club who filed a breach of contract action in state court against the defendant, the former spouse of a member of the golf club. The defendant removed the case, and the parties consented to magistrate judge jurisdiction. The defendant moved to dismiss the complaint for failure to state a claim, which I granted with leave to amend. The plaintiff filed an amended complaint and a motion to dismiss ensued. I granted the motion and dismissed the case with prejudice, concluding that the plaintiff failed to plead sufficient facts under which a claim for breach of contract could proceed. Subsequent to my ruling, the parties reached a resolution of the case.

For Plaintiff: Andrew S. Jacob and John Frederick Barwell, Polsinelli PC, One East Washington Street, Suite 1200, Phoenix, Arizona 85004, Tel: (602) 650-2096.

For Defendant: Christopher Larry Hering and John R. Dacey, Gammage & Burnham PLC, Two North Central Avenue, 15th Floor, Phoenix, Arizona 85004, Tel: (602) 256-4445.

- 8) *Ortega v. Clinton*, No. CV-11-00140-PHX-SPL (CM/ECF) (D. Ariz. June 11, 2012) (copy of unreported opinion supplied).

Petitioner brought a declaratory action seeking a court order declaring her a national of the United States and entitlement to a United States passport. The parties consented to magistrate judge jurisdiction, and the government moved to dismiss the action for lack of subject matter jurisdiction. I denied the motion, finding that subject matter jurisdiction existed pursuant to 8 U.S.C. § 1503. The government later filed a motion to dismiss for lack of prosecution, which I granted. The parties did not appeal my decision.

For Petitioner: *Pro se*.

For Defendants: Cynthia M. Parsons, United States Attorney's Office, 40 North Central Avenue, Suite 1200, Phoenix, Arizona 85004, Tel: (602) 514-7500.

- 9) *United States v. \$576,566.54 in United States Currency*, No. CV-11-01578-PHX-SPL (CM/ECF) (D. Ariz. July 13, 2012) (copy of unreported opinion supplied).

The plaintiff filed a complaint seeking forfeiture of defendant currency, alleging it was traceable to the harboring of aliens and a conspiracy to engage in money laundering. The parties consented to magistrate judge jurisdiction and the claimant moved for partial judgment on the pleadings. In granting the motion, I concluded that the plaintiff had established probable cause for only \$199,580 of the seized funds. I ordered the plaintiff to return the remaining amount, \$376,986, to the claimant. The parties ultimately reached a resolution of the case as to the remaining seized funds.

For Plaintiff: Donald Eugene Conrad (Retired). Supervisor, Keith Eric Vercauteren, United States Attorney's Office, 40 North Central Avenue, Suite 1200, Phoenix, Arizona 85004, Tel: (602) 514-7621.

For Claimant: Gary Charles Rosen, Becker & Poliakoff PA, 3111 Stirling Road, Fort Lauderdale, Florida 33312, Tel: (954) 985-4133; and Paul Andrew Loucks, Mesch Clark & Rothschild PC, 259 North Meyer Avenue, Tucson, Arizona 85701, Tel: (520) 624-8886.

- 10) *Williams v. City of Tempe*, No. CV-11-00213-PHX-SPL (CM/ECF) (D. Ariz. May 25, 2012) (copy of unreported opinion supplied).

The plaintiff brought an action pursuant to 42 U.S.C. § 1983 in which he alleged claims against City of Tempe police officers. The parties consented to magistrate judge jurisdiction. The plaintiff ultimately filed a second amended complaint alleging four causes of action, and the defendants moved to dismiss. Having determined that three counts of the complaint failed to state a claim for relief, and the remaining count only alleged facts against defendants who had been previously dismissed, I granted the motion to dismiss. The plaintiff moved for relief from the judgment, which I denied. The parties did not appeal my decision.

For Plaintiff: *Pro se*.

For Defendants: Andrew Bryce Ching, Clarence E. Matherson, Jr., and Catherine Mary Bowman, Tempe City Attorney's Office, Post Office Box 5002, Tempe, Arizona 85280, Tel: (480) 350-8227.

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

Because the records in immigration proceedings and military proceedings are not accessible to the general public and I do not have personal access to this specific information, I have provided information relating to ten of the most significant opinions that I have written as a magistrate judge (listed in alphabetical order).

- 1) *Anderson v. United States*, No. CV-10-00816-PHX-SPL (CM/ECF) (D. Ariz. January 24, 2013) (order supplied in 13c).

For Plaintiff: Keith M. Knowlton, Keith M. Knowlton LLC, 9920 South Rural Road, Suite 108 PMB 132, Tempe, Arizona 85284, Tel: (480) 755-1777; and Marc Jeffrey Victor, Marc J. Victor Attorney at Law, 3920 South Alma School Road, Suite 5, Chandler, Arizona 85248, Tel: (480) 755-7110.

For Defendants: Suzanne M. Chynoweth, United States Attorney's Office, 40 North Central Avenue, Suite 1200, Phoenix, Arizona 85004, Tel: (602) 514-7500; and Paul Correa, Office of the Attorney General, 177 North Church Street, Suite 1105, Tucson, Arizona 85701, Tel: (520) 638-2809.

- 2) *Bain v. State Farm Mutual Auto. Ins. Co.*, No. CV-10-02335-PHX-SPL (CM/ECF) (D. Ariz. September 4, 2012) (order supplied in 13c).

For Plaintiff: James F. Brook, James F. Brook & Associates, 7150 East Camelback Road, Suite 415, Scottsdale, Arizona 85251, Tel: (480) 990-0104.

For Defendants: Michael Matthew Roberts, Daniel Campbell III, and Michael R. Altaffer, O'Connor & Campbell PC, 3838 North Central Avenue, Suite 1800, Phoenix, Arizona 85012, Tel: (602) 241-7000.

- 3) *Demery v. Astrue*, No. CV-11-02237-PHX-SPL (CM/ECF) (D. Ariz. December 12, 2012) (order supplied in 13c).

For Plaintiff: Mark Ross Caldwell, Caldwell & Ober PLLC, 1940 East Camelback Road, Suite 150, Phoenix, Arizona 85016, Tel: (602) 277-1745.

For Defendant: Michael A. Johns, United States Attorney's Office, 40 North Central Avenue, Suite 1200, Phoenix, Arizona 85004, Tel: (602) 514-7500; and Pamela M. Wood, Social Security Administration, 1001 17th Street, Suite 600, Denver, Colorado 80202, Tel: (303) 844-0449.

- 4) *Fidelity & Guaranty Life Ins. Co. v. Bradfield*, No. CV-12-00805-PHX-SPL (CM/ECF) (D. Ariz. August 20, 2012) (order supplied in 13c).

For Plaintiff: Ann-Martha Andrews and Kathleen Kelly Kahn, Lewis & Roca LLP, 40 North Central Avenue, Suite 1900, Phoenix, Arizona 85004, Tel: (602) 262-5707.

For Defendants/Cross Claimants: Gary Dukarich and Steven Lynn Evans, Steven L. Evans PLC, 322 West Roosevelt Street, Phoenix, Arizona 85003, Tel: (602) 288-3325.

- 5) *GoRenter.com LLC v. Barber*, No. CV-13-00165-PHX-SPL (CM/ECF) (D. Ariz. April 4, 2013) (order supplied in 13c).

For Plaintiff: Daxton Reese Watson, John F. Fyke, and Michael Herman Orcutt, Mack Watson & Stratman PLC, 3200 North Central Avenue, Suite 1200, Phoenix, Arizona 85012, Tel: (602) 778-9947.

For Defendant: *Pro se*.

- 6) *Harper v. Spizzirri*, No. CV-12-08094-PCT-SPL (CM/ECF) (D. Ariz. March 7, 2013) (order supplied in 13c).

For Plaintiff: Bryan W. Shook, Dethlefs-Pykosh Law Group LLC, 2132 Market Street, Camp Hill, Pennsylvania 17011, Tel: (717) 975-9446; Teresita Angela Tan Mercado, Phoenix Law Group of Feldman Brown Wala Hall & Avena, 8765 East Bell Road, Suite 110, Scottsdale, Arizona 85260, Tel: (480) 444-3500.

For Defendant: Roger Douglas Smith, Law Office of Roger D. Smith, 7373 East Doubletree Ranch Road, Suite 200, Scottsdale, Arizona 85258, Tel: (480) 443-7600.

- 7) *Mirabel Golf Club Inc. v. Altman*, No. CV-12-00784-PHX-SPL (CM/ECF) (D. Ariz. June 19, 2013) (order supplied in 13c).

For Plaintiff: Andrew S. Jacob and John Frederick Barwell, Polsinelli PC, One East Washington Street, Suite 1200, Phoenix, Arizona 85004, Tel: (602) 650-2096.

For Defendant: Christopher Larry Hering and John R. Dacey, Gammage & Burnham PLC, Two North Central Avenue, 15th Floor, Phoenix, Arizona 85004, Tel: (602) 256-4445.

- 8) *Ortega v. Clinton*, No. CV-11-00140-PHX-SPL (CM/ECF) (D. Ariz. June 11, 2012) (order supplied in 13c).

For Petitioner: *Pro se*.

For Defendants: Cynthia M. Parsons, United States Attorney's Office, 40 North Central Avenue, Suite 1200, Phoenix, Arizona 85004, Tel: (602) 514-7500.

- 9) *United States v. \$576,566.54 in United States Currency*, No. CV-11-01578-PHX-SPL (CM/ECF) (D. Ariz. July 13, 2012) (order supplied in 13c).

For Plaintiff: Donald Eugene Conrad (Retired). Supervisor, Keith Eric Vercauteren, United States Attorney's Office, 40 North Central Avenue, Suite 1200, Phoenix, Arizona 85004, Tel: (602) 514-7621.

For Claimant: Gary Charles Rosen, Becker & Poliakoff PA, 3111 Stirling Road, Fort Lauderdale, Florida 33312, Tel: (954) 985-4133; and Paul Andrew Loucks, Mesch Clark & Rothschild PC, 259 North Meyer Avenue, Tucson, Arizona 85701, Tel: (520) 624-8886.

- 10) *Williams v. City of Tempe*, No. CV-11-00213-PHX-SPL (CM/ECF) (D. Ariz. May 25, 2012) (order supplied in 13c).

For Plaintiff: *Pro se*.

For Defendants: Andrew Bryce Ching, Clarence E. Matherson, Jr., and Catherine Mary Bowman, Tempe City Attorney's Office, Post Office Box 5002, Tempe, Arizona 85280, Tel: (480) 350-8227.

- e. Provide a list of all cases in which certiorari was requested or granted.

To the best of my knowledge, certiorari has not been requested or granted in any of my cases.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

United States Magistrate Judge:

To the best of my knowledge, none of my opinions have been reversed by a reviewing court. The following reflects the cases in which a Report and Recommendation was issued, but was not accepted by the assigned district judge.

Cotton v. Zitterman Bosh & Assocs., No. CV-11-02024-PHX-DGC (CM/ECF), 2013 U.S. Dist. LEXIS 29063 (D. Ariz. January 14, 2013), *district judge opinion reported at* 2013 U.S. Dist. LEXIS 29071 (D. Ariz., February 28, 2013).

In post-judgment proceedings, the plaintiff filed a Motion for Issuance of a Civil Arrest Warrant. The matter was referred to me by the Honorable David G. Campbell. I issued a Report and Recommendation, recommending that a civil arrest warrant be issued. Judge Campbell did not accept the recommendation, and remanded the matter for consideration of a memorandum which the plaintiff's counsel would file. On remand, the plaintiff did not file the memorandum and withdrew the motion.

Morceli v. Kane, No. CV-11-01225-PHX-GMS (SPL) (CM/ECF), 2012 U.S. Dist. LEXIS 28221 (D. Ariz. February 28, 2012); *district judge opinion reported at* 2012 U.S. Dist. LEXIS 28224 (D. Ariz. March 5, 2012).

Petitioner filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, seeking release from custody pending deportation. Petitioner was subsequently released from immigration detention, and I issued a Report and Recommendation, recommending that the petition be dismissed because the action was moot. The Honorable G. Murray Snow terminated the Report and Recommendation as moot, finding that due to Petitioner's release from custody, his case should be dismissed as moot.

United States Immigration Judge:

Because the records in immigration proceedings are not accessible to the general public, I do not have personal access to this specific information concerning the cases over which I have presided. To respond to this question, I have conducted an extensive appellate search on Westlaw and LexisNexis. No results were reported from my query.

United States Military Judge:

Because records in military judicial proceedings are not accessible to the general public, I do not have personal access to this specific information concerning the cases over which I have presided. To respond to this question, I have conducted an extensive appellate search on Westlaw and LexisNexis. Of the decisions reported by my query, the following are relevant to this question.

United States v. Kendrick, 2011 CCA LEXIS 773 (N.M. Ct. Crim. App. 2011).

The accused pled guilty to unauthorized absence and missing movement by neglect. I sentenced him to 120-days' confinement, forfeiture of \$600 per month for four months, and a bad-conduct discharge. The convening authority approved the sentence pursuant to a plea agreement and suspended all confinement in excess of time served for a period of six months from the date of sentencing. The accused sought review by the United States Navy-Marine Corps Court of Criminal Appeals. The appellate court found that neither I nor the convening authority had specified whether the forfeiture ordered was of pay, or of pay and allowances. Concluding that no prejudice resulted, the appellate court affirmed, but issued a supplemental promulgating order.

United States v. Luera, 2011 CCA LEXIS 759 (N.M. Ct. Crim. App. 2011).

The accused pled guilty to unauthorized absence, and I sentenced him to four-months' confinement, forfeiture of \$500 pay per month for four months, reduction of pay, and a bad-conduct discharge from the United States Marine Corps. The convening authority approved the sentence. The accused sought review by the United States Navy-Marine Corps Court of Criminal Appeals. Although not assigned as an error, the appellate court found that the convening authority had agreed to disapprove all confinement as part of a pretrial agreement with the accused. Consequently, the appellate court affirmed the sentence, but vacated the term of confinement.

United States v. Saracoglu, 2011 WL 3691948; 2011 CCA LEXIS 162 (N. M. Ct. Crim. App. 2011).

The accused pled guilty to conspiracy, making a false official statement, selling military property without proper authority, and larceny of the same military property. I sentenced him to 12 months of confinement, which was approved by the convening authority. He sought review by the United States Navy-Marine Corps Court of Criminal Appeals, arguing that I erred by denying his motion to dismiss due to unlawful command influence. The appellate court agreed with my conclusion that there was no actual unlawful command influence, but disagreed with respect to the existence of apparent unlawful command influence. The appellate court concluded that the proceedings were not prejudiced by that finding however, and affirmed the plea and sentence.

United States v. Caudill, 65 M.J. 756 (N.M. Ct. Crim. App. 2007).

The accused pled guilty to drug use and distribution, intent to distribute, violation of orders, obstruction of justice, and communicating a threat. I sentenced her to seven months of confinement, which was approved by the convening authority. She sought review by the United States Navy-Marine Corps Court of Criminal

Appeals, arguing that I should have explained the elements of the offenses prior to accepting her plea. The appellate court found that although I had inquired as to the factual basis of the offenses, I should not have relied on her agreement that defense counsel had properly explained the offense elements and should have explained the elements to her. The pleas with regard to intent to distribute and obstruction of justice were set aside, and the remaining pleas were affirmed. The appellate court affirmed the sentence, finding that the accused would not have received a lesser sentence even if she had not pled guilty to the two set-aside offenses.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

United States Magistrate Judge:

None of my opinions have been published in an official reporter. All of my opinions and reports and recommendations are filed electronically in the Court's Electronic Case filing system (CM/ECF), making them available to the public. In addition, some opinions are available on Westlaw or LexisNexis.

United States Immigration Judge:

All decisions I issued as an immigration judge are unpublished opinions and are filed non-electronically in the related record of proceedings. These decisions are not available on Westlaw or LexisNexis.

United States Military Judge:

All decisions I have issued as a military judge are unpublished opinions and are filed non-electronically in the related record of proceedings. These decisions are not available on Westlaw or LexisNexis.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Because the records in immigration proceedings and military proceedings are not accessible to the general public and I do not have personal access to this specific information, I have provided the following information relating to significant opinions on constitutional issues that I have written as a magistrate judge.

Anderson v. United States, No. CV-10-00816-PHX-SPL (CM/ECF) (D. Ariz. January 24, 2013) (order supplied in 13c).

Ortega v. Clinton, No. CV-11-00140-PHX-SPL (CM/ECF) (D. Ariz. June 11, 2012) (order supplied in 13c).

Williams v. City of Tempe, No. CV-11-00213-PHX-SPL (CM/ECF) (D. Ariz. May 25, 2012) (order supplied in 13c).

In addition, I routinely issue reports and recommendations in prisoners' rights cases arising under 42 U.S.C. § 1983 and petitions for habeas corpus relief brought pursuant to 42 U.S.C. § 2254 and 42 U.S.C. § 2255. To the best of my knowledge, these actions involved the application of long-standing and well-settled constitutional principles and did not constitute "significant" opinions on federal constitutional issues.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

In May 2013, I was appointed a United States Military Judge for the Navy-Marine Corps Court of Criminal Appeals. To date, I have not presided over any appellate matter.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

Because the records in immigration and military proceedings are not accessible to the general public and I do not have personal access to this specific information, I have provided the following information in response to this question only with regard to my time as a magistrate judge.

I follow the federal recusal statutes and the Code of Conduct for United States Judges. In addition to the court's internal conflict-check system, I monitor all criminal and civil cases for potential conflicts. When a notice of potential conflict is filed in a case by the United States Attorney's Office, I review the case to determine whether recusal is appropriate. I recuse myself in any case litigated by the United States Attorney's Office

in which I was formerly involved in a direct or supervisory capacity. In addition, I recuse myself in any case in which my spouse appears or has appeared, or has or had direct or supervisory involvement. Further, I recuse myself from any civil or criminal matter involving a party subject to immigration proceedings in which I presided as an immigration judge.

Based on these standing recusal guidelines, to the best of my recollection, I have recused myself in the following cases (listed in alphabetical order).

In *Arizona State Legislature v. Arizona Independent Redistricting Commission*, No. CV-12-01211-PHX-PGR (CM/ECF) (D. Ariz.), I recused myself *sua sponte* because I had involvement in a related criminal case while I was an Assistant United States Attorney.

In *LaRocca v. Colvin*, No. CV-13-01269-PHX-LOA (CM/ECF) (D. Ariz.), I recused myself *sua sponte* because of a personal conflict with the law firm representing the plaintiff.

In *Lonh v. Kane*, No. CV-12-00425-PHX-NVW (CM/ECF) (D. Ariz.), the government filed a motion for reassignment on the grounds that I had presided as the immigration judge in petitioner's immigration proceedings, and had ordered him removed from the United States. I granted the motion and recused myself.

In *Roosevelt Irrigation District v. Salt River Project Agricultural Improvement and Power District*, No. CV-10-00290-PHX-DAE (CM/ECF) (D. Ariz.), I was informed by my law clerk that she had a personal conflict in this case. In order to avoid the appearance of impropriety, I recused myself *sua sponte*.

In *United States v. Hammonds*, No. CR-13-00444-PHX-ROS (CM/ECF) (D. Ariz.), I recused myself *sua sponte* after reviewing a notice of potential conflict filed in this case by the United States Attorney's Office. The notice indicated that this case was assigned to my wife.

In *United States v. Lu*, No. CR-06-00676-PHX-DGC (CM/ECF) (D. Ariz.), I recused myself *sua sponte* after reviewing a notice of potential conflict filed in this case by the United States Attorney's Office. The notice indicated that I had involvement in the underlying case while I was an Assistant United States Attorney.

In *United States v. Pacchiana*, No. CR-12-02086-3-PHX-GMS (CM/ECF) (D. Ariz.), I recused myself *sua sponte* after reviewing a notice of potential conflict filed in this case by the United States Attorney's Office. The notice indicated that I had involvement in the underlying case while I was an Assistant United States Attorney.

In *United States v. Pihakis*, No. CR-10-01721-2-PHX-PGR (CM/ECF) (D. Ariz.), I recused myself *sua sponte* after reviewing a notice of potential conflict filed in this case by the United States Attorney's Office. The notice indicated that I had involvement in the underlying case while I was an Assistant United States Attorney.

In *United States v. Sabori*, No. CR-13-00295-PHX-NVW (CM/ECF) (D. Ariz.), I recused myself *sua sponte* after reviewing a notice of potential conflict filed in this case by the United States Attorney's Office. The notice indicated that this case was assigned to my wife.

In *United States v. Slade*, No. CR-13-00460-PHX-ROS (CM/ECF) (D. Ariz.), I recused myself *sua sponte* after reviewing a notice of potential conflict filed in this case by the United States Attorney's Office. The notice indicated that I had involvement in the underlying case while I was an Assistant United States Attorney.

In *United States v. Wright*, No. CR-13-00829-1-PHX-NVW (13-00196M) (CM/ECF) (D. Ariz.), I recused myself *sua sponte* after reviewing a notice of potential conflict filed in this case by the United States Attorney's Office. The notice indicated that this case was assigned to my wife.

In *Vamos v. Colvin*, No. CV-13-02092-PHX-GMS (CM/ECF) (D. Ariz.), I recused myself *sua sponte* because of a personal conflict with the law firm representing the plaintiff.

In *Wells v. American Polygraph Association*, No. CV-13-00607-PHX-GMS (CM/ECF) (D. Ariz.), the plaintiffs moved for an emergency temporary injunction. The defendants had neither appeared nor consented to magistrate judge jurisdiction. Given the exigent nature of the motion, I recused myself *sua sponte* for reassignment to a district judge.

In *Winningham v. County of Navajo*, No. CV-13-01120-PHX-NVW (CM/ECF) (D. Ariz.), the plaintiff, appearing *pro se*, filed a notice asserting various allegations against me. Although incoherent, out of an abundance of caution that the notice could be construed as an amended complaint, I recused myself from the case *sua sponte*.

15. 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.

I have not held any public office other than a judicial office. I have not had an unsuccessful candidacy for an elective office or unsuccessful nomination for an appointed office.

- 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.

I have not held membership with, held office in, or rendered services to any political party or election committee. I have not held any position or played any role in any political campaign.

16. **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 have not served as a clerk to a judge.

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

I have not practiced 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.

Civilian Law Practice and Legal Experience:

1999 – 2001

United States Department of Justice

United States Attorney's Office for the District of Minnesota

United States Courthouse

300 South Fourth Street, Suite 600

Minneapolis, Minnesota 55415

Assistant United States Attorney

2001 – 2010

United States Department of Justice

United States Attorney's Office for the District of Arizona

Two Renaissance Square, 40 North Central Avenue, Suite 1200

Phoenix, Arizona 85004

Assistant United States Attorney (2001– 2010)

Chief, White Collar/Public Corruption Section (2008 – 2009)

Military Law Practice and Legal Experience:

1993 – 1996

United States Department of Defense

United States Marine Corps
Marine Corps Air Ground Combat Center
29 Palms, California 92278
Contracting Officer

1996 – 1999
United States Department of Defense
United States Marine Corps
Marine Corps Base Hawaii
Kaneohe Bay, Hawaii 96863
Chief Civil Law Attorney (March 1996 – November 1996)
Chief Prosecutor (1996 – 1999)

1999 – 2004
United States Marine Corps Reserves
United States Marine Corps Trial Advocacy Team
Chief Defense Counsel

February 2004 - October 2004
United States Marine Corps Reserves
I Marine Expeditionary Force (Camp Pendleton, California)
First Marine Division
Iraq Deployment (Operation Iraqi Freedom)
Senior Defense Counsel

2007 – 2008
United States Marine Corps Reserves
II Marine Expeditionary Force (Camp Lejeune, North Carolina)
Second Marine Division
Iraq Deployment (Operation Iraqi Freedom)
Liaison Officer to the Al Anbar, Iraq Provincial Chief Judge

2008 – 2009
United States Marine Corps Reserves
II Marine Expeditionary Force (Camp Lejeune, North Carolina)
Second Marine Division
Afghanistan Deployment (Operation Enduring Freedom)
Senior Legal Mentor to the Afghanistan National Army

- 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.

From 1993 to 1999, while on active duty in the United States Marine Corps, I served as a contracting officer, chief civil law attorney, and chief prosecutor. As a contracting officer, I supervised Marine and civilian employees who provided contracting services; I examined and adjusted government defense contracts; and I provided advice to the Commanding General concerning contract disputes and accounting. As chief civil law attorney, I supervised staff in providing legal counsel in matters involving consumer affairs, family law, wills and estates, taxation, accidents, torts, real property, personal finances, landlord-tenant, contracts, FOIA, and various civilian court issues. As chief prosecutor, I prosecuted military criminal cases involving rape, forcible sodomy, theft of government property, selling government property, receiving stolen property, wrongful use, sale, possession of controlled substances, theft, adultery, assault, battery, obstruction of justice, kidnapping and driving under the influence. I assisted in coordinating criminal investigations with the Military Police, Criminal Investigation Division and the Naval Criminal Investigative Service.

From 1999 to 2010, I served as an Assistant United States Attorney in the District of Minnesota and District of Arizona. I prosecuted cases which included, but were not limited to: murder for hire; possession of a firearm with an obliterated serial number; felon in possession of a firearm; possession or use of a firearm in a crime of violence with a silencer; continuing criminal enterprise; conspiracy to import narcotics, manage or control an establishment for storing a controlled substance; conspiracy to possess with the intent to distribute narcotics and importation of narcotics; introduction of narcotics into a prison facility; possession with the intent to distribute narcotics; immigration violations; bank robbery; counterfeiting operations; mail fraud; bank fraud; interstate child sex trafficking; interstate prostitution and several other federal offenses. I litigated numerous motions hearings, including those which involved orders of electronic surveillance, statutory post-authorization duties, suppression, grand jury witnesses, pen register and trap and trace devices, as well as electronic surveillance exempted from Title III, such as intercepted oral communications, and visual, non-verbal conduct.

While serving as an Assistant United States Attorney in the Organized Crime Drug Enforcement Task Force Section in the District of Arizona from 2001 to 2007 and 2009 to 2010, I worked with the FBI, DEA, ATF, as well as other federal and local agencies, and assisted in drafting

complex affidavits for electronic surveillance, seeking T-III wiretap interceptions. Based on wiretaps and proactive investigations, I frequently handled complex litigation involving various jurisdictions, states and countries, multiple defendants, large quantities of narcotics, as well as significant funds and other assets seized.

While serving as the Chief of the White Collar/Public Corruption Section (now, Financial Crimes and Public Integrity Section) in the District of Arizona from 2008 to 2009, I supervised a staff of attorneys, financial analysts, and legal assistants assigned to cases involving mortgage fraud, corporate fraud, intellectual property fraud, public corruption, postal theft, health care fraud, identity theft, internet telemarketing fraud, and federal tax crimes.

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

As a United States Marine Corps Judge Advocate with the Department of Defense and as an Assistant United States Attorney with the Department of Justice, my clients were the United States, its agencies and its employees.

- 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.

100% of my law practice was in litigation. I appeared in court frequently. As an attorney with the United States Marine Corps, I appeared in federal court on average four to ten times per month for guilty pleas, motions, and sentencing hearings. Approximately five percent of those proceedings were civil in nature, and the remaining were criminal. As an attorney with the United States Attorney's Office, I appeared in federal court on average 16 times per month. My practice only involved criminal proceedings.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 100%
- 2. state courts of record: 0%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 2%
- 2. criminal proceedings: 98%

- 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.

As an attorney with the United States Marine Corps, I had approximately 40 federal criminal cases tried to verdict as lead counsel. Of those, five percent were bench trials and the remaining were jury trials. As an attorney with the United States Attorney's Office, I had approximately 16 federal criminal cases tried to verdict. 13 of those cases I litigated as sole counsel, and three I litigated as lead or co-counsel. All cases were tried before a jury.

- i. What percentage of these trials were:
 - 1. jury: 98%
 - 2. non-jury: 2%
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **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) *United States v. Acosta*, CR-07-00871-PHX-ROS (CM/ECF), United States District Court for the District of Arizona; Honorable Roslyn O. Silver; March 2008 to September 2009.

The defendant was indicted on charges for transporting a juvenile and three adult females throughout the United States as part of a prostitution enterprise. After a seven-day trial, a jury found the defendant guilty of transportation of a minor in interstate commerce for prostitution. The defendant was sentenced to 262 months' imprisonment. The Ninth Circuit Court of Appeals affirmed the conviction and sentence in an unpublished decision reported at *United States v. Acosta*, 388

Fed.Appx. 620 (9th Cir. 2010). I represented the United States as lead co-counsel at trial and sentencing and briefly on appeal.

Co-Counsel: Tracey Bardorf, Immigration and Customs Enforcement, Office of the Assistant Secretary, 500 North 12th Street SW, Washington, District of Columbia 20024, Tel: (202) 534-2700.

For Defendant: Barbara L. Hull, Law Office of Barbara Hull, 637 North Third Avenue, Suite Three, Phoenix, Arizona 85003, Tel: (623) 465-1705.

- 2) *United States v. Branon*, (Mark David Branon) CR-02-00750-1-PHX-SRB (CM/ECF), United States District Court for the District of Arizona; Honorable Susan R. Bolton; July 2002 to February 2006.

The defendant was charged in state court following an investigation of several members believed to be associated with the Mexican Mafia and Hell's Angels, who were involved in an international drug trafficking network. During those proceedings, the defendant conspired to murder various counsel and witnesses in the case. The defendant was indicted in federal court, and I represented the United States as lead counsel. After a nine-day trial, the jury found the defendant guilty of eight charges, including continuing criminal enterprise, conspiracy to possess with the intent to distribute marijuana, establishment of storing a controlled substance, conspiracy to import marijuana, possession or use of a firearm in a crime of violence with a silencer, felon in possession of a firearm, and possession of a firearm with an obliterated serial number. The defendant was sentenced to 720 months' imprisonment. The defendant appealed the judgment to the Ninth Circuit Court of Appeals. In an unpublished decision found at *United States v. Branon*, 146 Fed.Appx. 168 (9th Cir. 2005), the Ninth Circuit affirmed his convictions but granted a limited remand under *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005) (en banc). On remand, the defendant was resentenced to 720 months' imprisonment. The defendant appealed the resentencing, and in an unpublished decision reported at *United States v. Branon*, 274 Fed.Appx. 587 (9th Cir. 2008), the Ninth Circuit affirmed the judgment. I represented the United States as sole counsel at trial and sentencing and as co-counsel on the first appeal.

For Defendant: Peter Claussen, Post Office Box 2272, Squamish, BC Canada V8B0B5, Tel: (604) 374-4071 (formerly with Law Offices of Zielinski & Claussen LLC).

- 3) *United States v. Castillo-Melendres*, (Oscar Nunez-Medina) CR-05-00861-3-PHX-JAT (CM/ECF), United States District Court for the District of Arizona; Honorable James A. Teilborg; Ninth Circuit Court of Appeals No. 06-10484; August 2005 to October 2007.

The defendant was indicted on charges for his participation in a marijuana growth operation in the Arizona Coconino National Forest, the largest operation of its

kind in the history of Arizona. The defendant entered into a plea of guilty to conspiracy to manufacture with intent to distribute marijuana, and was sentenced to 120 months' imprisonment. The defendant filed an appeal to the Ninth Circuit Court of Appeals, which was dismissed. The Supreme Court denied certiorari. I represented the United States as lead co-counsel before the district court, but did not participate on appeal.

Co-Counsel: Michael Allen Lee, United States Attorney's Office, Two Renaissance Square, 40 North Central Avenue, Suite 1200, Phoenix, Arizona 85004, Tel: (602) 514-7500.

For Defendant: Eugene Marquez, Eugene Marquez PLC, 925 West Baseline Road, Suite 105-S4, Tempe, Arizona 85283, Tel: (602) 631-9595.

- 4) *United States v. Duarte-Cardenas*, (David Camacho) CR-05-00865-4-PHX-ROS (CM/ECF), United States District Court for the District of Arizona; Honorable Roslyn O. Silver; Ninth Circuit Court of Appeals No. 06-10509; August 2005 to June 2007.

The defendant was indicted on charges for leading a local organization that imported methamphetamine from Mexico to traffic throughout the United States. The defendant pled guilty to conspiracy to possess with the intent to distribute methamphetamine, and was sentenced to 210 months' imprisonment. The defendant appealed to the Ninth Circuit Court of Appeals, but subsequently moved for voluntarily dismissal. In this case, I represented the United States as sole counsel in the plea and sentencing proceedings.

For Defendant: Eugene Marquez for David Camacho, Eugene Marquez PLC, 925 West Baseline Road, Suite 105-S4, Tempe, Arizona 85283, Tel: (602) 631-9595.

- 5) *United States v. Gleason*, (Sandra Kay Brown) CR-00-00900-2-PHX-SRB (CM/ECF), United States District Court for the District of Arizona; Honorable Susan R. Bolton; February 2002 to December 2008.

The defendant was indicted on charges for recruiting, through sex, pilots that would transport marijuana from Mexico to the United States. After a five-day trial, a jury found the defendant guilty of conspiracy to possess with the intent to distribute marijuana and money laundering. The defendant was sentenced to two concurrent terms of 60 months' imprisonment. In an unpublished decision reported at *United States v. Brown*, 91 Fed.Appx. 585 (9th Cir. 2004), the Ninth Circuit Court of Appeals affirmed her conspiracy conviction, but reversed the defendant's money-laundering conviction and remanded for resentencing. The defendant was resentenced to 60 months' imprisonment. In this case, I represented the United States as sole counsel at trial and sentencing, but did not participate on appeal.

For Defendant: Mark Paige, 2733 North Power Road, Suite 102, Mesa, Arizona 85215, Tel: (602) 254-5457.

- 6) *United States v. Gutierrez-Padilla*, (Miguel Angel Gutierrez-Padilla) CR-05-00858-1-PHX-MHM (CM/ECF), United States District Court for the District of Arizona; Honorable Mary H. Murguia; August 2005 to March 2006.

The defendant was indicted on drug charges and entered a plea of guilty to conspiracy to manufacture with intent to distribute more than 1,000 kilograms of marijuana. The defendant was sentenced to 37 months' imprisonment. The parties did not challenge the judgment. In this case, I represented the United States as sole counsel in the plea proceedings.

For Defendant: Mark J. Berardoni for Miguel Gutierrez-Padilla, Law Office of Mark J. Berardoni, 45 West Jefferson, Suite 810, Phoenix, Arizona 85003, Tel: (602) 257-1295.

- 7) *United States v. Hernandez*, (Michael Edward Hernandez) CR-03-00275-1-PHX-ROS-DWM (CM/ECF), United States District Court for the District of Arizona; Honorable Roslyn O. Silver; March 2003 to May 2007.

The defendant was indicted on charges for conspiring to distribute marijuana. After a five-day trial, a jury found the defendant guilty of conspiring to possess with the intent to distribute more than 100 kilograms of marijuana and was sentenced to 60 months' imprisonment. The defendant's conviction and sentence were affirmed on appeal. The defendant appealed, and in an unpublished decision reported at *United States v. Hernandez*, 282 Fed.Appx. 593 (9th Cir. 2008), the Ninth Circuit Court of Appeals affirmed his convictions and sentence. I represented the United States as sole counsel at trial, sentencing, and briefly on appeal.

For Defendant: Bobbi A. Berry, Law Office of Bobbi A. Berry, 177 North Church Avenue, Suite 200, Tucson, Arizona 85701, Tel: (520) 881-9869.

- 8) *United States v. Hill*, CR-99-00275-DWF-AJB (CM/ECF), United States District Court for the District of Minnesota; Honorable Donovan W. Frank; October 1999 to April 2001.

The defendant was indicted on drug and weapon charges. After a three-day trial, a jury found the defendant guilty of possession with intent to distribute cocaine, felon in possession of a firearm, and possession of a firearm after a misdemeanor conviction for domestic violence. The defendant was sentenced to 210 months' imprisonment. In a published decision reported at *United States v. Hill*, 249 F.3d 707 (8th Cir. 2001), the court affirmed his conviction and sentence. In this case, I represented the United States as sole counsel at trial and sentencing. I also submitted briefing and oral argument as lead counsel on appeal.

For Defendant: James E. Ostgard, II, Ostgard Law Office, Post Office Box 582536, Minneapolis, Minnesota 55458, Tel: (612) 750-1455.

- 9) *United States v. Muirs*, (Rasford Muirs) CR-02-00156-1-PHX-SRB (CM/ECF), United States District Court for the District of Arizona; Honorable Susan R. Bolton; January 2003 to April 2006.

The defendant was indicted on charges for running a large drug trafficking organization that would import marijuana from Mexico and distribute it throughout the United States, using the United States postal system. The defendant was considered the leader and organizer of the operation. After a three-day trial, a jury found the defendant guilty of conspiracy to possess with intent to distribute marijuana, and was sentenced to 210 months' imprisonment. In an unpublished decision reported at *United States v. Muirs*, 145 Fed.Appx. 208 (9th Cir. 2005), the Ninth Circuit affirmed his conviction but granted a limited remand under *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005) (en banc). On remand, the defendant was resentenced to 210 months' imprisonment. In this case, I represented the United States as lead co-counsel at trial, sentencing, and on appeal.

Co-Counsel: John R. Lopez IV, United States Attorney's Office, Two Renaissance Square, 40 North Central Avenue, Suite 1200, Phoenix, Arizona 85004, Tel: (602) 514-7450.

For Defendant: George F. Klink, Law Office of George Klink, 45 West Jefferson, Suite 810, Phoenix, Arizona 85003, Tel: (602) 253-3889.

- 10) *United States v. Tyler*, CR-99-00197-PAM-ESS (CM/ECF), United States District Court for the District of Minnesota; Honorable Paul A. Magnuson; July 1999 to March 2002.

The defendant was indicted on drug charges and pled guilty to two counts of possession of crack cocaine with intent to distribute. The defendant was sentenced to 120 months' imprisonment. In a published decision reported at *United States v. Tyler*, 238 F.3d 1036 (8th Cir. 2001), the Eighth Circuit affirmed his conviction and sentence. In this case, I represented the United States as sole counsel in the plea and sentencing proceedings. I also submitted briefing and oral argument as lead counsel on appeal.

For Defendant: Larry E. Reed, Reed Law Offices, Post Office Box 43596, Minneapolis, Minnesota 55443, Tel. (612) 529-3322.

18. **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.)

Assistant United States Attorney:

As an Assistant United States Attorney, I participated in numerous cases which were resolved by plea agreement and did not progress to trial. As the White Collar/Public Corruption Chief, my legal responsibilities included oversight of cases and development of policies regarding criminal prosecutions, case dispositions, and case management.

Afghanistan Deployment:

During my deployment to Afghanistan, I served as the Senior Legal Mentor to the Afghan National Army from September 2008 through April 2009. I oversaw the legal mentoring of Afghan National Army attorneys. I mentored the Afghanistan Judge Advocate General (Brigadier General), the Chief Judge of the Court of Military Appeals (Brigadier General), the Chief of ANA Ethics (Brigadier General), the Chief of ANA Legal Services (Colonel), and the Chief of ANA Personnel Law Department (Colonel). I assisted the senior Afghan Ministry of Defense and Staff (GS) legal department members in understanding and prosecuting corruption crimes in Afghanistan. I conducted site inspections at the Kabul Military Training Camp, 201st Corps, 203rd Corps-Gardez, 205th Corps-Kandahar, 207th Corps-Heart, and Pul-e-Charkhi. I also worked to ensure the reallocation of manpower assets to resolve critical personnel shortages.

Iraq Deployment:

During my deployment to Iraq, I served as the Liaison Officer to the Al Anbar, Iraq Provincial Chief Judge from June 2007 through March 2008. I mentored the Provincial Chief Judge and assisted the Anbari Judiciary in reestablishing the Rule of Law in Al Anbar. I led a team which established the Anbar Major Crimes Court #18, which was designed to try terrorism suspects in the Al Anbar Province. I convened the first Terrorism Court in Iraq using local judges. I facilitated the development plan for a Rule of Law Judicial Complex in Al Anbar Province (Ramadi), which led to the obligation of \$16,000,000 for the Rule of Law Complex in Ramadi, Iraq. I also facilitated tours of the complex for senior experts, political appointees, and principal staff members from the U.S. Department of Defense, the U.S. Department of Justice, Multi-National Force Iraq, the U.S. Department of State, Joint Contracting Command Iraq, and the Multi-National Corps Iraq.

Iraq Deployment:

During my deployment to Iraq, I served as Senior Defense Counsel from February 2004 through October 2004. I supervised a team of attorneys who were responsible for providing defense services to Marines, Sailors, and Soldiers, in 56 felony and misdemeanor prosecutions in Fallujah, Al Taqaddum, Al Asad, Korea Village, Zaidon, Hurricane Point, Najaf, Kut, Az Zubayr, and Abu Ghurayb. I represented personnel against charges including: conspiracy, disrespect to a superior commissioned officer, assault on a superior commissioned officer, insubordinate conduct towards a warrant

officer, failure to obey orders, misbehavior before the enemy, false official statement, wrongful destruction of military property, drunk on duty, misbehavior of a lookout, provoking speeches, larceny, assault, conduct unbecoming an officer, and fraternization. I also provided civil legal assistance to approximately 300 service members.

I have not performed any lobbying activities on behalf of any client or organization.

19. **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 four (4) copies to the committee.

I have not taught any courses.

20. **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.

None.

21. **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.

I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the Court, other than my continued service in the United States Marine Corps Reserves.

22. **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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. 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.

My wife is an Assistant United States Attorney. Consistent with my current practice, I would recuse myself in any case in which she is involved or has had any involvement. I would follow the Judicial Code of Conduct and federal recusal statutes in recusing myself in any matter involving litigants I know personally. I am not aware of any category of litigation or financial arrangement that is likely to present potential conflicts of interest.

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

I will handle all matters involving actual or potential conflicts of interest through the careful and diligent application of 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other such relevant canons, statutes and rules governing such circumstances.

25. **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.

In September of 2005, 2006, and 2009, I volunteered with the "Kids to Court" program, which was organized by the Honorable Mary H. Murguia, in conjunction with Sandra Day O'Connor College of Law. This program is designed to introduce local eighth grade students to the judicial system. Students participate in mock trials and serve as witnesses and court staff. Local attorneys provide feedback and mentor the students.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In March 2013, I submitted my application to Senator John McCain's Federal Judicial Evaluation Committee (FJEC) and provided a copy of my resume and letter of interest to the offices of Senator Jeff Flake and Congressman Ed Pastor. On June 8, 2013, I appeared for an interview with the FJEC in Phoenix, Arizona. On June 28, 2013, I was notified by the FJEC Chairman that I had been selected as a potential nominee to the United States District Court for the District of Arizona. Since June 30, 2013, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 7, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On September 19, 2013, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

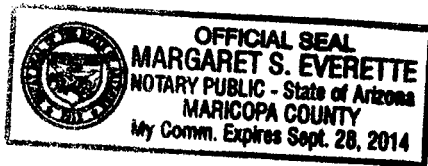
No.

AFFIDAVIT

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

20 SEPT. 2013
(DATE)

SP Logan
(NAME)



Margaret S. Everette / Margaret S. Everette
(NOTARY)