

United States District Court
EASTERN DISTRICT OF NEW YORK
POST OFFICE BOX 9014
CENTRAL ISLIP, NEW YORK 11722-9014

CHAMBERS OF
JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE

January 25, 2019

The Honorable Lindsey Graham
Chairman
Committee on the Judiciary

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510-6050

Dear Chairman Graham and Ranking Member Feinstein:

I have reviewed the questionnaire submitted to the Senate Judiciary Committee in October of 2018 in connection with my nomination to the United States Court of Appeals for the Second Circuit. Incorporating the additional information listed below, I certify that the information contained in these documents is, to the best of my knowledge, true and accurate:

Question 12(d):

January 7, 2019: Speaker, Connetquot Public Library, Bohemia, New York. As noted in my questionnaire, I have spoken at several public libraries on Long Island since June 2, 2017. PowerPoint supplied.

January 2-6, 2019: Television sermon, aired on *The Word*, Catholic Faith Network, Uniondale, New York. Video supplied.

December 17, 2018: Speaker, 2018 Mentor Moot Court Competition Final Round and Awards Ceremony, New York, New York. Notes provided.

December 7, 2018: Panelist, Supreme Court Review, Federal Bar Association, Honolulu, Hawaii. Notes supplied.

November 19, 2018: Judge, Long Island Mentor Moot Court Competition Finals, Central Islip, New York. I have no notes, transcript, or recording. The address of the United States District Court for the Eastern District of New York is Alfonse M. D'Amato United States Courthouse, 100 Federal Plaza, Central Islip, New York 11722.

November 14, 2018: Speaker, "Judicial Restraint," Nassau County Bar Association Dean's Hour hosted by the Nassau County Bar Association Federal Courts Committee, Corporations, Banking & Securities Law Committee, Labor & Employment Committee, Criminal Law & Procedure Committee, The Federalist Society, Long Island Lawyers Chapter, the Columbian Lawyers' Association of Nassau County, Inc., and Capital One Bank, Mineola, New York. Notes and PowerPoint supplied.

November 13, 2018: Judge, Nassau County Long Island Mentor Moot Court Competition, Mineola, New York. I have no notes, transcript, or recording. The address of the New York Supreme Court for Nassau County is 100 Supreme Court Drive, Mineola, New York 11501.

Question 13(b):

Anilao v. Spota, 340 F. Supp. 3d 224 (E.D.N.Y. 2018).

United States Small Bus. Admin. v. Feinsod, No. 17-CV-3586 (JFB)(AYS), --- F. Supp. 3d ---, 2018 WL 4795793 (E.D.N.Y. Oct. 1, 2018).

In addition, I am supplying an updated list of all my opinions from 2006 to the present, including those published only on-line on Westlaw and/or Lexis.

Question 13(e):

Certiorari requested and denied:

United States v. Hernandez, No. 12-cr-63 (E.D.N.Y. Aug. 4, 2016), *aff'd*, 894 F.3d 496 (2d Cir. 2018), *cert. denied*, 139 S. Ct. 495 (2018).

Question 13(f):

Palmer v. Fannie Mae, No. 14 Civ. 4083, 2017 WL 3701859 (E.D.N.Y. Aug. 18, 2017), *aff'd in part, vacated in part, and remanded*, 2018 WL 5830504 (2d Cir. Nov. 7, 2018). I adopted a report and recommendation from the magistrate judge assigned to the case, which recommended that plaintiff's second amended complaint be dismissed with prejudice for failure to state a claim. The Second Circuit affirmed the decision to dismiss for failure to state a claim, concluding that plaintiff failed to plead facts to support a claim of discrimination under the Fair Housing Act. The Second Circuit concluded that I erred in denying plaintiff leave to amend her complaint, and remanded to give plaintiff the opportunity to file a third amended complaint.

Question 14:

Recused

Meade v. Northwell Health, No. 18-cv-5596. I recused myself from this case *sua sponte* because a family member recently applied for a position with defendant Northwell Health.

Morales v. North Shore-LIJ, No. 17-cv-6518. I recused myself from this case *sua sponte* because a family member recently applied for a position with defendant Northwell Health.

Beecher v. Northwell Health, No. 16-cv-4190. I recused myself from this case *sua sponte* because a family member recently applied for a position with defendant Northwell Health.

Recusal Motion Denied

Dekom v. Fannie Mae, No. 17-cv-2712. *Pro se* plaintiff made a motion for my recusal based on his belief that the case was not randomly re-assigned to me after another judge recused herself, because his appeal from another judge's dismissal was pending on appeal, and because he believed that my rulings evinced judicial misconduct. Because no basis for recusal existed, I denied the motion.

United States v. Valerio, No. 14-cr-0094. Since my filing of the questionnaire, I have discovered an oral motion for recusal made in this case in 2014, based upon the government communicating the terms of a rejected plea offer to the Court on the record. Because the government's disclosure did not provide a basis for recusal, I orally denied the motion.

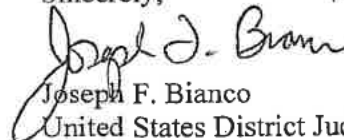
Question 19:

Counterterrorism Law, St. John's University School of Law – Spring 2019. Syllabus supplied.

Criminal Procedure: Sentencing/Post-Conviction, St. John's University School of Law – Spring 2019. Syllabus supplied.

Please note that I am also forwarding an updated net worth statement and financial disclosure report.

Sincerely,



Joseph F. Bianco
United States District Judge
Eastern District of New York