

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**
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The Honorable James O. Browning
United States District Judge

October 7, 2022

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley:

Senator Heinrich has asked me to write a letter regarding the nomination of Matthew Garcia to United States District Judge for the United States District Court for the District of New Mexico. If asked, a federal judge ethically may respond to requests from an appointing authority or a screening committee, and may recommend and evaluate judicial nominees based on the judge's insight and experience, with the objective of maintaining a qualified and honorable judiciary. Any opinion that I offer herein is directed only to Mr. Garcia's qualifications and factors relevant to the performance of judicial duties.

I have been an active United States District Judge in the District of New Mexico since President Bush appointed me in 2003. Before that time, I was in private practice for twenty-one years. Because of our different ages and experiences, I did not know Mr. Garcia as a lawyer. I have come to know Mr. Garcia over the last four years as he has appeared as lead counsel for defendants in several large, high-profile civil rights cases, some of which necessitated diligent statutory analysis and exhaustive factual considerations. In all instances, Mr. Garcia's briefs were top notch and he stood out in his command of the law during oral argument. Mr. Garcia is a

professional, intelligent, and strong advocate. He has good litigation ability and intellectual firepower. Mr. Garcia is competent, knowledgeable in the law, and respectful of the court and all parties in the litigation. Further, he has always demonstrated a pensive and thoughtful demeanor, necessary to the character of any prudent jurist. Mr. Garcia is an accomplished attorney with the legal acumen necessary to serve on the federal bench.

Mr. Garcia enjoys an unblemished reputation in the legal community. Consistent with the manner in which he conducts himself in my courtroom, Mr. Garcia is known to be professional and courteous, while at the same time being a dedicated representative of his client. He is recognized in New Mexico as a skilled litigator who has an aptitude for resolving complex issues.

Mr. Garcia's qualities have led to his appointment on a number of important judicial committees and positions of authority. For example, the United States District Court has appointed -- and twice re-appointed -- Mr. Garcia to our District's Magistrate Judge Selection Panel. He also serves as a member of the New Mexico Disciplinary Board Hearing Committee, where he assists in addressing allegations of misconduct and ethical violations by members of the New Mexico State Bar. Mr. Garcia has also served as an appointee on a number of panels of the Supreme Court of the State of New Mexico. It is evident that Mr. Garcia was afforded the responsibilities inherent to these positions because of his credentials and ability to collaborate effectively with diverse groups of stakeholders.

I have met with Mr. Garcia during his federal court application process, called and texted him, and learned more about his personal and professional history, as well as the manner in which he intends to transition from being a legal advocate to a federal judge if he is confirmed. I am unaware of Mr. Garcia's making any intemperate comments in his past, on social media or otherwise. He has a steady but firm personality and temperament that has suited him well in practice and promises to serve him well as a judge. I believe that he, in his advocacy, has taken reasonable and supportable positions, and has been successful often in large cases. It will be good to have on our court a person with a broad array of civil litigation experience, which is difficult to acquire except by doing before one comes on the bench. I am confident that Mr. Garcia can be a fair and impartial judge who will ensure that all who come before the court have a full opportunity to be heard. In my opinion, Mr. Garcia is well-suited to serve on the United States District Court for the District of New Mexico, and I recommend that the Committee advance his nomination and that the Senate confirm him.

In closing, my recommendation for Mr. Garcia recognizes the judiciary's profound importance in our federal system of government. I seek to ensure that the United States District of New Mexico will uphold the elevated practice established within our federal courts. My sole concern is that a nominee can serve as an impartial arbiter and adhere to the foundational principals of our Constitution. Mr. Garcia will do so, and he has my recommendation in that regard.

Please do not hesitate to contact me with any questions or concerns.

Respectfully submitted,



United States District Judge

cc: Senator Heinrich
Travis Knight