

**Senator Dick Durbin**  
**Ranking Member, Senate Judiciary Committee**  
**Written Questions for Anne-Leigh Gaylord Moe**  
**Nominee to be U.S. District Judge for the Middle District of Florida**  
**July 2, 2025**

1. You stated in your Questionnaire that you met with President Trump regarding your nomination on May 27. The next day, President Trump posted on Truth Social about his intent to nominate you, writing in part that you will “prioritize LAW AND ORDER unlike other activist Judges who put the safety of Illegal Criminals over the safety of AMERICANS.”<sup>1</sup>

- a. **What did you and President Trump discuss in your meeting that made him share this sentiment about you?**

Response: I would not presume to speak for President Trump about what inspired him share that sentiment about me. During the meeting, we discussed my background and qualifications.

- b. **How can undocumented or noncitizen litigants have confidence that you will treat them fairly, given President Trump’s social media post about you?**

Response: Please see my response to the previous question. As a judge, I endeavor to treat all litigants fairly, without reference to immigration status.

2. On the bench, you have a history of ignoring the clear language of a statute, as well as precedent, to rewrite the law in ways that advance a conservative political agenda.

You presided over *Sapp v. Brooks* and subsequent cases involving a 2023 Florida tort reform statute, HB 837, which limits the types of evidence plaintiffs can use to prove the amount of damages for past or future medical treatment or services in a personal injury or wrongful death action. You ruled in favor of defendants who sought to apply this law retroactively to cases, despite the law clearly stating that unless otherwise provided, it “shall apply to causes of action filed after the effective date of this act.” (Emphasis added.)

In *Liberty Hospitality Management v. City of Tampa*, you ruled that the City Council had no power to rule on zoning matters, upending decades of precedent. You found in favor of a hotel developer who had attempted to build a hotel for years, despite the City Council repeatedly denying the rezoning request.

**Why should litigants who are not seeking to advance a conservative political agenda have confidence that you will treat them fairly if you are confirmed to serve on the federal bench?**

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<sup>1</sup> Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 28, 2025, 4:54 PM), <https://truthsocial.com/@realDonaldTrump/posts/114587447392412802>.

Response: As stated in the written order entered in *Sapp v. Brooks*, a judge “cannot make decisions driven by concern over how the parties will feel” but “one way the Court can demonstrate respect for everyone involved is to give a fulsome explanation of its thought process” that demonstrates how the decision followed the law, rather than the judge’s personal preferences.

**3. The entirety of your judicial and legal career has involved civil proceedings. What makes you qualified to handle the demands of the federal bench, including its large criminal docket, when you have never tried a criminal case or presided over one?**

Response: Both at the appellate level and at the trial level, through annual service as a duty judge and because it was my practice to volunteer to assist my colleagues whenever I could, I gained experience handling a considerable variety of criminal proceedings. In the Thirteenth Circuit, each of the judges on a rotating basis is assigned a “duty week,” in which the duty judge is on call 24/7 to review any requests for a search or arrest warrants. The duty judge is also responsible for presiding over a first appearance docket, a criminal motions docket, and a juvenile delinquency docket. While assisting my colleagues, I also ruled on criminal motions of varying kinds and tried a criminal case, although the defendant took a plea deal after the jury was empaneled and before the verdict. I have taken pleas and presided over routine case management hearings as well. Before my time on the bench, I clerked for a United States District Judge and assisted her with motions to suppress and several lengthy criminal trials, including one very complex, contentious criminal trial that lasted approximately 6 weeks. That trial involved considerable motions practice and complex and highly disputed jury instructions.

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

Response: Joseph Biden was certified as the winner of the 2020 presidential election. To the extent that this question could be reasonably construed as calling for my opinion on a political matter, consistent with the position of prior judicial nominees I will not offer such an opinion. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

Response: I do not recall where I was on January 6, 2021 but I assume I was in Tampa, Florida. I was not in Washington, D.C.

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

Response: As a judicial nominee, because of the significant political debate that surrounds the events of January 6, 2021, it would be inappropriate for me to comment on whether those events are reasonably characterized as an insurrection. I also recognize that cases involving individuals prosecuted due to their involvement in the events of January 6, 2021, could be assigned to me if I am confirmed; for that reason, too, it would be inappropriate for me to comment.

- 7. Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?**

Response: Please see my response to question 6.

- 8. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarming, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.**

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

Response: In my career as a lawyer and as a judge, the specifics of this question as it relates to the executive branch is not a matter about which I have had reason to extensively study; however, generally a litigant who disagrees with a court order can comply with it and move on, seek reconsideration, seek clarification, file an appeal, move to stay, or in some instances petition for a writ. The litigant also has the freedom to criticize that order publicly. In some instances, it may be necessary to defy the order to preserve the issue for appeal, as Justice Sotomayor recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009). I am generally aware of a scholarly discussion over scenarios where parties, including the executive branch might permissibly disregard a court order. *See generally*, e.g., William Baude, *The Judgment Power*, 96 Geo. L.J. 1807 (2008) (lack of jurisdiction); Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation*, 81 Iowa L. Rev. 1267, 1326 (1996) (constitutional error “so clear that it is not open to rational question”); *see also* 17 Corpus Juris Secundum Contempt §§ 56-65 (discussing contempt defenses). I am also aware of the legal distinction that parties and jurists have drawn between a court’s binding “judgment[]” and its “statements in opinions.” *Camreta v. Greene*, 563 U.S. 692, 704 (2011). Beyond this, as a sitting judge and a judicial nominee, it would be inappropriate to provide an answer that categorically pre-determines the validity of potential legal arguments for or against adhering to court orders. If such a case were assigned to me as a lower court judge, I would faithfully apply Supreme Court and Eleventh Circuit precedent and carefully consider the parties’ arguments.

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

Response: A litigant should follow a lower court order that binds them. While the law provides certain exceptions to this general rule, whether those exceptions

would apply requires a case-by-case determination. As a general matter, if a litigant believes that order is wrong, then the litigant should seek review of the order. If I am confirmed and this issue arose in a case assigned to me, I would faithfully follow any Supreme Court and Eleventh Circuit precedent.

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

Response: As a general matter, all three branches of government have an obligation to uphold the Constitution and article III of the United States Constitution vests the judicial power with the judicial branch. In *Marbury v. Madison*, 1 Cranch (5 U.S.) 137 (1803), the U.S. Supreme Court held it had the power of judicial review. To the extent this question seeks a more specific opinion on a legal question that may come before court, as a judicial nominee it would not appropriate to provide one.

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

**a. Are non-party injunctions constitutional?**

Response: The U.S. Supreme Court recently held, as a matter of interpreting the 1789 Judiciary Act, that Congress has not granted federal courts the power to issue universal injunctions. See *Trump v. CASA, Inc.*, Nos. 24A884, 24A885, and 24A886, 2025 WL 1773631, at \*6 (U.S. June 27, 2025) (“A universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power.”). The Court specifically declined to address their constitutionality. See *id.* at n.4 (“Our decision rests solely on the statutory authority that federal courts possess under the Judiciary Act of 1789. We express no view on the Government’s argument that Article III forecloses universal relief.”). The Eleventh Circuit, however, has cautioned that “[w]e are both weary and wary of this drastic form of relief,” and that “[i]n their universal reach to plaintiffs and nonplaintiffs alike, nationwide injunctions push against the boundaries of judicial power, and very often impede the proper functioning of our federal court system.” *Georgia v. President of the United States*, 46 F.4th 1283, 1303 (11th Cir. 2022). Were I to be confirmed as a federal district judge on the Middle District of Florida, both of those cases (and any other applicable Supreme Court and Eleventh Circuit precedent) would bind me, and I will faithfully apply them. To the extent that this question seeks a commitment on how I would rule if I am confirmed and asked in a future case whether issuing a particular defendant-oriented injunction would exceed the scope of the judicial power of the United States conferred in Article III of the Constitution, I must refrain from making such a commitment, consistent with the Code of Conduct for United States Judges and Florida’s Code of Judicial Conduct.

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

Response: See above.

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

Response: See above.

**d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.**

Response: No.

**10. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.**

Response: No.

**11. Does the U.S. Constitution permit a president to serve three terms?**

Response: The 22nd Amendment to the U.S. Constitution directs that “[n]o person shall be elected to the office of the President more than twice.”

**12. On Memorial Day, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as “USA HATING JUDGES” and “MONSTERS”, who “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”<sup>2</sup>**

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

Response: As a sitting judge and a judicial nominee, it would be inappropriate for me to state an opinion.

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

Response: See above.

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<sup>2</sup> Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

**13. In addition to the President’s own attacks on judges, his adviser Stephen Miller recently took to social media to call a federal trade court’s ruling against President Trump’s tariffs a “judicial coup”<sup>3</sup> and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”<sup>4</sup>**

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

Response: As a sitting judge and a judicial nominee, it would be inappropriate for me to state an opinion.

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

Response: I do not know how I would assess this as a matter of fact. To the extent this question seeks an opinion, as a sitting judge and a judicial nominee, it would be inappropriate for me to provide one.

**c. Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?**

Response: The Constitution protects the right to speak freely, and that includes the right to be critical of a judge’s decision on social media or otherwise.

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

Response: A lower court is bound by directly controlling Supreme Court precedent and may not depart from it.

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

Response: In the Eleventh Circuit, one panel cannot overturn the published and binding decision of another panel. It can only be overturned by an *en banc* panel. *In re Lambrix*, 776 F.3d 789, 794 (11th Cir. 2015) (“[U]nder this Court's prior-panel-precedent rule, ‘a prior panel's holding is binding on all subsequent panels unless and until it is overruled or undermined to the point of abrogation by the Supreme Court or by this court sitting en banc.’”).

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<sup>3</sup> Stephen Miller (@StephenM), X, (May 28, 2025, 7:48PM), <https://x.com/StephenM/status/1927874604531409314>.

<sup>4</sup> Stephen Miller (@StephenM), X, (May 29, 2025, 8:25AM), <https://x.com/StephenM/status/1928065122657845516>.

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

Response: The Supreme Court has identified various factors it considers when determining whether to overrule its own precedent. For example, it has stated that “[a]n important factor in determining whether a precedent should be overruled is the quality of its reasoning.” *Janus v. Am. Fed’n of State, Cnty., & Mun. Emps., Council 31*, 585 U.S. 878, 917 (2018). Other factors include the nature of the court’s error, the “workability” of the rules the prior decision imposed, any disruptive effects the decision has had on other areas of the law, and the absence of concrete reliance. *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215, 268-90 (2022).

**17. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:**

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

Response: While as a general matter judicial nominees across administrations have declined to comment on whether given cases were correctly decided, I understand *Brown v. Board of Education* and *Loving v. Virginia* to be recognized exceptions to that rule. I agree with other nominees for judicial office who have opined that those cases were rightly decided. Aside from these two cases, as a nominee to a U.S. District Court, it would be inappropriate for me to opine on whether a U.S. Supreme Court case correctly was decided. If confirmed, I will faithfully follow all binding precedent.

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

Response: Yes, the United States Supreme Court has said that judges should consider the original public meaning of the Constitution for certain constitutional provisions must be interpreted according to their original meaning. *See, e.g., United States v. Rahimi*, 602 U.S. 680 (2024); *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541 U.S. 36 (2004); *Wilson v. Arkansas*, 514 U.S. 927 (1995). Of course, as a lower court judge my principal

obligation will be to faithfully apply binding precedent of the United States Supreme Court and the Eleventh Circuit, regardless of whether that precedent considered the original public meaning of a given provision of the Constitution.

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

Response: See above.

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

Response: In *Obergefell v. Hodges*, 576 U.S. 644 (2015), the Supreme Court held that there is a constitutional right to same-sex marriage. If I am confirmed, I will faithfully follow the precedent of the United States Supreme Court, including *Obergefell*, and as a lower court judge I will follow precedent even if an argument could be made that it does not comport with the original public meaning of the Constitution.

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

Response: In *Loving v. Virginia*, 388 U.S. 1 (1967), the Supreme Court held that there is a constitutional right to marry persons of a different race. If I am confirmed, I will faithfully follow the precedent of the United States Supreme Court, including *Loving*, and as a lower court judge I will follow precedent even if an argument could be made that it does not comport with the original public meaning of the Constitution.

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

Response: The Supreme Court has held that the Equal Protection Clause of the Fourteenth Amendment limits the government’s ability to classify persons in a way that lacks a rational basis or infringes fundamental rights on the basis of quasi-suspect or suspect characteristics. The Supreme Court has held that the Due Process Clause establishes both procedural requirements and substantive rights. If I am confirmed, I would faithfully apply Supreme Court and Eleventh Circuit precedent on these two Clauses of the Fourteenth Amendment.

**23. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?**

Response: The U.S. Supreme Court has applied the Fourteenth Amendment to claims of discrimination and claims of substantive constitutional rights in this area. *See, e.g., United States v. Skrametti*, 145 S. Ct. 1816 (2025); *Obergefell v. Hodges*, 576 U.S. 644 (2015); *Lawrence v. Texas*, 539 U.S. 558 (2003); *United States v. Virginia*, 518 U.S. 515 (1996); *Romer v. Evans*, 517 U.S. 620 (1996). I would faithfully apply these binding



precedents, and all other binding precedents, to any case requiring their application. To the extent that this question seeks a commitment on how I might rule on matters that are the subject of pending or impending litigation, I must refrain from making such a commitment, consistent with the Code of Conduct for United States Judges and Florida's Code of Judicial Conduct.

**24. Do you believe that judges should be “originalist” and adhere to the original public meaning of constitutional provisions when applying those provisions today?**

Response: Please see my response to Question 18.

**25. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?**

Response: See above.

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

Response: The First Amendment provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” If I am confirmed, I will faithfully comply with United States Supreme Court and Eleventh Circuit precedent construing the First Amendment. To the extent that the question touches on a matter of ongoing litigation, as a judicial nominee it would not be proper for me to comment further.

**27. How would you determine whether a law that regulates speech is “content-based” or “content-neutral”? What are some of the key questions that would inform your analysis?**

Response: I would consult and faithfully apply applicable precedent of the Supreme Court and Eleventh Circuit. Supreme Court decisions addressing this issue include *TikTok, Inc. v. Garland*, 145 S. Ct. 57 (2025); *City of Austin v. Reagan Nat’l Advertising of Austin, LLC*, 596 U.S. 61 (2022); *Nat’l Institute of Fam. & Life Advocates v. Becerra*, 585 U.S. 755 (2018); *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). In particular, the Court has concluded that “[c]ontent-based laws” are laws “that target speech based on its communicative content.” *Reed*, 576 U.S. at 163. It has further explained that content-based regulation occurs when the law “applies to particular speech because of the topic discussed or the idea or message expressed.” *Id.* The Court also has observed that a speech regulation is content-based when it “compel[s] individuals to speak a particular message,” thereby “alte[r]ing the content of [their] speech.” *NIFLA*, 585 U.S. at 766 (internal quotation marks omitted).

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

Response: If I am confirmed and a case presents the issue of whether a statement is protected speech under the true threats doctrine, I will faithfully apply United States Supreme Court and Eleventh Circuit precedent, including *Counterman v. Colorado*, 660 U.S. 66, 74 (2023), which defined a true threat as a “serious expressions conveying that a speaker means to commit an act of unlawful violence” and held that such threats fall into a “historically unprotected category of communications.”

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

Response: Under the Fifth and Fourteenth Amendments to the United States Constitution, no person shall “be deprived of life, liberty or property, without due process of law” and no State shall “deprive any person of life, liberty, or property, without due process of law.” The Supreme Court has stated that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). As a general matter, where a litigant faces a deprivation of life, liberty, or property, due process doctrine most often addresses the question of what process is due in a given context, rather than the question of whether the clause applies to the litigant. If I am confirmed, I would faithfully apply Supreme Court and the Eleventh Circuit precedent construing the Fifth and Fourteenth Amendments. Beyond this, to the extent that this question asks about matters that are the subject of ongoing litigation, as a sitting judge and a judicial nominee it would be improper for me to offer an opinion. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

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

Response: Because this question asks about matters that are the subject of ongoing litigation, as a sitting judge and a judicial nominee it would be improper for me to offer an opinion. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

**31. The Fourteenth Amendment states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”**

**a. Is every person born in the United States a citizen under the Fourteenth Amendment?**

Response: Because this question asks about matters that are the subject of ongoing litigation, as a sitting judge and a judicial nominee it would be improper for me to offer an opinion. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

**b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?**

Response: Because this question asks about matters that are the subject of ongoing litigation, as a sitting judge and a judicial nominee it would be improper for me to offer an opinion. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

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

Response: Yes, there is value to diversity and, as best I can tell, when merit is the primary factor in judicial selection candidates with different backgrounds, viewpoints, life experiences, and demographic characteristics tend to be selected.

**33. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.**

**a. How do you view the role of federal judges in implementing the *First Step Act*?**

Response: If I am confirmed, I will faithfully apply the *First Step Act* and any Supreme Court and the Eleventh Circuit precedent construing it.

**b. Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?**

Response: Yes.

**34. The Federalist Society seeks to “reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law.”**

**a. In your Questionnaire, you state that you are currently or were previously a member of the Federalist Society. What is your understanding of “traditional values”?**

Response: I am unfamiliar with that statement. Without the benefit of context or insight from the author, I do not know what was meant by the use of that term.

- b. President Trump wrote on Truth Social that the Federalist Society gave him “bad advice” on “numerous Judicial Nominations.” He also wrote that Leonard Leo is a “sleazebag” who “probably hates America.” If you are not familiar with this post, please refer to it in the footnote.<sup>5</sup>**

- i. Do you agree with President Trump that the Federalist Society provided President Trump with bad advice during his first term? Why or why not?**

Response: As a sitting judge and a judicial nominee, under the Code of Judicial Conduct it would be inappropriate for me to comment.

- ii. Do you agree with President Trump that Leo is a sleazebag who probably hates America? Why or why not?**

Response: As a sitting judge and a judicial nominee, under the Code of Judicial Conduct it would be inappropriate for me to comment.

- iii. If you are confirmed, do you plan to remain affiliated with the Federalist Society?**

Response: If I am confirmed, I will evaluate all of my associations and memberships for consistency with the Code of Conduct for United States Judges.

- c. During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.**

Response: I have not spoken to or corresponded with Leonard Leo or Steven G. Calabresi as part of my selection process. Given the size of the Federalist Society and the fact that a number of my friends are members, I am certain that during the time that I have been in this selection process I have spoken to and corresponded with a number of members of the Federalist Society, but their membership in the Federalist Society was not why I was speaking with any of them.

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

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<sup>5</sup> Donald J. Trump (@realDonaldTrump), Truth Social (May 29, 2025, 8:10 PM), <https://truthsocial.com/@realDonaldTrump/posts/114593880455063168>.

Response: I have been asked to moderate panels put on by the Florida Chapter of the Federalist Society.

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

Response: No.

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

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

Response: I am not familiar with the membership of the Teneo Network so if I spoke to any individuals who were members of the Teneo Network during my selection process, I did not know they were members and the fact that they were members was not the reason I was speaking with them. I have not spoken to Leonard Leo during my selection process.

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

Response: No.

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

Response: No.

**36. The Heritage Foundation states that its mission is to “formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.” Heritage Action, which is affiliated with the Heritage Foundation, seeks to “fight for conservative policies in Washington, D.C. and in state capitals across the country.”**

- a. **During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.**

Response: I am not familiar with the membership of the Heritage Foundation so if I spoke to any individuals who were members of the Heritage Foundation during my selection process, I did not know they were members and the fact that they

were members was not the reason I was speaking with them. I have not spoken to Kevin D. Roberts during my selection process.

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

Response: No.

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

Response: No.

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

Response: No.

**37. The America First Policy Institute (AFPI) states that its “guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do.”**

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

Response: I am not familiar with the membership of the AFPI so if I spoke to any individuals who were members of the AFPI during my selection process, I did not know they were members and the fact that they were members was not the reason I was speaking with them.

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

Response: No.

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

Response: No.

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

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

Response: I am not familiar with the membership of the AFLI so if I spoke to any individuals who were members of the AFLI during my selection process, I did not know they were members and the fact that they were members was not the reason I was speaking with them. I have not spoken to Stephen Miller, Gene Hamilton, or Daniel Epstein during my selection process.

- b. **Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?**

Response: No.

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

Response: No.

**39. The Article III Project is an organization which claims that, “The left is weaponizing the power of the judiciary against ordinary citizens.”**

- a. **During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.**

Response: I am not familiar with the membership of the Article III Project so if I spoke to any individuals who were members of the Article III Project during my selection process, I did not know they were members and the fact that they were members was not the reason I was speaking with them. I have not spoken to Mike Davis, Will Chamberlain, or Josh Hammer during my selection process.

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

Response: No.

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

Response: No.

**40.** The Alliance Defending Freedom (ADF) states that it is “the world’s largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights.”

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

Response: My friend Kellie Fiedorek is an employee of ADF and during this process I’ve had the chance to see and speak with her several times. In some instances, this process came up in conversation. Unrelated to this selection process, on one occasion when I saw Ms. Fiedorek I also visited with several of her coworkers and other individuals associated with ADF while they were in Florida in February 2025. I do not know how to define or determine who all might be affiliated with ADF and so to the extent that I spoke to other individuals affiliated in some sense with ADF during this process, the fact that they were affiliated with ADF was not the reason I was speaking with them.

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

Response: No.

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

Response: No.

**41.** The Concord Fund, also known as the Judicial Crisis Network, states that it is committed “to the Constitution and the Founders’ vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary.” It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.

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

Response: I am not familiar with the membership of the Judicial Crisis Network so if I spoke to any individuals who were members of the Judicial Crisis Network during this selection process, I did not know they were members and the fact that they were members was not the reason I was speaking with them. I have not spoken to Leonard Leo or Carrie Severino during this selection process.

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



Response: No.

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

Response: No.

- d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.**

Response: I am not aware of what activities private groups or individuals might be undertaking to advocate for or against my confirmation. If I am confirmed, any public advocacy for or against my confirmation will be irrelevant to my decision-making as a judge. To the extent that this question is addressed to whether I think such donations should be made public as a policy matter, I do not believe that it would be appropriate for me, as a sitting judge and judicial nominee, to address such policy questions.

- e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?**

Response: Both the appearance of impartiality and actual impartiality are vital to maintaining the public's confidence in our system of justice. If I am confirmed, I will address all actual or potential conflicts of interest by reference to the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances. To the extent that this question is addressed to whether I think such donations should be made public as a policy matter, as a sitting judge and judicial nominee it would not be appropriate for me to address such policy questions.

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

Response: See above.

**Nomination of Anne-Leigh Moe  
Nominee to the U.S. District Court for the Middle District of Florida  
Questions for the Record  
Submitted July 2, 2025**

**QUESTIONS FROM SENATOR WHITEHOUSE**

**1. You said in your questionnaire that you met with President Trump on May 27.**

**a. What did you discuss at that meeting?**

Response: The President congratulated me and the other Florida nominees, welcomed us to the White House, discussed our backgrounds and qualifications, discussed features of the Oval Office, and discussed plans for the White House.

**b. Did he ask you to make any commitments? If so, what did he ask you?**

Response: The President did not ask me to make any commitments.

**c. Did you make any commitments to President Trump? If so, to what did you commit?**

Response: No.

**2. President Trump announced your nomination on social media by saying you would “prioritize LAW AND ORDER unlike other activist Judges who put the safety of Illegal Criminals over the safety of AMERICANS.”**

**a. What do you think this statement means?**

Response: I would not presume to speak for President Trump about what inspired him share that sentiment about me. During the meeting, we discussed my background and qualifications.

**b. Did President Trump talk about “prioritizing law and order” when you met with him on May 27?**

Response: Not that I recall.

**c. Did President Trump talk about “activist judges who put the safety of illegal criminals over the safety of Americans” when you met with him on May 27?**

Response: Not that I recall.

**3. You said in your questionnaire that you were a member of the Federalist Society from 2016 to 2018.**

**a. Why did you join the Federalist Society in 2016?**

Response: Friends invited me to meetings and recommended that I join.

**b. Why did you leave the Federalist Society in 2018?**

Response: I make decisions on memberships on a year-to-year basis, and while I do not recall the reasons I assume that I decided in 2018 that I did not wish to be a member that year.

**c. Do you know Leonard Leo? If so:**

Response: No.

**i. How do you know Leo?**

Response: N/A.

**ii. How often you communicate with Leo?**

Response: N/A.

**d. Do you agree with President Trump that Leonard Leo is a “sleazebag” who “probably hates America”? Explain.**

Response: Consistent with the Code of Conduct and positions taken by prior nominees, it would be inappropriate for me, as a sitting judge and judicial nominee, to comment on the statements of any political figure or on any subject of political controversy.

**4. Have you had any conversations with President Trump or members of the Trump administration concerning your personal views on any policy or case law? If so, please identify with whom you spoke and describe those conversations with specificity.**

Response: No.

**5. Have you ever spoken with the following individuals or groups about your nomination? If so, please describe your conversations with them with specificity.**

**a. Leonard Leo?**

**b. Carrie Severino?**

**c. Mike Davis?**

**d. Any member of The Article III Project?**

Response: I have not spoken with any of the above-listed individuals or groups about my nomination.

**6. Please explain your understanding of existing case law regarding:**

**a. The executive branch's obligation to comply with federal court orders.**

Response: In my career as a lawyer and as a judge, the specifics of this question as it relates to the executive branch is not a matter about which I have had reason to extensively study; however, generally a litigant who disagrees with a court order can comply with it and move on, seek reconsideration, seek clarification, file an appeal, move to stay, or in some instances petition for a writ. The litigant also has the freedom to criticize that order publicly. In some instances, it may be necessary to defy the order to preserve the issue for appeal, as Justice Sotomayor recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009). I am generally aware of a scholarly discussion over scenarios where parties, including the Executive Branch or one of its officers, departments, or agencies, might permissibly disregard a court order. *See generally, e.g.*, William Baude, *The Judgment Power*, 96 Geo. L.J. 1807 (2008) (lack of jurisdiction); Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation*, 81 Iowa L. Rev. 1267, 1326 (1996) (constitutional error "so clear that it is not open to rational question"); *see also* 17 Corpus Juris Secundum Contempt §§ 56-65 (discussing contempt defenses). I am also aware of the legal distinction that parties and jurists have drawn between a court's binding "judgment[]" and its "statements in opinions." *Camreta v. Greene*, 563 U.S. 692, 704 (2011). Beyond this, as a sitting judge and a judicial nominee, it would be inappropriate to provide an answer that categorically pre-determines the validity of potential legal arguments for or against adhering to court orders. If such a case were assigned to me as a lower court judge, I would faithfully apply Supreme Court and Eleventh Circuit precedent and carefully consider the parties' arguments.

**b. Remedies available to a federal court to ensure executive branch compliance with a court order.**

Response: Just as state courts do, federal courts have remedies to ensure compliance with a court order, including imposition of monetary sanctions, instructing a jury about adverse inferences to be drawn (spoliation sanctions), awarding fees and costs, striking pleadings, and contempt proceedings (civil and criminal).

**c. Federal government lawyers' duty of candor to federal courts before which those lawyers appear.**

Response: All lawyers have a duty of candor to the court. To the extent that this question invites an opinion about individualized questions that could arise in a case

assigned to me if I am confirmed, as a sitting judge and judicial nominee it would be inappropriate for me to comment further.

**d. The president's legal obligations under the Constitution's Take Care Clause.**

Response: The Constitution provides that the President "shall take Care that the Laws be faithfully executed," U.S. Const., art. II, § 3, cl. 5, and I am generally aware that the Supreme Court has interpreted this clause as giving the President authority to oversee executive officers through removal, engage in enforcement of federal laws, make arrests and prosecute offenses on behalf of the United States, and prioritize enforcement of federal law. *Seila Law LLC v. CFPB*, 591 U.S. 197, 213 (2020); *Trump v. United States*, 603 U.S. 593, 627 (2024); *United States v. Texas*, 599 U.S. 670, 678-79 (2023); *Texas*, 599 U.S. at 679; *Heckler v. Chaney*, 470 U.S. 821, 832 (1985). To the extent this question invites an opinion about individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

**e. The limits of the executive branch's power under the anti-commandeering doctrine.**

Response: The Supreme Court has held that Congress cannot compel the States or their officials to participate in federal regulatory programs, partly based on separation-of-powers concerns and their impact on the executive branch. *Printz v. United States*, 521 U.S. 898, 922-23, 935 (1997). To the extent this question invites an opinion about individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

**f. The president's ability or inability to impound congressionally appropriated funds.**

Response: The Supreme Court addressed the executive branch's withholding of authorized funds in *Train v. City of New York*, 420 U.S. 35 (1975) and I am generally aware of the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq.*, which provides various procedures for addressing budget and funding issues. To the extent this question invites an opinion about individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

**g. The federal government's ability to enact laws or regulations that burden Second Amendment rights.**

Response: The Supreme Court has addressed laws or regulations impacting Second Amended Rights. *District of Columbia v. Heller*, 554 U.S. 570 (2008); *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022); *United States v. Rahimi*, 602 U.S. 680 (2024). To the extent this question invites an opinion about

individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

**h. The federal government’s ability to enact generally applicable laws that are not motivated by animus but nonetheless burden religious practices.**

Response: The Supreme Court has interpreted the First Amendment to the United States Constitution and addressed the government’s ability to enact generally applicable laws that burden religious practices. Congress has enacted federal statutes on this topic, including the Religious Freedom Restoration Act of 1993 (RFRA), 42 U.S.C. § 2000bb *et seq.*, and the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. § 2000cc *et seq.* In *Employment Division, Dept. of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990), the Supreme Court held that “neutral, generally applicable laws that incidentally burden the exercise of religion usually do not violate the Free Exercise Clause of the First Amendment.” *Holt v. Hobbs*, 574 U.S. 352, 357 (2015). In response, Congress passed RFRA, which applies to the federal government and “provide[s] greater protection for religious exercise than is available under the First Amendment.” *Id.* RFRA states that the “[g]overnment shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability, unless the government demonstrates that application of the burden to the person—(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.” *Id.* (quoting 42 U.S.C. §§ 2000bb–1(a), (b)). Congress then adopted RLUIPA, which applies those standards to land-use regulation and religious exercise by institutionalized persons. *Id.* at 357–58. To the extent this question invites an opinion about individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

**i. Substantive due process under the Fifth and Fourteenth Amendments.**

Response: The Fifth Amendment provides that “[n]o person shall be . . . deprived of life, liberty, or property, without due process of law.” The Fourteenth Amendment provides that “[n]o state shall . . . deprive any person of life, liberty, or property, without due process of law.” The Supreme Court has interpreted the Due Process Clauses of the Fifth and Fourteenth Amendments to include a guarantee of not just fair procedures but also a protection of certain fundamental rights from governmental interference. *See, e.g., Lochner v. New York*, 198 U.S. 45 (1905); *West Coast Hotel v. Parrish*, 300 U.S. 379 (1937); *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Obergefell v. Hodges*, 576 U.S. 644 (2015); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022). Generally, to determine if a right is fundamental, the court considers whether it is deeply rooted in the nation’s history and traditions. Further, it asks whether the right is implicit in the concept of ordered liberty. If yes, then any government restriction must satisfy strict scrutiny, meaning it must serve a compelling government interest

and be narrowly tailored to achieve that interest. To the extent this question invites an opinion about individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

**j. The Constitution’s protection of unenumerated rights.**

Response: The Ninth Amendment states that “[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” Moreover, the Supreme Court has interpreted the Fifth and Fourteenth Amendments to protect unenumerated rights under the concept of substantive due process. To the extent this question invites an opinion about individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

**k. The Constitution’s protection of freedom of the press.**

Response: The First Amendment states that “Congress shall make no law . . . abridging the freedom . . . of the press.” To the extent this question invites an opinion about individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

**l. The free speech rights of immigrants residing in the United States.**

Response: The First Amendment states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.” Beyond this, I am aware that there are significant policy and political debates in reference to this issue. To the extent this question invites an opinion about individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

**m. The federal government’s authority to fire employees for their political views or opinions.**

Response: The First Amendment states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.” Beyond this, I am aware that there are significant policy and political debates in reference to this issue. To the extent this question invites an opinion about individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

- n. The federal government’s authority to punish private citizens for their political views, opinions, or private lawful activities.**

Response: The First Amendment states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.” Beyond this, I am aware that there are significant policy and political debates in reference to this issue. To the extent this question invites an opinion about individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

- o. The constitutionality of campaign finance disclosure requirements.**

Response: The First Amendment states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.” In *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), the Supreme Court held that a federal statute barring independent corporate expenditures for electioneering commissions violated the First Amendment. Beyond this, I am aware that policy and political debates continue in reference to this issue. To the extent this question invites an opinion about individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

**7. The Seventh Amendment ensures the right to a jury “in suits at common law.”**

- a. What role does the civil jury play in our constitutional system?**

Response: A very important one. As between the judge and the jury, the judge’s obligation is to determine what law applies and the jury’s obligation is to decide what the facts are and apply the law to those facts. To the extent this question invites an opinion about individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

- b. Should the Seventh Amendment be a concern to judges when adjudicating issues related to the enforceability of mandatory pre-dispute arbitration clauses? Explain.**

Response: To the extent that this question invites a commentary on a matter of policy about the enforceability of mandatory pre-dispute arbitration clauses or an opinion about individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.



- c. Should an individual's Seventh Amendment rights be a concern to judges when adjudicating issues surrounding the scope and application of the Federal Arbitration Act? Explain.**

Response: See above.

- 8. Does the 22nd Amendment permit a president to be elected more than twice?**

Response: The 22nd Amendment to the U.S. Constitution directs that "[n]o person shall be elected to the office of the President more than twice."

- 9. Please describe your understanding of natural law.**

Response: I understand natural law to refer to the idea that certain rights are endowed in all humans by nature or some divine source. *See generally* J. Locke, *Two Treatises of Government* (Peter Laslett ed., 2d ed. 1967).

- a. What authority does natural law carry in federal case law?**

Response: The federal government is a government of limited, enumerated powers and, as such, federal law derived from constitutional and statutory sources. The Supreme Court has held there is no general federal common law, such that in diversity jurisdiction cases federal courts are to apply applicable state law. *See Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938). Accordingly, natural law would carry authority in a federal case only to the extent it was incorporated into the U.S. Constitution, federal statutes, or applicable state law.

- b. When do you think it is appropriate for a federal judge to rely on natural law?**

Response: See above.

- c. If confirmed, do you plan to incorporate natural law into your decisions?**

Response: See above.

- 10. Please describe your understanding of originalism.**

Response: Originalism is a method of constitutional interpretation. The object of originalism is to determine the original public meaning of a constitutional provision.

- a. Do you consider yourself an originalist?**

Response: I endeavor to interpret the Constitution using the methods of interpretation that the Supreme Court employs when it undertakes to interpret constitutional

provisions. The Court has routinely interpreted various constitutional provisions by attempting to discern the original meaning of the words used as understood by the ratifying public.

**b. Based on your understanding of originalism, was *Citizens United v. Federal Election Commission* an originalist decision? Why or why not?**

Response: Whether or not the Supreme Court's decision in *Citizens United* was an originalist decision is not a matter on which I, as a judicial nominee, should opine. As precedent of the Supreme Court, it would be binding on me as a U.S. District Court judge if I am confirmed.

**c. Based on your understanding of originalism, was *Trump v. United States* an originalist decision? Why or why not?**

Response: Whether or not the Supreme Court's decision in *Trump v. United States* was an originalist decision is not a matter on which I, as a judicial nominee, should opine. As precedent of the Supreme Court, it would be binding on me as a U.S. District Court judge if I am confirmed.

**11. Please describe your understanding of textualism.**

Response: Textualism is a method by which a text is to be interpreted according to it was written, giving it the meaning it had at the time of its enactment.

**a. Do you consider yourself a textualist?**

Response: Yes, in that I consider textualism to be a method that assists judges in our endeavor to give effect to the people's will by construing the words used in the text according to the meaning those words had at the time of enactment or ratification.

**b. How should a court analyzing a federal statute account for the "Findings" or "Purposes" sections of such statutes?**

Response: The Supreme Court has addressed whether Congress's findings are sufficient to support exercises of its enumerated powers. *See, e.g., Shelby County v. Holder*, 570 U.S. 529 (2013); *United States v. Morrison*, 529 U.S. 598 (2000); *City of Boerne v. Flores*, 521 U.S. 507 (1997). If confirmed, I would faithfully follow applicable Supreme Court and Eleventh Circuit precedent regarding how to account for Congress's findings and purposes when analyzing a federal statute.

**12. Please describe your understanding of the different roles of district and appellate courts with respect to fact-finding.**

Response: Trial courts have the responsibility of resolving questions of fact by weighing evidence and making credibility assessments. While legal decisions made by a trial court are

generally reviewed *de novo*, an appellate court generally will not disturb a trial court's credibility judgments or resolution of disputed questions of fact unless there is a lack of substantial competent evidence or in some other sense a clear error.

**a. What deference should courts grant facts found by Congress when reviewing legislation expanding or limiting individual rights?**

Response: As I understand it, it depends on the nature of the rights at issue. Courts are generally more deferential to congressional fact-finding if the law does not implicate fundamental rights or any suspect characteristic. In those instances, courts are to afford legislation a "strong presumption of validity," and may uphold rational legislation even in "the absence of 'legislative facts.'" *FCC v. Beach Commc'ns, Inc.*, 508 U.S. 307, 314 (1993). On the other hand, less deference is given under heightened standards of review like intermediate and strict scrutiny. To the extent that this question invites an opinion about individualized questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

**b. Separate from legal holdings, are lower courts bound to adhere to factual findings by the Supreme Court?**

Response: Whether the Supreme Court's treatment of given facts would bind lower courts in other cases would turn on a fact-, opinion-, and case-specific analysis on which it would be inappropriate for me, as a judicial nominee, to opine in the abstract.

**c. If you are confirmed, what standard will you use to determine when it is appropriate to depart from otherwise binding appellate case law because of differences in the facts of a case?**

Response: As initial matter, I would consider the parties' briefing of that question. Then, I would read the entirety of the case myself and differentiate between holding and dicta. I would faithfully apply any governing precedent from the Supreme Court and the Eleventh Circuit that may discuss the role of precedents in analogous contexts with asserted factual differences.

**13. If confirmed, how will you conduct historical analyses under *New York State Rifle & Pistol Association v. Bruen*?**

Response: I would faithfully apply the Supreme Court's precedent, including the *Bruen* and *Rahimi* cases, which I understand to require consideration of whether a governmental regulation is "consistent with this Nation's historical tradition of firearm regulation." *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 17 (2022); *United States v. Rahimi*, 602 U.S. 680 (2024). These two cases provide guidance about the most useful common-law, Ratification-era, and post-14th-Amendment sources. To the extent that this question invites an opinion about individualized questions that could arise in a case assigned to me if I am confirmed,

as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

**a. How will you assess the veracity of historical claims made by parties?**

Response: See above.

**b. How will you assess the veracity of historical claims made by amici curiae?**

Response: See above.

**14. The U.S. Sentencing Commission recently prioritized the “[c]ompilation and dissemination of information on court-sponsored programs relating to diversion, alternatives-to-incarceration, and reentry.” Courts can tailor these programs to meet specific needs of defendants before them. These include programs focused on mental health, substance use disorder, veterans, and juveniles.**

**a. Do you support the use of programs such as these?**

Response: If I am confirmed, I will faithfully apply the sentencing factors in 18 U.S.C. Section 3553 and the Sentencing Guidelines.

**b. If confirmed, what steps will you take to participate in or support programs such as these within the jurisdiction to which you would be confirmed?**

Response: Before I became a judge, I was president of the Tampa Bay Chapter of the Federal Bar Association during a period of time when our chapter provided support to the Middle District of Florida’s Intensive Re-Entry Program. As part of that support, one of my final cases in private practice was the defense of an eviction proceeding brought against an ex-offender involved in the program. I was able to prevent his eviction, he got current on his rent, and he went on to successfully graduate from the program. It was my observation that the Middle District of Florida’s program provided ex-offenders a significantly enhanced opportunity to succeed in their re-entry into society with dignity and a commitment to leading lawful, productive lives. When I was appointed as a state court judge I ceased my involvement in this federal court program, but if it still exists and if I am confirmed, it would be a joy to resume my involvement in it.

**15. If confirmed, will you attend, to the extent possible, any trainings provided by the Federal Judicial Center for newly appointed judges—including on abiding with federal ethics laws and the Code of Conduct for United States Judges?**

Response: Yes.

**16. If confirmed, you will be called upon to maintain impartiality, which requires being open to legal arguments that may lead to outcomes you dislike.**

- a. If you are confirmed, what steps will you take to ensure that you are exposed and open to a range of ideological and legal viewpoints outside of the courtroom—in particular, those that you do not agree with?**

Response: Providing an even playing field for competing viewpoints and legal arguments is literally part of a judge's job description. Just as I have been doing since my appointment to the state court bench in 2017, if I am confirmed as a United States District Court Judge I will carefully and respectfully consider the arguments of the parties and I will remain committed to deciding cases without prejudgment. I will decide cases based on the law, rather than on my personal views or opinions on matters of policy.

- b. During your time as a legal professional, what steps have you taken to ensure that you are exposed and open to a range of ideological and legal viewpoints—in particular, those that you do not agree with?**

Response: See above. In the natural course of my professional life, with no need to take any affirmative "steps," I am grateful to have been exposed to a broad range of ideological and legal viewpoints, including those with which I do not agree.

- c. If confirmed, do you plan to hire qualified law clerks who do not share your ideological or legal viewpoints?**

Response: If I am confirmed, I will endeavor to hire law clerks who are best positioned to help me serve the people of the United States.

**17. If confirmed, you will be responsible for managing and exercising authority over law clerks and other court personnel.**

- a. What professional experience do you have overseeing and managing others?**

Response: In law school, I was Editor-in-Chief of the law review, which involved oversight and management of the entire editorial staff. In private practice, I had a legal assistant and was frequently responsible for the work done by paralegals and junior lawyers in the firm. As president of the Tampa Chapter of the Federal Bar Association, I led one of the largest and most active chapters in the nationwide organization. As a judge, I have been responsible for a judicial assistant, law clerks, interns, and central staff lawyers assisting me on specific cases.

- b. How do you plan to recruit and hire law clerks?**

Response: I will review applications; consider an applicant's credentials, writing samples, and references; and hire the candidate who I believe is best suited to support my service to the people of the United States.

**18. If confirmed, do you have plans to integrate artificial intelligence into your work as a federal judge? If so, how?**

Response: No.

**19. Have you ever caused to be deleted any posts or publications originally published under your name or an account associated with you? If so, please provide those posts or publications in full.**

Response: No.

**20. Have you ever removed or asked for your name to be removed from any publication that previously bore your name? If so, please provide these publications in full.**

Response: No.

**21. Have you ever been accused, in any setting, of the following? If so, please describe the accusation with specificity, the actions you took in response, and how the accusation was resolved.**

- a. Sexual harassment?**
- b. Sex-based discrimination?**
- c. Race-based discrimination?**
- d. Discrimination on the basis of national origin?**
- e. Discrimination on the basis of religion?**
- f. Workplace misconduct of any kind?**

Response: In all cases, no. When I was elected Editor-in-Chief of the law review, it was my responsibility to assign a job to every member of the editorial staff. This involved considering forms, submitted by each member, on which interest was expressed in certain roles and levels of responsibility. One of the members of the editorial staff expressed displeasure with the role she was given and, while I no longer recall specifics, made comments from which someone could infer that she thought her race might have been a factor. I met with her, we went over the form she submitted, and we discussed that I gave her the role that her form indicated that she wanted.

**22. Did Joe Biden win the 2020 presidential election?**

Response: To the extent that this question could be reasonably construed as calling for my opinion on a political matter, consistent with the position of prior judicial nominees I will not offer such an opinion. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5. That said, to the extent the question asks who was certified as the winner of the 2020 presidential election, it was Joseph Biden.

**23. Yes or no: Was the U.S. Capitol attacked by a violent mob on January 6, 2021?**

Response: As a judicial nominee, because of the significant political debate that surrounds the events of January 6, 2021, it would be inappropriate for me to comment on whether those events are reasonably characterized as an insurrection. I also recognize that cases involving individuals prosecuted due to their involvement in the events of January 6, 2021, could be assigned to me if I am confirmed; for that reason, too, it would be inappropriate for me to comment.

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

Response: I do not recall, but I assume I was in Tampa, Florida. I know that I was not in Washington, D.C.

**Nomination of Anne-Leigh Gaylord Moe to the  
United States District Court for the Middle District of Florida  
Questions for the Record  
Submitted July 1, 2025**

**Questions from Senator Coons**

- 1. At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case, investigation, or matter, if confirmed? If so, explain fully.**

Response: No.

- a. At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?**

Response: No.

- 2. How would you describe your judicial philosophy?**

Response: I view the role of a trial judge as a listening and reading comprehension job far more than a philosophical one. If I am confirmed, it will be my responsibility to provide a neutral playing field on which the parties can submit their disputes to be resolved. To that end, I listen carefully and read the parties' submissions. I read the law that applies. Where there is precedent from the Supreme Court or the Eleventh Circuit construing that text, I will apply it faithfully. If there is no precedent construing the text I'm asked to construe, I would consider what the words in that text meant at the time of the enactment, with the overall goal of giving effect to the will of the people.

- 3. In your Senate Judiciary Questionnaire, you note that, on May 27, 2025, you met with President Trump concerning your nomination.**

- a. Where did that meeting occur?**

Response: At the White House, in the Oval Office.

- b. How long did that meeting last?**

Response: I do not recall, but probably about a half hour.

- c. Who attended the meeting other than you and President Trump?**

Response: The other Florida nominees attended.



**d. What was discussed at the meeting?**

Response: The President congratulated us, welcomed us to the White House, discussed our backgrounds and qualifications, discussed features of the Oval Office, and discussed plans for the White House.

**e. What questions were you asked by President Trump and how did you answer them?**

The President discussed my background and qualifications. I do not recall any specific questions.

**4. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?**

Response: In addressing such questions if I were fortunate enough to be confirmed, I would faithfully apply the standards set forth in applicable Supreme Court precedent.

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

Response: Yes. I would consider whether the right is expressly enumerated in the Constitution in accordance with any applicable precedent of the Supreme Court. *See Timbs v. Indiana*, 586 U.S. 146 (2019) (Excessive Fines Clause of Eighth Amendment); *McDonald v. City of Chicago*, 561 U.S. 742, 767 (2010) (Second Amendment).

**b. Would you consider whether the right is deeply rooted in this nation's history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation's history and tradition?**

Response: Yes. I would consider whether the right is deeply rooted in the nation's history and tradition in accordance with any applicable precedent of the Supreme Court. *See Timbs*, 586 U.S. 146; *Obergefell*, 576 U.S. 644; *Glucksberg*, 521 U.S. at 710-23.

**c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?**

Response: Yes. If I am confirmed, I will faithfully apply any applicable precedent of the Supreme Court and the Eleventh Circuit. In the absence of binding precedent, I would consider any relevant decisions of other circuits for their persuasive value.

**d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?**

Response: Yes.

**e. What other factors would you consider?**

Response: I would consider any other relevant factors identified in the applicable precedent of the Supreme Court and the Eleventh Circuit.

**5. In your view, is it ever appropriate for a judge to ignore, disregard, refuse to implement, or issue an order that is contrary to an order from a higher court? Please explain.**

Response: No.

6. In *United States v. Virginia*, 518 U.S. 515, 536 (1996), the Court explained that in 1839, when the Virginia Military Institute was established, “[h]igher education at the time was considered dangerous for women,” a view widely rejected today. In *Obergefell v. Hodges*, 576 U.S. 644, 668 (2015), the Court reasoned, “As all parties agree, many same-sex couples provide loving and nurturing homes to their children, whether biological or adopted. And hundreds of thousands of children are presently being raised by such couples. . . . Excluding same-sex couples from marriage thus conflicts with a central premise of the right to marry. Without the recognition, stability, and predictability marriage offers, their children suffer the stigma of knowing their families are somehow lesser.” This conclusion rejects arguments made by campaigns to prohibit same-sex marriage based on the purported negative impact of such marriages on children.

**a. When is it appropriate for a court to consider evidence that sheds light on our changing understanding of society?**

Response: If I am confirmed, I will faithfully apply any applicable precedent of the Supreme Court and the Eleventh Circuit governing the consideration of such evidence.

**b. What is the role of sociology, scientific evidence, and data in judicial analysis?**

Response: If I am confirmed, I will faithfully apply any applicable precedent of the Supreme Court and the Eleventh Circuit governing the consideration of such evidence. The admissibility of scientific, technical, or other specialized knowledge is governed by Federal Rule of Evidence 702 and the applicable precedent interpreting that rule.

7. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts’ existing obligations under

18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission recently finalized an amendment to supervision guidelines implementing certain parts of the bill; this amendment will go in effect in November.

- a. As a sentencing judge, would you endeavor to impose supervision thoughtfully and on the basis of the individual facts of the case consistent with 18 U.S.C. § 3553 and 18 U.S.C. § 3583?**

Response: Yes.

- b. Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?**

Response: If I am confirmed, I will faithfully apply 18 U.S.C. §3583(e)(1).

- c. Will you commit if confirmed to reviewing the *Safer Supervision Act* and the recent Sentencing Commission amendment and considering them as you develop your approach to sentencing of supervised release?**

Response: Yes.

- 8. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?**

Response: To the extent this question invites an opinion about hypothetical questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment.

- 9. Is President Trump eligible to be elected President for a third term?**

Response: The 22nd Amendment states, in part, “No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.” To the extent this question invites an opinion about individualized or hypothetical questions that could arise in a case assigned to me if I am confirmed, as a sitting judge and a judicial nominee it would be inappropriate for me to comment further.

- 10. Who won the 2020 U.S. Presidential Election?**

Response: To the extent that this question could be reasonably construed as calling for my opinion on a political matter, consistent with the position of prior judicial nominees I will not offer such an opinion. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

That said, to the extent the question asks who was certified as the winner of the 2020 presidential election, it was Joseph Biden.

**11. Would it be constitutional for the President of the United States to punish a private person for a viewpoint that person expresses in a newspaper op-ed?**

Response: To the extent that this question could be reasonably construed as calling for my opinion on a political matter or a pending case, consistent with the position of prior judicial nominees I will not offer such an opinion. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

**12. Would it be constitutional for the President of the United States to terminate government contracts with a private person specifically because that person donated to members of the opposite political party?**

Response: To the extent that this question could be reasonably construed as calling for my opinion on a political matter or a pending case, consistent with the position of prior judicial nominees I will not offer such an opinion. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

**13. Would it ever be appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like?**

Response: To the extent that this question could be reasonably construed as calling for my opinion on a political matter or a pending case, consistent with the position of prior judicial nominees I will not offer such an opinion. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

**14. Do you agree that there is a constitutional right to privacy that protects a woman's right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.**

Response: The Supreme Court has found a right to the use of contraceptives. *See Eisenstadt v. Baird*, 405 U.S. 438, 453-54 (1972); *Griswold v. Connecticut*, 381 U.S. 479, 485 (1965). If confirmed, I would faithfully apply the applicable precedent of the Supreme Court.

**15. Do you agree that there is a constitutional right to privacy that protects the right to in vitro fertilization (IVF)? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.**

Response: To the extent that this question could be reasonably construed as calling for my opinion on a political matter or a pending case, consistent with the position of prior judicial nominees I will not offer such an opinion. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

Response: The Fifth and Fourteenth Amendments to the U.S. Constitution provide, respectively, that no person shall “be deprived of life, liberty or property, without due process of law” and that no State shall “deprive any person of life, liberty, or property, without due process of law.” U.S. Const., amends. V, XIV. The Supreme Court recently decided that immigrants subject to deportation pursuant to the Alien Enemies Act are entitled to some process, particularly regarding notice. Moreover, the Supreme Court has stated that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). If I am confirmed, I would faithfully apply the relevant precedents of the Supreme Court and the Eleventh Circuit in addressing due process claims. To the extent that this question could be reasonably construed as calling for my opinion on a political matter or a pending case, consistent with the position of prior judicial nominees I will not offer such an opinion. See Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

**17. What role does morality play in determining whether a challenged law or regulation is unconstitutional or otherwise illegal?**

Response: Moral values not otherwise incorporated or reflected in a specific enactment or legal precedent would not play a role in determining whether a challenged law or regulation is unconstitutional or otherwise illegal.

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

Response: Generally speaking, a judge’s responsibility is to apply legal standards faithfully and impartially, even if in the judge’s personal opinion the consequences may be undesirable as a matter of policy or morality. The law includes some limited exceptions where the judge must consider the consequences of the decision, most notably in the context of injunctions. In that instance, a judge must consider whether the petitioner will suffer immediate irreparable injury unless the court issues the requested injunction. If I am confirmed, then I would follow applicable Supreme Court and Eleventh Circuit precedent to determine what role, if any, the practical consequences of a particular ruling should play in rendering a decision in any given case.

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

Response: Generally speaking, the role of a judge is to faithfully apply the law to facts. In doing this, the law leaves no room for the judge to inject her personal views or feelings. But empathy can still be an asset to a judge, in that it can motivate the judge to listen carefully and then communicate the legal basis for the decision in the clearest manner possible, increasing the possibility that those who are affected by a decision will understand the legal basis for it.

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

Response: Generally speaking, the role of a judge is to faithfully apply the law to facts. A judge's prior experiences will sometimes facilitate his or her understanding of the facts or the requirements of the law. For example, if a case involves a factual scenario or an area of law that is familiar to the judge, then that life experience may enable the judge to more quickly appreciate the nuances of what the law requires.

**21. Should you be confirmed, would you ever inform parties before you that they do not need to comply with your orders?**

Response: To the extent that this question could be reasonably construed as calling for my opinion on a hypothetical or pending case, consistent with the position of prior judicial nominees I will not offer such an opinion. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

**a. Under what circumstances would you tell a party they could decide not to comply with your orders?**

Response: See above.

**b. What would you do if a party refuses to comply with one of your orders?**

Response: I would faithfully apply the applicable Supreme Court and Eleventh Circuit precedent governing non-compliance with court orders.

**22. Discuss your proposed hiring process for law clerks.**

Response: I will review applications; consider an applicant's credentials, writing samples, and references; and hire the candidate who I believe is best suited to support my service to the people of the United States.

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

Response: I do not have an opinion on this. I intend to continue treating my law clerks fairly, regardless.

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

Response: I would consider it, but I generally believe that the complex assessments involved in deciding which lawyers speak in court on behalf a client ought to be made by the lawyers and clients themselves, without judges inserting themselves or putting a thumb on the scale. I am grateful for the opportunities I had to represent clients at trial and in court. In my case there was a confidence that came from having those opportunities simply because, in the view of my clients and my colleagues, I was the right person to do it.

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

Response: By taking them seriously, being pleasant and respectful, and applying the same high standards to them that were fairly and reasonably applied to me when I was a junior lawyer appearing in court.

24. In the past year, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.

**a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?**

Response: I would treat them with the same level of dignity and respect with which I endeavor to treat anyone, while also expecting the same high level of professionalism and competence that was expected of me as a law clerk.

**b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?**

Response: See above.

**c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?**

Response: It is impossible to answer that question in the abstract.

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

Response: The Florida judiciary, state and federal, is filled with excellent role models who exemplify professionalism, extraordinary competence, and a high standard of ethics. Although by naming any of them I wish to be clear that I am not intentionally excluding anyone else, I would certainly include Judge Virginia Covington, for whom I clerked, and also Judge Steven Merryday and the members of the Florida Supreme Court with whom I have had the most professional interaction, including Chief Justice Carlos Muniz and Justices Canady, Grosshans, Couriel, and Francis.

**26. Have you participated in any workplace conduct training sessions conducted by your court, your circuit or other judiciary personnel? If so, please briefly describe the curriculum and note how many times you've participated in these sessions.**

Response: I cannot recall whether I have attended such programs as a judge, but I certainly attended and even presented such programs as a practicing attorney.

**27. In your Senate Judiciary Questionnaire, you disclosed that you are a former member of the Federalist Society, a group whose members often advocate an "originalist" interpretation of the Constitution. In his opinion for the unanimous Court in *Brown v. Board of Education*, 347 U.S. 483 (1954), Chief Justice Warren wrote that although the "circumstances surrounding the adoption of the Fourteenth Amendment in 1868 . . . cast some light" on the amendment's original meaning, "it is not enough to resolve the problem with which we are faced. At best, they are inconclusive . . . We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws." 347 U.S. at 489, 490-93. Do you consider *Brown* to be consistent with originalism even though the Court in *Brown* explicitly rejected the notion that the original meaning of the Fourteenth Amendment was dispositive or even conclusively supportive?**

Response: While as a general matter judicial nominees across administrations have declined to comment on whether given cases were correctly decided, I understand *Brown v. Board of Education* to be a recognized exception to that rule. I agree with other nominees for judicial office who have opined that *Brown* was rightly decided. If confirmed, I will faithfully follow all binding precedent, including *Brown*.

**a. Should the public's understanding of a constitutional provision's meaning at the time of its adoption ever be dispositive when interpreting that constitutional provision today?**

Response: The Supreme Court has routinely held that constitutional provisions should be interpreted by attempting to discern the original meaning of the words used as understood by the ratifying public.



- b. Does the public's original understanding of the scope of a constitutional provision constrain its application decades later?**

Response: See above.

- c. What sources would you employ to discern the contours of a constitutional provision?**

Response: I would faithfully apply the precedent of the United States Supreme Court and the Eleventh Circuit to the extent that it provides guidance on the sources to employ when endeavoring to discern the contours of a constitutional provision.

**Questions for the Record for Judge Anne-Leigh Gaylord Moe**  
**Submitted by Senator Richard Blumenthal**  
**July 2, 2025**

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

Response: I will recuse myself when recusal is called for by the Judicial Canons.

- a. If confirmed, will you recuse yourself from cases involving individuals, organizations, or entities to which you or your family members have made political contributions or provided political support?**

Response: See above.

- b. If confirmed, will you recuse yourself from cases involving former clients, former law firms, or organizations with which you have had significant professional relationships?**

Response: See above.

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

Response: See above.

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

Response: I will always endeavor to comport myself in a manner consistent with the Judicial Canons.

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

Response: See above.

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

Response: See above.

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

Response: See above.

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

Response: See above.

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

Response: See above.

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

Response: See above.

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

Response: See above.

- 4. The House Republican-authored budget reconciliation bill had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.**

**The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as "inherent in all courts" and "essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice." Yet House Republicans are seeking to exempt government officials from this key tool for judicial enforcement.**

- a. Do you believe the contempt power is “essential . . . to the due administration of justice[?]”**

Response: This passage appears in the U.S. Supreme Court’s decision in *Ex Parte Robinson*, 86 U.S. 505, 510 (1873). If confirmed, I would be bound by Supreme Court precedent governing the contempt power of the federal courts and congressional authority to regulate it, including *Ex Parte Robinson*, and I would faithfully follow such precedent and any other applicable binding precedent. To the extent that this question asks me to weigh in on a matter of current political controversy, under the canons of judicial conduct, I must decline to do so.

- b. Do you believe that federal judges should be limited in their ability to hold government officials who defy court orders in contempt?**

Response: If I am confirmed, I will faithfully apply all governing rules and precedents relating to the issue of judicial contempt orders should a case implicating the issue come before me as a judge. Otherwise, consistent with the Code of Conduct and positions taken by prior nominees, it would be inappropriate for me, as a sitting judge and a pending judicial nominee, to comment on any subject of political controversy or to express a position regarding matters of public policy or any ongoing litigation.

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

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

Response: Yes.

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

Response: Yes, in that the law supplies certain mechanisms for judges to enforce court orders.

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

Response: Just as state courts do, federal courts have remedies to ensure compliance with a court order, including imposition of monetary sanctions, instructing a jury about adverse inferences to be drawn (spoliation sanctions), awarding fees and costs, striking pleadings, and contempt proceedings (civil and criminal).

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

Response: In my career as a lawyer and as a judge, the specifics of this question as it relates to the executive branch is not a matter about which I have had reason to extensively study; however, generally a litigant who disagrees with a court order can comply with it and move on, seek reconsideration, seek clarification, file an appeal, move to stay, or in some instances petition for a writ. The litigant also has the freedom to criticize that order publicly. In some instances, it may be necessary to defy the order to preserve the issue for appeal, as Justice Sotomayor recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009). I am generally aware of a scholarly discussion over scenarios where parties, including the Executive Branch or one of its officers, departments, or agencies, might permissibly disregard a court order. *See generally, e.g.,* William Baude, *The Judgment Power*, 96 Geo. L.J. 1807 (2008) (lack of jurisdiction); Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation*, 81 Iowa L. Rev. 1267, 1326 (1996) (constitutional error “so clear that it is not open to rational question”); *see also* 17 Corpus Juris Secundum Contempt §§ 56-65 (discussing contempt defenses). I am also aware of the legal distinction that parties and jurists have drawn between a court’s binding “judgment[]” and its “statements in opinions.” *Camreta v. Greene*, 563 U.S. 692, 704 (2011). Beyond this, as a sitting judge and a judicial nominee, it would be inappropriate to provide an answer that categorically pre-determines the validity of potential legal arguments for or against adhering to court orders. If such a case were assigned to me as a lower court judge, I would faithfully apply Supreme Court and Eleventh Circuit precedent and carefully consider the parties’ arguments.

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

Response: As a sitting judge and a judicial nominee, it would be inappropriate to provide an answer that categorically pre-determines the validity of potential legal arguments for or against adhering to court orders. If such a case were assigned to me as a lower court judge, I would faithfully apply Supreme Court and Eleventh Circuit precedent and carefully consider the parties’ arguments.

**d. What would make a court order unlawful?**

Response: It is imperative for judges at every level of the judicial branch to assure themselves that they have jurisdiction because an act taken in excess of jurisdiction is void. Beyond that, as a sitting judge and a judicial nominee, it would be inappropriate to provide an answer that categorically pre-determines the validity of potential legal arguments for or against adhering to court orders. If such a case were assigned to me as a lower court judge, I would faithfully apply Supreme Court and Eleventh Circuit precedent and carefully consider the parties’ arguments.

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

Response: Generally a litigant who disagrees with a court order can comply with it and move on, seek reconsideration, seek clarification, file an appeal, move to stay, or in some instances petition for a writ. The litigant also has the freedom to criticize that order publicly. In some instances, it may be necessary to defy the order to preserve the issue for appeal, as Justice Sotomayor recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009).

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

Response: As a sitting judge and a judicial nominee, it would be inappropriate to provide an answer that categorically pre-determines the validity of potential legal arguments for or against adhering to court orders. If such a case were assigned to me as a lower court judge, I would faithfully apply Supreme Court and Eleventh Circuit precedent and carefully consider the parties' arguments.

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

Response: No.

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

Response: No.

**Senator Mazie K. Hirono**  
**Questions for the Record**  
**Anne-Leigh Gaylord Moe**  
**Nominee to the U.S. District Court for the Middle District of Florida**

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1. As part of my responsibility as a member of this committee to ensure the fitness of nominees, I ask each nominee to answer two initial questions:

- a. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?**

Response: No.

- b. Have you ever faced discipline or entered into a settlement related to this kind of conduct?**

Response: No.

2. A federal district court judge has the power to issue court orders. If confirmed for this position, you will have such power.

- a. As a federal judge, what tools will be at your disposal to ensure compliance with your court orders?**

Response: Just as state courts do, federal courts have remedies to ensure compliance with a court order, including imposition of monetary sanctions, instructing a jury about adverse inferences to be drawn (spoliation sanctions), awarding fees and costs, striking pleadings, and contempt proceedings (civil and criminal).

- i. When should each of these tools be used?**

Response: As a sitting judge and a judicial nominee, answering this question in the abstract would be inappropriate, particularly considering this is a question of law that may arise in a future case.

- b. Is it ever permissible for a party in a case to disregard a court order?**

Response: Generally a litigant who disagrees with a court order can comply with it and move on, seek reconsideration, seek clarification, file an appeal, move to stay, or in some instances petition for a writ. The litigant also has the freedom to criticize that order publicly. In some instances, it may be necessary to defy the order to preserve the issue for appeal, as Justice Sotomayor recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009). I am generally aware of a scholarly discussion over scenarios where parties might permissibly disregard

a court order. *See generally, e.g.,* William Baude, *The Judgment Power*, 96 Geo. L.J. 1807 (2008) (lack of jurisdiction); Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation*, 81 Iowa L. Rev. 1267, 1326 (1996) (constitutional error “so clear that it is not open to rational question”); *see also* 17 Corpus Juris Secundum Contempt §§ 56-65 (discussing contempt defenses). I am also aware of the legal distinction that parties and jurists have drawn between a court’s binding “judgment[]” and its “statements in opinions.” *Camreta v. Greene*, 563 U.S. 692, 704 (2011). Beyond this, as a sitting judge and a judicial nominee, it would be inappropriate to provide an answer that categorically pre-determines the validity of potential legal arguments for or against adhering to court orders. If such a case were assigned to me as a lower court judge, I would faithfully apply Supreme Court and Eleventh Circuit precedent and carefully consider the parties’ arguments.

**i. Is the President of the United States allowed to disregard a court order?**

Response: See above.

**ii. How should a federal judge respond if the President unlawfully disregards the judge’s court order?**

Response: See above.

**c. What does it mean for a judge to hold a party in “contempt of court”?**

Response: Contempt of court may be direct or indirect, civil or criminal. Generally, a person who is held in contempt if a party has disobeyed a written order of the court or engaged in conduct that disrespects or obstructs the judicial process.

**i. Does the federal judiciary have the authority to hold the President in contempt of court?**

Response: As a sitting judge and a judicial nominee, it would be inappropriate to provide an answer that categorically pre-determines the validity of potential legal arguments for or against adhering to court orders. If such a case were assigned to me as a lower court judge, I would faithfully apply Supreme Court and Eleventh Circuit precedent and carefully consider the parties’ arguments.

**1. If so, where does that authority come from?**

Response: See above.

**2. If no, why not?**



Response: See above.

3. **In an order granting a motion in limine in *Torres-Aponte v. Hudnall*, No. 20-CA-7146, 2023 WL 9751087 (May 19, 2023), you wrote that “judges have a duty to follow the law, regardless of their personal views on what the law says or the way they feel about the outcomes that flow from applying the law as its written.” As a federal judge, if a case involving unconstitutional action by the Trump Administration came before you, would you apply the law and decide the case impartially regardless of your personal beliefs on the issue?**

Response: I would apply the law and decide the case impartially regardless of my personal beliefs in every case that comes before me.

**Nomination of Anne-Leigh Gaylord Moe**  
**Nominee to be U.S. District Judge for the Middle District of Florida**  
**Questions for the Record**  
**Submitted July 2, 2025**

**QUESTIONS FROM SENATOR CORY A. BOOKER**

- 1. During the hearing on your nomination, Senator Padilla asked you and your fellow nominees whether members of the executive branch are required to follow court orders. Judge Artau responded, “generally speaking, all parties that are subjected to a court order are required to follow orders,” but that “there are a few exceptions.” You told Senator Padilla you had the “same answer.”**
  - a. What are the exceptions to the general rule that parties subjected to a court order must follow that court order?**

Response: Generally a litigant who disagrees with a court order can comply with it and move on, seek reconsideration, seek clarification, file an appeal, move to stay, or in some instances petition for a writ. The litigant also has the freedom to criticize that order publicly. In some instances, it may be necessary to defy the order to preserve the issue for appeal, as Justice Sotomayor recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009). I am generally aware of a scholarly discussion over scenarios where parties might permissibly disregard a court order. *See generally, e.g.*, William Baude, *The Judgment Power*, 96 Geo. L.J. 1807 (2008) (lack of jurisdiction); Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation*, 81 Iowa L. Rev. 1267, 1326 (1996) (constitutional error “so clear that it is not open to rational question”); *see also* 17 Corpus Juris Secundum Contempt §§ 56-65 (discussing contempt defenses). I am also aware of the legal distinction that parties and jurists have drawn between a court’s binding “judgment[]” and its “statements in opinions.” *Camreta v. Greene*, 563 U.S. 692, 704 (2011). Beyond this, as a sitting judge and a judicial nominee, it would be inappropriate to provide an answer that categorically pre-determines the validity of potential legal arguments for or against adhering to court orders. If such a case were assigned to me as a lower court judge, I would faithfully apply Supreme Court and Eleventh Circuit precedent and carefully consider the parties’ arguments.

- 2. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president’s nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.**

**On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, “[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information,**

**including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA.”<sup>1</sup>**

- a. Do you agree with AG Bondi that “the ABA no longer functions as a fair arbiter of nominees’ qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations”?**

Response: As a nominee to a U.S. District Court, it would be inappropriate for me to comment on the political question of the ABA’s practice of conducting peer evaluations of the professional qualifications of a president’s nominees to become federal judges.

- 3. How would you characterize your judicial philosophy?**

Response: I view the role of a trial judge as a listening and reading comprehension job far more than a philosophical one. If I am confirmed, it will be my responsibility to provide a neutral playing field on which the parties can submit their disputes to be resolved. To that end, I listen carefully and read the parties’ submissions. I read the law that applies. Where there is precedent from the Supreme Court or the Eleventh Circuit construing that text, I will apply it faithfully. If there is no precedent construing the text I’m asked to construe, I would consider what the words in that text meant at the time of the enactment, with the overall goal of giving effect to the will of the people.

- 4. What do you understand originalism to mean?**

Response: Originalism is a method of constitutional interpretation. The object of originalism is to determine the original public meaning of a constitutional provision.

- 5. Do you consider yourself an originalist?**

Response: I endeavor to interpret the Constitution using the methods of interpretation that the Supreme Court employs when it undertakes to interpret constitutional provisions. The Court has routinely interpreted various constitutional provisions by attempting to discern the original meaning of the words used as understood by the ratifying public.

- 6. What do you understand textualism to mean?**

Response: Textualism is a method by which a text is to be interpreted according to it was written, giving it the meaning it had at the time of its enactment.

- 7. Do you consider yourself a textualist?**

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<sup>1</sup> Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), <https://www.justice.gov/ag/media/1402156/dl?inline>.

Response: Yes, in that I consider textualism to be a method that assists judges in our endeavor to give effect to the people's will by construing the words used in the text according to the meaning those words had at the time of enactment or ratification.

- 8. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.**

- a. If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?**

Response: The Supreme Court has made clear that, when the text of a statute is not ambiguous, consulting legislative history is unnecessary. *See Whitfield v. United States*, 543 U.S. 209, 215 (2005) (stating that when the meaning of statutory text is plain and unambiguous, a court need not accept a party's invitation to consider the legislative history). If confirmed, I would faithfully apply relevant precedent of the Eleventh Circuit and the Supreme Court regarding the consultation and citation of legislative history.

- b. Do you believe that congressional intent matters when interpreting a statute? Why or why not.**

Response: See above.

- 9. According to an academic study, Black men were 65 percent more likely than similarly-situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.<sup>2</sup>**

- a. What do you attribute this to?**

Response: With no personal knowledge of these statistics, the study, the methodology, or other relevant circumstances, any answer I might give would be speculation.

- 10. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.<sup>3</sup>**

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<sup>2</sup> Sonja B. Starr & M. Marit Rehaavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

<sup>3</sup> U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114\\_Demographic-Differences.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf).

**a. What do you attribute this to?**

Response: With no personal knowledge of these statistics, the study, the methodology, or other relevant circumstances, any answer I might give would be speculation.

**11. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?**

Response: One of the sentencing factors judges must consider under 18 U.S.C. § 3553(a) is "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." To avoid unwarranted disparities, judges can consider how other defendants found guilty of the same crime were sentenced.

**12. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? Why or why not.**

Response: For Americans to receive the best service from the judicial branch, merit must be the most important consideration. When a selection process focuses on merit, the outcome will yield diverse results.

**13. Please indicate whether you have ever published written material or made any public statements relating to the following topics. If so, provide a description of the written or public statement, the date and place/publication where the statement was made or published, and a summary of its subject matter. If you have not disclosed a copy of the publication or a transcript of the statement to the Judiciary Committee, please attach a copy or link to the materials and explain why you have not previously disclosed them.**

- a. Abortion**
- b. Affirmative action**
- c. Contraceptives or birth control**
- d. Gender-affirming care**
- e. Firearms**
- f. Immigration**
- g. Same-sex marriage**
- h. Miscegenation**
- i. Participation of transgender people in sports**
- j. Service of transgender people in the U.S. military**
- k. Racial discrimination**
- l. Sex discrimination**
- m. Religious discrimination**
- n. Disability discrimination**
- o. Climate change or environmental disasters**
- p. "DEI" or Diversity Equity and Inclusion**

Response: To the best of my recollection, I have never published written material or made public statements relating to any of those topics.

**14. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?**

Response: In my career as a lawyer and as a judge, the specifics of this question as it relates to the executive branch is not a matter about which I have had reason to extensively study; however, generally a litigant who disagrees with a court order can comply with it and move on, seek reconsideration, seek clarification, file an appeal, move to stay, or in some instances petition for a writ. The litigant also has the freedom to criticize that order publicly. In some instances, it may be necessary to defy the order to preserve the issue for appeal, as Justice Sotomayor recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009). I am generally aware of a scholarly discussion over scenarios where parties, including the Executive Branch or one of its officers, departments, or agencies, might permissibly disregard a court order. *See generally, e.g.*, William Baude, *The Judgment Power*, 96 Geo. L.J. 1807 (2008) (lack of jurisdiction); Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation*, 81 Iowa L. Rev. 1267, 1326 (1996) (constitutional error “so clear that it is not open to rational question”); *see also* 17 Corpus Juris Secundum Contempt §§ 56-65 (discussing contempt defenses). I am also aware of the legal distinction that parties and jurists have drawn between a court’s binding “judgment[]” and its “statements in opinions.” *Camreta v. Greene*, 563 U.S. 692, 704 (2011). Beyond this, as a sitting judge and a judicial nominee, it would be inappropriate to provide an answer that categorically pre-determines the validity of potential legal arguments for or against adhering to court orders. If such a case were assigned to me as a lower court judge, I would faithfully apply Supreme Court and Eleventh Circuit precedent and carefully consider the parties’ arguments.

**a. If an executive branch official ignores or defies a federal court order, what legal analysis would you employ to determine whether that official should be held in contempt?**

Response: If I am confirmed, I will faithfully apply all governing rules and precedents relating to the issue of judicial contempt orders should a case implicating the issue come before me as a judge. Otherwise, consistent with the Code of Conduct and positions taken by prior nominees, it would be inappropriate for me, as a sitting judge and a pending judicial nominee, to comment on any subject of political controversy or to express a position regarding matters of public policy or any ongoing litigation.

**b. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.**

Response: See above.

**15. Does the president have the power to ignore or nullify laws passed by Congress?**

Response: Article I of the United States Constitution provides the President of the United States with the power to veto bills passed by Congress, subject to a veto override and other limitations. Beyond this, as a sitting judge and a judicial nominee, it would be inappropriate to provide an answer that categorically pre-determines the validity of potential legal arguments for or against the power of a branch of government. If such a case were assigned to me as a lower court judge, I would faithfully apply Supreme Court and Eleventh Circuit precedent and carefully consider the parties' arguments.

**16. Does the president have the power to withhold funds appropriated by Congress?**

Response: If I am confirmed, I will faithfully apply all governing rules and precedents relating to the issue of the president's power to withhold funds appropriated by Congress, should a case implicating the issue come before me as a judge. Otherwise, consistent with the Code of Conduct and positions taken by prior nominees, it would be inappropriate for me, as a sitting judge and a pending judicial nominee, to comment on any subject of political controversy or to express a position regarding matters of public policy or any ongoing litigation.

**17. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdictions elected officials?**

Response: If I am confirmed, I will faithfully apply all governing rules and precedents relating to the issue of the president's power to withhold funds appropriated by Congress, should a case implicating the issue come before me as a judge. Otherwise, consistent with the Code of Conduct and positions taken by prior nominees, it would be inappropriate for me, as a sitting judge and a pending judicial nominee, to comment on any subject of political controversy or to express a position regarding matters of public policy or any ongoing litigation.

**18. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?**

Response: Article VI of the United States Constitution states that "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the Contrary notwithstanding." I would apply the precedent of the Supreme Court and the Eleventh Circuit interpreting this provision.

- a. The Emergency Medical Treatment and Labor Act (EMTALA) is a federal law enacted in 1986 that requires hospitals to provide emergency care, including emergency abortion care. Do you agree that EMTALA, as a federal law, supersedes conflicting state laws?**

Response: I will faithfully apply Supreme Court and Eleventh Circuit precedent that would apply. Otherwise, consistent with the Code of Conduct and positions taken by prior nominees, it would be inappropriate for me, as a sitting judge and a pending judicial nominee, to comment on any subject of political controversy or to express a position regarding matters of public policy or any ongoing litigation.

**19. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?**

Response: Because this question asks about matters that are the subject of ongoing litigation, as a sitting judge and a judicial nominee it would be improper for me to offer an opinion. *See* Code of Conduct of U.S. Judges, Canon 3A(6). I will faithfully follow precedent of the Supreme Court and the Eleventh Circuit.

**20. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?**

Response: In *Whitman v. American Trucking*, the Supreme Court held that the text of the Constitution “permits no delegation” but that no delegation has occurred when Congress “lay[s] down by legislative act an intelligible principle to which the person or body authorized to act is directed to conform.” 531 U.S. 457, 472 (2001) (brackets omitted). I will faithfully follow the relevant precedent of the Supreme Court and Eleventh Circuit.

**21. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?**

Response: While as a general matter judicial nominees across administrations have declined to comment on whether given cases were correctly decided, I understand *Brown v. Board of Education* to be recognized exceptions to that rule. I agree with other nominees for judicial office who have opined that it was rightly decided.

**22. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? Please describe the facts and holding of this case.**

Response: Yes. If I am confirmed, I would be bound to follow *Griswold v. Connecticut*, in which the Supreme Court extended constitutional protection to the use of contraception. I would faithfully follow *Griswold* and any applicable Supreme Court precedent.

**23. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? Please describe the facts and holding of this case.**

Response: Yes. If I am confirmed, I would be bound to follow *Lawrence v. Texas*, in which the Supreme Court invalidated a statute criminalizing intimate conduct between people of the same sex. I would faithfully follow *Lawrence* and any applicable Supreme Court precedent.

**24. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent? Please describe the facts and holding of this case.**



Response: Yes. If I am confirmed, I would be bound to follow *Obergefell*, in which the Supreme Court held that there is a constitutional right to same-sex marriage. I will faithfully follow *Obergefell* and any applicable Supreme Court precedent.

**25. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.**

Response: President Biden was certified as the winner of the Electoral College following the 2020 election, and that certification is the constitutionally prescribed process for prevailing in a presidential election. *See* U.S. Const., art. II, § 1; U.S. Const. amend. XII. To the extent that this question could be reasonably construed as calling for my opinion on a political matter, consistent with the position of prior judicial nominees I will not offer such an opinion. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

**a. Did Biden win a majority of the electoral vote in the 2020 election?**

Response: See above.

**b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.**

Response: See above.

**26. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”<sup>4</sup>**

**a. Do you agree that President Trump was elected to the office of the President in the 2016 election?**

Response: Yes, President Trump was certified as the winner of the Electoral College in the 2016 election, and the candidates did not dispute the election outcome.

**b. Did Trump win a majority of the electoral vote in the 2016 election?**

Response: Please see my response above.

**c. Do you agree that President Trump was elected to the office of the President in the 2024 election?**

Response: Yes, President Trump was certified as the winner of the Electoral College in the 2024 election, and the candidates did not dispute the election outcome.

**d. Did Trump win a majority of the electoral vote in the 2024 election?**

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<sup>4</sup> U.S. CONST. amend. XXII.

Response: Please see my response above.

- e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?**

Response: The Twenty Second Amendment to the United States Constitution provides that “No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. . . .” As a nominee to a U.S. District Court, it would be inappropriate for me to opine about whether a president is eligible to be elected for a third term would be inappropriate, particularly considering this is an abstract question of law. I would faithfully apply any Supreme Court and Eleventh Circuit precedent that might apply to this question.

- 27. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?**

Response: As a sitting judge and a nominee to the United States District Court, opinion on whether past Supreme Court decisions were correctly decided would be inappropriate. That said, I have observed that prior nominees have expressed the opinion that *Brown v. Board of Education* was correctly decided, I agree with them, and I discussed that observation with officials with the Justice Department’s Office of Legal Policy and expressed that I intended to respond as I have done here.

- 28. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: No.

- 29. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.**

Response: No.

- 30. Have you spoken or corresponded with Stephen Miller since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: No.

- 31. Have you spoken or corresponded with Chad Mizelle since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: Yes. Mr. Mizelle was a member of the Second District Court of Appeal Judicial Nominating Commission and he was assigned to vet my application for nomination to the Second District Court of Appeal. We spoke briefly when I was certified as a nominee for that position around November 2024 and I spoke to him again briefly when I was in Washington, D.C. for my confirmation hearing. He congratulated me on my nomination and wished me well in the confirmation hearing.

**32. Have you spoken or corresponded with Pam Bondi since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: Yes. When the president announced his intent to nominate me to the United States District Court, Attorney General Bondi called me to offer her congratulations me later that day.

**33. Have you spoken or corresponded with Todd Blanche since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: Yes. Deputy Attorney General Blanche attended the confirmation hearing immediately before mine on June 25, 2025 and I believe we said hello as we passed each other in the hearing room.

**34. Have you spoken or corresponded with Emil Bove since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: Yes. Principal Associate Deputy Attorney General Bove's confirmation hearing was immediately before mine on June 25, 2025 and immediately before that hearing we shook hands in greeting and wished each other well in the process. The next day, we attended a training together in Washington, D.C.

**35. Have you spoken or corresponded with Leonard Leo since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: No.

**36. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to any members of the Proud Boys or of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.**

Response: No.

**37. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.**

- a. Enrique Tarrio
- b. Stewart Rhodes

- c. Kelly Meggs
- d. Kenneth Harrelson
- e. Thomas Caldwell
- f. Jessica Watkins
- g. Roberto Minuta
- h. Edward Vallejo
- i. David Moerschel
- j. Joseph Hackett
- k. Ethan Nordean
- l. Joseph Biggs
- m. Zachary Rehl
- n. Dominic Pezzola
- o. Jeremy Bertino
- p. Julian Khater

Response: No.

- 38. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.**

Response: I do not know the names of every individual convicted and later pardoned of offenses related to January 6, 2021, but if I have spoken to or corresponded with any of those individuals I was unaware of their involvement and that was not the reason I spoke or corresponded with them.

- 39. Have you ever been demoted, terminated, or experienced any other adverse employment action?**

Response: Yes. In my second year of law school, I was terminated from a part-time position at a landlord/tenant law firm.

- a. If yes, please describe the events that led to the adverse employment action.**

Response: As disclosed in my Senate Judiciary Questionnaire, I was terminated in part because I was unable to use my free research account through Westlaw or Lexis and this made the process of legal research time-consuming. I was not a good fit for the firm.

- b. If no, please affirm that, since becoming a legal adult, you have left each place of employment voluntarily and not subject to the request or suggestion of any employer.**

Response: N/A.

**40. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?**

Response: Yes.

**41. Article III Project (A3P) “defends constitutionalist judges and the rule of law.” According to Mike Davis, Founder & President of A3P, “I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today’s Democrats have become. They’re Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems.”<sup>5</sup>**

**a. Do you agree with the above statement?**

Response: As a sitting judge and judicial nominee, it would be inappropriate for me to comment on this.

**b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.**

Response: Not to my knowledge.

**c. Are you currently in contact with anyone associated with A3P? If so, who?**

Response: Not to my knowledge.

**d. Have you ever been in contact with anyone associated with A3P? If so, who?**

Response: Not to my knowledge.

**42. Since you were first approached about the possibility of being nominated, did anyone associated with the Trump Administration or Senate Republicans provide you guidance or advice about which cases to list on your Senate Judiciary Questionnaire (SJQ)?**

Response: No.

**a. Who?**

Response: N/A.

**b. What advice did they give?**

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<sup>5</sup> <https://www.article3project.org/about>

Response: N/A.

- c. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?**

Response: No.

- 43. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

Response: Not to my knowledge.

- 44. During your selection process did you talk with any officials from or anyone directly associated with the Federalist Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

Response: Given the size of the Federalist Society and the fact that a number of my friends are members, I am certain that during the time that I have been in this selection process I have spoken to and corresponded with a number of members of the Federalist Society, but their membership in the Federalist Society was not why I was speaking with any of them.

- 45. List the dates of all interviews or communications you had with the President, White House staff, or the Justice Department regarding your nomination.**

Response: On February 20, 2025, I was contacted by the White House Counsel's Office and invited to interview for a vacancy on the United States District Court for the Middle District of Florida. On February 27, 2025, I interviewed with attorneys from the White House Counsel's Office. After that, I remained in contact with officials from the Office of Legal Policy at the Department of Justice and was periodically in contact with officials from the White House Counsel's Office. On May 27, 2025, I met with the President.

- 46. Please explain, with particularity, the process whereby you answered these written questions.**

Response: The Office of Legal Policy informed me I would be receiving Questions for the Record after the hearing before the Senate Judiciary Committee on June 25, 2025. On the evening of July 2, 2025, the Office of Legal Policy emailed the Questions for the Record, including these written questions, to me for my review and response. I have answered these written questions by reviewing the U.S. Constitution and Supreme Court precedent, previous nominees' responses to Questions for the Record, and my Senate Judiciary Questionnaire.

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

**June 25, 2025**

**Questions for Ms. Moe**

- 1. Please identify any and all situations where it is permissible for a party, including the Executive Branch or one of its officers, departments, or agencies, to defy a court order.**

Response: In my career as a lawyer and as a judge, the specifics of this question as it relates to the executive branch is not a matter about which I have had reason to extensively study; however, generally a litigant who disagrees with a court order can comply with it and move on, seek reconsideration, seek clarification, file an appeal, move to stay, or in some instances petition for a writ. The litigant also has the freedom to criticize that order publicly. In some instances, it may be necessary to defy the order to preserve the issue for appeal, as Justice Sotomayor recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009). I am generally aware of a scholarly discussion over scenarios where parties, including the executive branch might permissibly disregard a court order. *See generally, e.g.*, William Baude, *The Judgment Power*, 96 Geo. L.J. 1807 (2008) (lack of jurisdiction); Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation*, 81 Iowa L. Rev. 1267, 1326 (1996) (constitutional error “so clear that it is not open to rational question”); *see also* 17 Corpus Juris Secundum Contempt §§ 56-65 (discussing contempt defenses). I am also aware of the legal distinction that parties and jurists have drawn between a court’s binding “judgment[.]” and its “statements in opinions.” *Camreta v. Greene*, 563 U.S. 692, 704 (2011). Beyond this, as a sitting judge and a judicial nominee, it would be inappropriate to provide an answer that categorically pre-determines the validity of potential legal arguments for or against adhering to court orders. If such a case were assigned to me as a lower court judge, I would faithfully apply Supreme Court and Eleventh Circuit precedent and carefully consider the parties’ arguments.

- 2. Please identify any and all situations in which you would advise a client to ignore or defy a court order.**

Response: As a sitting judge, I do not advise clients. In *Maness v. Meyers*, 419 U.S. 449, 465–66 (1975), the Supreme Court addressed “whether in a civil proceeding a lawyer may be held in contempt for counseling a witness in good faith to refuse to produce court-ordered materials on the ground that the materials may tend to incriminate the witness in another proceeding.” *Id.* at 465. Based on the record before it, the Court held that the lawyer could “not be penalized even though his advice caused the witness to disobey the court’s order.” It explained that “[t]he privilege against compelled self-incrimination would be drained of its meaning if counsel, being lawfully present, as here,

could be penalized for advising his client in good faith to assert it.” *Id.* at 465–66 (footnote omitted).

As a nominee to a U.S. District Court, I think attempting to identify any and all hypothetical situations in which a practicing lawyer would advise a client to ignore or defy a court order would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

- 3. Is it appropriate for the President of the United States to threaten or harass a judge when he disagrees with the outcome of a case over which that judge is presiding, or disagrees with aspects of a judge’s decision or order?**

Response: As public figures, judges should expect people to freely comment on and even criticize their decisions.

- 4. In the process of applying to become a judge, did you have any conversations with President Trump, a member of his staff, or a member of an outside group about policy or personal positions or beliefs you would have on the bench, or decisions you would make on the bench?**

Response: No.