



Daniel Traynor

Nominee to the U.S. Court of Appeals for the Eighth Circuit

COURT

Circuit Court

DATE NOMINATED

May 11, 2026

INTRODUCTION

Nominated to the U.S. Court of Appeals for the Eighth Circuit on May 11, 2026, Daniel Traynor has spent his legal career advocating for far-right causes and engaging in highly politically partisan work. Given this background, Traynor was likely hand-selected by Trump during Trump's first term for a lifetime appointment as a federal judge for the District of North Dakota. And having that seat filled by a Trump loyalist paid dividends for Trump. Unsurprisingly, Traynor's tenure as a federal judge includes a series of predictable rulings which curbed environmental protections, pushed for excessive punishment, demonstrated hostilities towards immigrants, cut off access to abortion care, and undermined LGBTQ+ protections.

Traynor's pre-bench record was also highly partisan; he served as the chairman of the North Dakota Republican Party for two years and as the chair of the North Dakota chapter of the Republican Lawyers Association for nearly 20 years. Prior to joining the bench, Traynor frequently used [social media](#) to show his loyalty to Trump and his authoritarian agenda while attacking anyone who disagreed with Trump on a broad range of issues, including immigration and health care. The day after President Trump won the 2016 election, Traynor tweeted "It feels good to be deplorable #MAGA." Traynor's record exhibits a clear commitment to hyperpartisanship and loyalty to Trump. His conduct and decision making both before his first federal judicial nomination, and many decisions he's handed down since he became a federal judge, continue to demonstrate his unfitness to sit on the federal bench, much less one of the highest courts in the country.

EIGHTH CIRCUIT

Traynor has been nominated to the Eighth Circuit Court of Appeals, which hears appeals from federal cases in Missouri, Iowa, North Dakota, South Dakota, Nebraska, Arkansas, and Minnesota. Widely considered one of the most extreme far-right court of appeals in the country, the Eighth Circuit regularly hears a diverse range of cases including recent cases on peaceful protests, immigration enforcement, standing in Voting Rights Act violations, and administrative power and accountability.

Earlier this year, the Eighth Circuit upheld a policy that allowed for certain immigrants to be held in mandatory detention without bond hearings. Four hundred lawsuits have already been filed over these alleged wrongful detentions. Indeed, the Eighth Circuit remains a powerful institution, not only for the cases that are heard, but also because decisions coming out of a circuit court can create circuit splits, paving the way for major cases to reach the Supreme Court and for major changes to occur in the legal landscape of key issue areas. These cases and rulings can normalize extreme legal doctrines and theories, impact federal policies, and even determine how agencies create rules or enforce the laws. Nominations to federal courts of appeals have an even greater impact throughout the nation, and we deserve judges who will uphold the Constitution, consistently enforce the laws, and demonstrate fairness and a commitment to equal justice for all over furthering the far-right agenda.

ANTI-ACCESS TO ABORTION AND ANTI-LGBTQ+ PROTECTIONS

Traynor ruled against access to abortion care and against LGBTQ+ protections in *Catholic Benefits Ass'n v. Lucas*, a major case appearing before his court. Catholic employers challenged the Biden administration's Equal Employment Opportunity Commission (EEOC) policies to protect workers' access to abortion care and fertility treatments as well as anti-discrimination protections for LGBTQ+ individuals. The Pregnant Workers Fairness Act requires employers to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of employees. Accordingly, the EEOC issued a rule defining "related medical conditions" to include termination of pregnancy, and more specifically, abortion. "Related medical conditions" also included potential or intended pregnancy, namely, fertility treatment. Additionally, the EEOC issued a guidance reiterating that discrimination against sex includes gender identity, including how that identity is expressed. The EEOC's guidance also included examples of gender identity discrimination, such as using pronouns inconsistent with individuals' gender identity, or denying access to sex-segregated facilities consistent with gender identity.

The Catholic Benefits Association (CBA), an association that litigates regularly on behalf of Catholic employers, challenged the EEOC rule and guidance, claiming the rulemaking and guidance violated CBA's rights. Traynor instead emphasized that the CBA's religious beliefs "would be violated" if they had to comply. Traynor's decision barred the EEOC from interpreting or enforcing the statutory protections passed by congress that required all employers to accommodate abortion care and infertility treatments. His decision also barred the EEOC from enforcing provisions that would require Catholic employers to use pronouns consistent with a person's biological sex or to use private spaces reserved for the opposite sex. Traynor's decision decimated protections for pregnant and LGBTQ+ people who deserve to make decisions that align with what they want and who they are and not face punishment in the workplace for doing so.

ANTI-IMMIGRATION

Recently, Traynor ruled in favor of indefinite detention without bond for noncitizens. In *Carera v. Bondi*, Oscar Carera sought a petition for writ of habeas corpus as he was being held at a facility within North Dakota. Habeas corpus is a remedy for unlawful executive detention, and a prisoner may bring a petition for habeas corpus when their custody is

in violation of the Constitution or other laws of the United States. Carera argued that his detention was illegal, and that he should be entitled to a bond hearing or release. Traynor disagreed. In his opinion, Traynor noted the many courts that granted habeas petitions relied on policies that were incorrect. On the other hand, Traynor conveniently sided with the minority of courts, relying on stilted statutory interpretation to bolster his decision. Traynor also noted that if he sided with Carera, it would result in more protections for those “who evade the law for years than for those who are inspected at the border.”

Traynor’s decision meant Carera, and others in his position, could be held indefinitely as their immigration proceedings continue, causing disruption in their homes, education, and lives. If he ruled this way while sitting on the Eighth Circuit, the harms stemming from such a ruling could be expanded to an even broader swath of immigrants who live in that jurisdiction.

ANTI-ENVIRONMENT

In *Iowa v. Council on Environmental Quality*, Traynor used his power on the bench to make it more difficult for environmental agencies to assess and advise on the environmental impacts of federal action. In 1970, Congress enacted the National Environmental Policy Act of 1969, which established the Council on Environmental Quality (CEQ), and authorized the agency to make recommendations to the president and develop and recommend national policies to foster and promote the improvement of environmental quality. In 1978, CEQ issued a rule that provided binding uniform standards throughout the federal government, and required environmental assessments for projects and occasionally, more in depth analysis. This process was left fairly undisturbed until 2017, when President Trump directed CEQ to propose a new process, and CEQ promulgated a new rule, which Biden then directed the CEQ to reconsider.

CEQ promulgated a new rule in 2024, which was the basis of the challenge in the case, even though the new rule broadly returned to provisions that existed in 1978, and removed parts added in 2020. Several states and other entities filed suit against CEQ, arguing that these new rules exceeded CEQ’s statutory authority and violated the major questions doctrine and the Administrative Procedure Act. Traynor sided with those states, stating in his conclusion that “for the past forty years all three branches of government operated under the erroneous assumption that CEQ had authority. But now everyone knows that state of the emperor’s clothing and it is something we cannot unsee.” He concluded that the problem was not just with CEQ, but with the “disheveled hodgepodge of law surrounding administrative agencies and executive order generally.” In one fell swoop, Traynor decimated agency authority, where most of environmental work takes place in the United States, and bolstered Trump’s unprecedented attacks on the administrative state.

Traynor has also regularly sided against protestors from the Dakota Access Pipeline protests that occurred from late 2016 to early 2017. In *North Dakota v. United States*, Traynor found that the United States was liable for damages North Dakota sustained during the protests because the United States “invited and encouraged protestors in their illegal and destructive behavior.” In *Mitchell v. Kirchmeier*, Traynor dismissed an excessive force claim brought by a

Native American man, Marcus Mitchell, who was shot at using a lead-filled bean bag and was hit in three places, including his head. One of the rounds shattered his left eye socket and became lodged in his eye, requiring surgery.

The Eighth Circuit reversed this claim, stating that “any reasonable officer” who have known “to fire a shotgun loaded with lead-filled bean bag at a person” is more than de minimis force, which was all that was justified since Mitchell was not suspected of anything more than trespassing and obstructing a government function, both nonviolent misdemeanors. It is clear that Traynor has little empathy for those engaging in protest, a basic right granted by our Constitution, and he will continue this animus towards protestors if elevated to one of the most powerful courts in the nation.

ANTI-GUN REGULATIONS

In *Firearms Regulatory Accountability Coalition, Inc. v. Garland*, Traynor ruled in favor of gun industry plaintiffs challenging ATF regulations. The ATF has the authority to investigate, administer, and enforce the law related to firearms. Using this authority, ATF determines the classification of weapons under two statutes, the Gun Control Act and the National Firearms Act. Classification is not required before production of a weapon, but if entities choose to, they may submit applications before they are sold.

Two different weapons were classified by the ATF, and the Firearms Regulatory Accountability Coalition and Franklin Armory challenged these classifications as arbitrary and capricious and exceeding the ATF’s authority. Traynor sided with the Coalition and Franklin Armory, arguing that Congress gave ATF the ability to “enforce the law, not change it,” and emphasized the need for separation of powers to preserve liberty. He ended the opinion by reminding administrative agencies that they are in the executive branch and must leave “legislating to Congress.” Traynor shows a routine disdain for the actions of highly expert agencies that help carry out the instructions of key congressional statutes. Traynor’s disdain towards agencies will have an even more widespread and negative impact if he is elevated to the Eighth Circuit, where significant actions made by administrative agencies are regularly reviewed by that court.