



THE BENCHMARK

Judicial Nominees

Last week, the Senate Judiciary Committee voted to advance the nominations of four judicial nominees: [Justin Smith](#) (U.S. Court of Appeals for the Eighth Circuit), [Tony Mattivi](#) (District Court for the District of Kansas), [Tony Powell](#) (District Court for the District of Kansas), and [Jeffrey Kuhlman](#) (District Court for the District of Kansas). All four nominees proceeded on party-line votes. Ranking Member Dick Durbin (D-IL) highlighted numerous concerns with Justin Smith's nomination, including that he is the second Trump personal attorney to be nominated for a court of appeals position, that he continues to represent Trump in his sexual assault and defamation case, and that he challenged the results of the 2020 election during his time at the Missouri Attorney General's Office. For more information on Justin Smith's record, check out these [resources](#) from Alliance for Justice and Alliance for Justice Action Campaign.

Earlier this week, the Senate Judiciary Committee held a hearing for the nominations of [Matthew Schwartz](#) (U.S. Court of Appeals for the Second Circuit) and [Benjamin Flowers](#) (U.S. Court of Appeals for the Sixth Circuit). [Schwartz himself notes](#) that he "played a central role" handling Trump's appeal of his 2024 New York state conviction. He continues to represent Trump, his sons Eric Trump and Donald Trump Jr., and a handful of Trump-affiliated organizations in a civil case involving their persistent financial fraud. Flowers has built his career [attacking civil rights and advancing far-right causes](#). Notably, he served as the counsel of record for an amicus brief in *Barbara v. Trump*, defending an executive order issued by Donald Trump which would seek to strip certain children born in the United States of their U.S. citizenship.

The Senate also confirmed the nomination of Sheria Clarke for the District of South Carolina in a bipartisan vote. When asked during the Senate Judiciary hearing who won the 2020 election, [Clarke could only answer that Biden was the certified winner](#). Clarke is the first woman of color nominated and confirmed under Trump's second administration.

A TALE OF TWO DANIELS

THE PROMOTION PIPELINE



DANIEL TRAYNOR

DISTRICT COURT JUDGE → EIGHTH
CIRCUIT NOMINEE

- Spread right-wing conspiracy theories
- Attacked progressive health care policies
- Anti-immigrant rhetoric
- Blocked rural prescription drug discount law



DANIEL DOMENICO

DISTRICT COURT JUDGE → TENTH CIRCUIT
NOMINEE

- Supported prolonged immigration detention
- Exempted churches from COVID restrictions
- Forced Colorado to accept religious preschool into universal pre-K program

EXTREMISM SHOULD NOT GET REWARDED.

Trump also announced six new judicial nominations last week: [**Daniel Domenico**](#) (U.S. Court of Appeals for the Tenth Circuit), [**Daniel Traynor**](#) (U.S. Court of Appeals for the Eighth Circuit), [**Kasdin Mitchell**](#) (U.S. District Court for the Northern District of Texas), [**Angela Colmenero**](#) (U.S. District Court for the Southern District of Texas), [**Antonio Pozos**](#) (U.S. District Court for the Eastern District of Pennsylvania), and [**Michael Martin**](#) (U.S. District Court for the Eastern District of Michigan). Domenico and Traynor were both nominated for their district court seats in Trump's first term and have now been nominated for circuit court positions.

Colmenero worked in several leadership roles with Attorney General Ken Paxton's office, including serving as chief of the General Litigation Division. She joined Gov. Greg Abbott's office in 2018, where she currently serves as his deputy chief of staff. She also served as an Alabama assistant solicitor general.

AFJ previously opposed Daniel Traynor's nomination to the United States District Court for the District of North Dakota in 2019, and AFJ now opposes his nomination to the Eighth Circuit. In the years leading up to his first nomination, Traynor made several tweets criticizing progressive ideas on health care and immigration, expressing strong support for Trump, and spreading right-wing conspiracy theories. Since becoming a judge, Traynor has issued several harmful decisions, including one [**blocking a North Dakota state law**](#) that would have required companies to offer discounts on prescription drugs if they contracted with certain rural hospitals.

Domenico's hearing for his nomination to the Tenth Circuit is not expected until June 24. He also holds extreme viewpoints, including the belief that individuals can be [**detained in immigration custody without a bond hearing**](#) even if they have been present in the United States for years.

As a federal judge, he also [exempted Denver area churches](#) from COVID-19 health restrictions and required Colorado to [accept a Christian preschool](#) into its universal pre-K program.

HOLDING

THE BENCHLINE

Judge Richard J. Leon for the U.S. District Court for the District of Columbia ordered the Trump administration to return Adriana Maria Quiroz Zapata, after the administration tried to [deport her](#) to the Democratic Republic of Congo, despite the country's refusal to admit her. The Trump administration, hellbent on its destructive and harmful immigration deportation campaign, has been cutting deals with different countries who may be willing to accept migrants that the administration cannot forcibly deport to their home countries. Zapata could not return to her home country as she was fleeing her former partner, who was tied to the Colombian police and raped and beat her. A U.S. immigration court previously determined that if Zapata returned to her home country, she would most likely face torture.



The administration turned instead to the Congo to try to carry out its deportation, but the country refused to accept Zapata on medical grounds, as she has diabetes, hyperlipidemia, and hypothyroidism. Despite the Congo's repeated communications to ICE that they could not accept Zapata (because they could not provide adequate medical care), the United States government sent her anyway, which Leon concluded was likely illegal.

Federal law requires a non-home country of a migrant to agree to accept the person before they can be deported. Leon cited the case of Kilmar Armando Abrego Garica, a Maryland man who was wrongly deported to El Salvador before the Court ordered the administration to bring him home. Leon demanded that the administration report back to him by Friday on steps taken to return Zapata to the United States.

Holding Court

Yesterday, AFJ President Rachel Rossi moderated a virtual panel titled “Holding Court: The Trump DOJ on Trial,” featuring former United States Pardon Attorney Liz Oyer. The timely discussion examined tensions between the Department of Justice and the courts, the current administration’s willingness to defy court orders, and the impact of widespread DOJ departures. The panel explored how the second Trump administration’s DOJ has made headlines since the inauguration, including the firing of Attorney General Pam Bondi, the indictment of the Southern Poverty Law Center, and numerous accusations of defying federal court orders.

You can watch the discussion [here](#).



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Alliance for Justice
11 Dupont Circle NW
Suite 500
Washington, DC 20036
United States