



Aileen Cannon

Potential SCOTUS Nominee

COURT

U.S. District Court for the
Southern District of Florida

Introduction

On May 21, 2020, President Trump nominated Cannon for a judicial seat on the U.S. District Court for the Southern District of Florida. On November 12, 2020, the Senate confirmed Cannon by a vote of 56-21, with 12 Democratic senators voting for her nomination. On November 13, she received her judicial commission and was officially appointed to U.S. District Court for the Southern District of Florida.

Aileen Cannon was born in Cali, Colombia in 1981. She received a B.A. from Duke University in 2003. Following her undergraduate studies, Cannon worked as a paralegal specialist for the U.S. Department of Justice's Civil Rights Division, Criminal Section, in Washington, D.C., from 2003 to 2005. She then received a J.D. from the University of Michigan Law School in 2007.

After finishing law school, she clerked for Judge Steven Colloton of the U.S. Court of Appeals for the Eighth Circuit. In 2009, she joined Gibson & Dunn's Washington, D.C. office as an associate. As an associate, Cannon practiced general litigation, including securities regulation and enforcement, appellate litigation, government investigations, and government contracts litigation. She spent three years at Gibson & Dunn before transitioning to the Assistant U.S. Attorney's Office for the Southern District of Florida in 2013. While at the U.S. Attorney's Office, Cannon worked in the Major Crimes Division and the Appellate Division. During her time in the Major Crimes Division, Cannon tried four jury trials to verdict and prosecuted 41 defendants relating to federal firearms, narcotics, fraud, and immigration offenses. After she moved to the Appellate Division, Cannon represented the U.S. before the U.S. Court of Appeals for the Eleventh Circuit, primarily in direct appeals of criminal convictions and sentences. She authored 51 appellate briefs and presented oral argument before the Eleventh Circuit on nine occasions.

Blatant Loyalty to Trump

Since becoming a federal judge, Cannon is best known for her handling of two cases — one criminal and one civil — involving Trump.

In August 2022, Cannon was assigned the civil case *Trump v. United States*, which involved the FBI’s search of Trump’s Mar-a-Lago residence. Trump requested that the court appoint a special master to review materials seized during the search for attorney-client and executive privilege. Cannon promptly granted the request and halted the FBI’s access to the classified documents seized during the search. The Department of Justice immediately appealed and requested that the Eleventh Circuit stay Cannon’s orders pending appeal. Within 24 hours, an Eleventh Circuit panel unanimously granted the DOJ’s request, stating that Cannon abused her discretion by preventing the government from using approximately 100 lawfully seized documents that Trump claimed were classified. The panel also held that Cannon erred in exercising equitable jurisdiction over the case, as such jurisdiction should only be exercised in exceptional circumstances. The panel was unwilling to “drastically expand the availability of equitable jurisdiction . . . or carve out an unprecedented exception in our law for former presidents.”

The DOJ also appealed Cannon’s decision to appoint a special master. Once again, an Eleventh Circuit panel unanimously rejected all of Trump’s arguments and overturned Cannon’s order, stating that her decision “would be a radical reordering of our caselaw limiting the federal courts’ involvement in criminal investigations” that “would violate bedrock separation-of-powers limitations.” The panel remanded the case back to Cannon and ordered her to dismiss the lawsuit for improperly exercising equitable jurisdiction, stating, “The law is clear. We cannot write a rule that allows any subject of a search warrant to block government investigations after the execution of the warrant. Nor can we write a rule that allows only former presidents to do so.” The panel remanded the case back to Cannon and ordered her to dismiss it for lack of jurisdiction.

Less than a year later, Cannon was assigned *United States v. Trump*, the DOJ’s criminal case against Trump related to his alleged mishandling of classified government documents. Given Cannon had been assigned the related civil case 10 months prior, several federal judges, including the chief judge of the Southern District of Florida, recommended that she recuse herself. However, Cannon refused to do so. Pretrial, Cannon made a series of rulings that were viewed as highly favorable to Trump, from denying the DOJ’s request to keep its potential witness list under seal to delaying a hearing on the Classified Information Proceedings Act for several months. A March 2024 order instructing Trump and the DOJ to craft hypothetical jury instructions regarding the Presidential Records Act also raised eyebrows.

Cannon’s delay tactics continued when she postponed the trial “indefinitely” less than two weeks before it was set to begin. Ultimately, Cannon granted Trump’s motion to dismiss on July 15, 2024 — the first day of the Republican National Convention — reasoning that Special Counsel Jack Smith’s appointment violated the Appointments Clause of the Constitution. This reasoning was based largely on Justice Thomas’s fringe legal theory that special counsels are always unconstitutional. The government initially appealed Cannon’s decision, requesting that the Eleventh Circuit reinstate the case. However, following Trump’s victory in the 2024 presidential election, Smith announced that the government would be seeking to dismiss its appeal. Cannon dismissed the case a day later. Smith then attempted to release his final report to the Congress and the public, but Cannon blocked him from doing so.

Regularly Reversed at the Circuit Court Level

Despite Cannon's relatively short tenure as a federal judge, her decisions have been reversed or vacated by the circuit courts at an alarming rate.

Watts v. Joggers Run Property Owners Association, Inc.

In 2025, the Eleventh Circuit reversed Cannon's dismissal of a case in which an African-American woman sued her former homeowner's association (HOA) for alleged violations of the Civil Rights Act and Fair Housing Act. In her complaint, the plaintiff alleged that "the HOA unlawfully interfered with her right to the full enjoyment of her property through unwarranted citations for violations she contested, through restricted access to community amenities, and through the treatment she received as a former HOA board member." She also noted multiple examples of egregious racial discrimination and harassment, such as board members referring to African Americans as "monkeys," only allowing her three minutes to speak at board meetings while she was a board member, towing and selling her son's car at auction, and repeatedly denying her proposal to reopen basketball courts because of problems with trespassers and "too many people of color." The HOA moved to dismiss all four claims, which Cannon granted on the grounds that the "FHA does not cover any of the discriminatory conduct that [the plaintiff] alleged had occurred after she purchased her home, and that [the plaintiff] failed to allege with any specificity the actual terms in her homeowner's contract which the HOA allegedly violated."

The plaintiff appealed Cannon's decision, and the Eleventh Circuit unanimously reversed. The court found that Cannon's interpretation of the statutes was deeply erroneous. The court held that Cannon "too narrowly construed the FHA, Section 1981, and Section 1982, and that [the plaintiff] plausibly stated claims for relief for all the alleged statutory violations."

Acosta v. Miami-Dade County

In *Acosta v. Miami Dade County*, the mother of a man who died following a police interaction sued the city and its officers, alleging excessive-force claims under §1983 and state wrongful-death claims. In 2014, the plaintiff called the police following a domestic dispute with her son. When officers arrived, her son ran from them and resisted arrest. The officers then tased the plaintiff's son, after which he remained subdued on the ground. However, the officers continued to tase and kick him until he completely stopped moving. The plaintiff's son was then taken to the hospital and later pronounced dead.

The officers moved for summary judgment, noting qualified immunity. Cannon granted summary judgment to five of the six officers on the plaintiff's excessive-force claims and to all the officers on her wrongful-death claims. The plaintiff then appealed Cannon's decision to the Eleventh Circuit. The court unanimously vacated all but one of Cannon's grants of summary judgment, holding that she clearly misunderstood some of the qualified immunity cases or standards. The court hinted at exasperation, stating, "We hold that it was clearly established in February 2014 that an arresting officer may not use gratuitous force on a non-resisting suspect who no longer poses a threat to his safety. In concluding otherwise, the district court misstepped." The court also found that Cannon erred when she

concluded that as for the wrongful death claim, she was “left with the unrebutted opinion of three experts who attest[ed] that [the plaintiff’s son] died from a drug overdose.” The court saw the evidence much differently and noted that the plaintiff’s son’s medical records, the expert witnesses’ opinions, and the eyewitness’ accounts “suffice to preclude summary judgment.”

VPR Brands, LP v. Shenzhen Weiboli Tech. Co.

VPR, who owned the trademark “ELF,” sued Weiboli, a Chinese manufacturer of e-cigarettes marketed under the name “ELFBAR.” VPR alleged the distribution of Weiboli’s e-cigarettes infringed on VPR’s “ELF” trademark. As a defense, Weiboli argued that VPR’s “ELF” trademark was invalid and unenforceable under the unlawful-use doctrine. Cannon rejected Weiboli’s unlawful-use defense and declined to apply the doctrine to VPR’s trademark infringement claim. Cannon then granted an injunction against Weiboli, finding VPR was likely to succeed on the merits of its trademark infringement claim.

Weiboli appealed, and the Federal Circuit unanimously overturned Cannon’s decision. The court found that Cannon egregiously misread and misunderstood the relevant Eleventh Circuit precedent. The court stated:

The district court here misread the Eleventh Circuit’s decision in [*FN Herstal SA v. Clyde Armory Inc.*, 838 F.3d 1071 (11th Cir. 2016)] as “caution signals” against adopting the doctrine in an infringement context. The district court also misread certain observations of the Eleventh Circuit reviewing the doctrine’s application in the administrative setting as supporting rejection of this doctrine in an infringement context. That was error and a misunderstanding of the law . . . We find the district court’s legal determinations conclusory and its factual analysis deficient.

Accordingly, the Federal Circuit concluded that Cannon “abused [her] discretion by misinterpreting the Eleventh Circuit’s guidance and by unreasonably rejecting Weiboli’s unlawful-use defense without adequate legal or factual analysis.” The court vacated Cannon’s preliminary injunction and remanded the case.

Abusive Toward Her Law Clerks

Additionally, despite her relatively short time on the federal bench, Cannon has developed a reputation for treating her clerks terribly. According to one of her former clerks, Cannon would “get angry to the point of screaming.” Cannon expected to control what her clerks did 24/7 and did not allow them to have personal lives. Cannon frequently required her clerks to come into the office on weekends and federal holidays, despite not coming in herself for the vast majority of those days. Cannon also consistently set impossible deadlines that required clerks to work overtime and rush their final product, which only contributed to more yelling and screaming. Her former clerk said 100+ hour work weeks were not uncommon.

These horrific working conditions have unsurprisingly led to an unusual amount of turnover in Cannon’s chambers. Several of her law clerks outright quit, and in the aftermath of the Trump cases, “[t]hree of her four clerks ha[d] been with [Cannon] for six months or less.”

Favorable Sentencing for Man Who Made Death Threats Against Democrats

Cannon handed down a notable and controversial sentencing in April 2022. Paul Vernon Hoeffer pleaded guilty to making death threats against three Democrats: then-Speaker of the House Nancy Pelosi, Rep. Alexandria Ocasio-Cortez, and Cook County, Illinois State's Attorney Kim Foxx. Despite the government proposing 41 months in prison (and sentencing guidelines of 33-41 months), Cannon sentenced Hoeffer to just 18 months in prison followed by three years of supervised release and a fine of \$2,000. This massive deviation from the sentencing guidelines suggests Cannon's lenient sentence may have been politically motivated.

Egregious Trial Mistakes

In June 2023, Cannon made key mistakes in the criminal trial of an Alabama man accused of running a website with images of child sex abuse. Despite multiple requests from both prosecutors and defense attorneys not to do so, Cannon closed jury selection and the trial to the defendant's family and the public, seemingly violating the defendant's Sixth Amendment right to a public trial. During the same trial, Cannon failed to swear in the jury pool, which embarrassingly forced her to restart the trial.

Undisclosed Paid Seminars and Reimbursements

In September 2024, ProPublica reported that Cannon failed to disclose multiple private seminars she attended that were sponsored by George Mason University's Antonin Scalia School of Law. A review of Cannon's 2021 financial disclosures revealed that she was reimbursed by the school for a six-day trip to a "colloquium seminar" that she attended with her husband at Sage Lodge, Resort and Spa in September 2021. She also attended the colloquium in 2022. However, Cannon failed to disclose her attendance at the privately funded seminars despite a 2006 U.S. Judicial Conference rule requiring judges to do so. Once confronted by NPR about the omission, Cannon disclosed her attendance at the seminars, along with a May 2023 George Mason University banquet honoring the late Supreme Court Justice Antonin Scalia.

Overall, Cannon's unquestioning loyalty to Trump and her horrific treatment of her clerks show she is unqualified for her current judgeship, much less a promotion to the Supreme Court.