



Opinions of Trump Appellate Judges on Trump Supreme Court Short List

Eight of the 37 Trump judges on the federal courts of appeals are also on Trump's "[short list](#)" from which, he has stated, he will select any future Supreme Court justices. The opinions written or joined by these eight Trump judges are very troubling, and it would raise serious concerns if any of these judges receive a Supreme Court nomination. Each such opinion is discussed briefly below, with a link to the more detailed explanation in the relevant PFAW *Confirmed Judges*, *Confirmed Fears* report.

Don Willett (5th Circuit)

- Along with Trump judges Ho, Engelhardt, and Oldham, **Willett** [voted to allow a devastating Louisiana anti-choice law](#) to take effect, a decision that was temporarily reversed by a 5-4 Supreme Court vote in which Gorsuch and Kavanaugh dissented.
- **Willett** cast the deciding [vote to give Trump the power](#) to fire the head of an independent housing finance agency set up by Congress.
- **Willett** cast the deciding vote to [affirm a longer prison term](#) for an immigrant, despite a finding of plain error and a dissent by a Bush appointee.
- Along with Trump judges Ho, Duncan, and Engelhardt, **Willett** [strongly urged reconsideration](#) of a ruling that upheld a federal gun safety law.
- Along with Trump judge Ho, **Willett** [voted to excuse a police department's decision](#) to conceal evidence and to reverse a damages verdict for a falsely imprisoned innocent man.

Amul Thapar and Joan Larsen (6th Circuit)

- Along with Trump judges Bush and Nalbandian, Judges **Thapar** and **Larsen** cast deciding [votes to uphold Ohio's law barring funding to Planned Parenthood](#) for health care because it provides abortions with non-state funds.
- **Thapar** and **Larsen** [affirmed enhanced sentences](#) despite the dissent's demonstration that the sentences were "substantively unreasonable."
- Along with Trump judge Nalbandian, **Thapar** ruled that there was [no remedy for a deputy's unconstitutional violation](#) of a homeowner's privacy rights.
- Along with Trump judge Bush, **Thapar** [refused to permit brothers to present](#) to a jury the claim that deliberate indifference contributed to a third brother's death in prison.
- **Thapar** voted in dissent to [make it easier to get away with sex discrimination](#).
- **Thapar** tried in dissent to [excuse a lawyer who failed to advise](#) a permanent resident about the deportation risk of a guilty plea.

- **Thapar** [tried to favor a religious school](#) and harm a small municipality in a dissent in a zoning case.
- **Thapar** voted to [allow public officials to lead Christian-only prayer](#) at public meetings.
- **Thapar** voted to [allow Ohio to resume executing prisoners via a three-drug cocktail](#) described as causing “serious” pain and suffering.
- **Thapar** tried in dissent to [reduce homeowners’ protections against invasion of privacy](#).
- **Larsen** wrote a divided ruling that [dismissed citizens groups’ petitions to review air pollution permits](#) without even reviewing the merits of their claims.
- **Larsen** tried to [block a fired whistleblower](#) from taking her case to court.
- **Larsen** tried to rule in dissent for an insurance company [against a mother who was improperly denied insurance benefits](#). **Thapar** and two other Trump judges then joined **Larsen** in trying to get the full Sixth Circuit to rehear the case, which it refused.

Amy Coney Barrett (7th Circuit)

- Along with Trump judges Brennan, Scudder, and St. Eve, Judge **Barrett** cast a deciding vote to [rule that older workers cannot claim](#) that an employer’s hiring practices have a discriminatory impact on them, despite federal law.
- **Barrett** voted [to allow a corporation to racially segregate](#) its workplaces.
- **Barrett** wrote a decision [upholding the denial of a visa to the wife of a U.S. citizen](#), despite a strong dissent by a Reagan-appointed judge who pointed out that the opinion ignored the principle that “Congress has given the judiciary the obligation to curb arbitrary action” with “no exception for the action of consular officials.”
- **Barrett** wrote a ruling that [threw out a claim of unfair arbitration](#) despite a dissent by a Reagan-appointed judge explaining that her opinion violated “established practice, grounded in well-settled case law across the Nation.”
- **Barrett** tried in dissent to [partly overturn a federal law](#) that bans people convicted of felonies from possessing firearms.
- Along with Trump judges St. Eve and Scudder, **Barrett** [voted to uphold the deprivation of the right to counsel](#) when a defendant was questioned by a judge without his lawyer.
- **Barrett** voted in dissent to [deny post-conviction relief to a person convicted](#) even though the prosecutor hid the hypnosis of a key witness in the case.

David Stras (8th Circuit)

- **Stras** wrote a divided opinion [dismissing an asylum claim despite evidence](#) of “a material worsening of the risk of persecution” the refugee would face if she was returned to Ethiopia.
- **Stras** tried to [strike down a lobbying registration and disclosure law](#) as applied to an unpaid lobbyist despite a majority decision by two other Republican-appointed judges.

- **Stras** wrote a divided decision [depriving an individual of a hearing](#) on whether he received ineffective assistance of counsel.
- Along with Trump judges Grasz and Erickson, Judge **Stras** [cast a deciding vote to deny full court rehearing](#) on the constitutionality of Missouri’s method of execution as applied to a prisoner with a severe medical condition.
- **Stras** and Grasz joined a full court opinion that [reversed prior rulings and dismissed a deputy’s claim](#) that he had been improperly fired by his boss for statements made in a political campaign.

Allison Eid (10th Circuit)

- **Eid** joined a decision [denying rehearing of a claim](#) that people were kept in jail for long periods without arraignment in violation of due process, despite a dissent joined by the Republican-appointed chief judge.
- **Eid** agreed that evidence was improperly seized, but [argued in dissent that police should get another chance](#) to justify their conduct.
- **Eid** dissented from an order joined by the Republican-appointed chief judge of the court to [exclude government expert testimony](#) because of failure to provide proper notice.

Kevin Newsom and Britt Grant (11th Circuit)

- **Grant** joined an opinion for the full court written by **Newsom** that [made it much harder for victims of illegal job discrimination](#) to prove their case when there is no evidence of intentional discrimination. The dissent explained that the opinion “drops an anvil on the employer’s side” of such cases.
- **Newsom** [voted against full court review of a decision](#) rejecting a claim that federal law prohibits anti-gay discrimination based on a 40-year old appellate court ruling later undercut by the Supreme Court.
- **Newsom** wrote a divided ruling [giving a consumer’s car to a corporation](#) despite a declaration of bankruptcy.
- **Newsom** wrote an opinion [strongly suggesting that Supreme Court precedent](#) that prevents the government from endorsing religion should be overruled.
- **Newsom** cast the deciding vote to [throw out a claim of inhumane prison conditions](#), including being “forced to walk barefoot in cells covered with virtually every type of bodily waste.”
- **Newsom** wrote or joined several [decisions rejecting claims of overly harsh criminal sentencing](#) despite strong dissents.
- **Newsom** wrote a divided ruling [upholding a felony criminal conviction](#) even though the prosecution had failed to prove a key element of the crime beyond a reasonable doubt.