

SENT VIA HAND DELIVERY

Office of the Clerk of the Court
United States Court of Appeals for the District of Columbia
E. Barrett Prettyman Courthouse
333 Constitution Ave., N.W.
Washington, D.C. 20001

Re: Complaint Against United States District Court Judge Ana C. Reyes

Dear Chief Judge Srinivasan:

I respectfully submit this complaint pursuant to 28 U.S.C. § 351(a), concerning United States District Court Judge Ana C. Reyes’s misconduct during proceedings in *Nicolas Talbott, et al. v. Donald J. Trump, et al.*, Civil Action No. 25-00240, held on February 18-19, 2025. During these hearings, Judge Reyes engaged in hostile and egregious misconduct that violates Canons 2A and 3A(3) of the Code of Conduct for United States Judges, which require judges to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary” and “be patient, dignified, respectful, and courteous to litigants.” The transcript reveals multiple instances where Judge Reyes’ misconduct compromised the dignity of the proceedings and demonstrated potential bias, raising serious concerns about her ability to preside impartially in this matter. I detail two of those incidents in this letter.

For background, this case concerns a challenge to Executive Order 14183, *Prioritizing Military Excellence and Readiness*, 90 Fed. Reg. 8757 (Feb. 3, 2025) (“Military EO”). In the Military EO, President Trump, as the Commander in Chief, announced a policy that “the medical, surgical, and mental health constraints on individuals with gender dysphoria” are incompatible with the high standards demanded for “troop readiness, lethality, cohesion, honesty, humility, uniformity, and integrity.” The Military EO, consistent with a separate executive order specifying that “sex” refers to an individual’s immutable biological classification as either male or female, explains how use of pronouns that inaccurately reflect an individual’s sex is also inconsistent with those high standards. The Military EO does not require the discharge of service members, but instead gives the Secretary of Defense 60 days to amend the medical standards for accession and retention for the armed forces.

Challenging the Military EO, Plaintiffs filed suit alleging a single Equal Protection count and moved for a preliminary injunction, which the United States opposed. Judge Reyes held a hearing on February 18 and 19. At issue during the hearing was simply ripeness and success on the merits. Judge Reyes, however, took issue with the Government’s positions on many other issues, including whether there are only two sexes (male and female). While Judge Reyes was not sure exactly how many sexes there were, she hypothesized that could be “anywhere near about 30 different intersex examples.”¹ It was during these lines of questioning that Judge Reyes engaged in the unacceptable

¹ 2/18/25 Transcript at 137:2–7 (“[T]his executive order is premised on an assertion that’s not biologically correct. There are anywhere near about 30 different intersex examples. So, someone who does not have just an XX or XY chromosome is not just male or female; they’re intersex. And there are over 30 potential different intersex examples.”).

misconduct at issue in this complaint, questioning a Department of Justice attorney regarding his religious beliefs and then using him unwillingly as a physical prop in her courtroom theatrics.

After a long screed about how she believes President Trump has discriminated against individuals with gender dysphoria (including a claim that he was “literally erasing transgender people”),² Judge Reyes describes receiving an email suggesting that she develop a relationship with Jesus. She then uses this aside as an excuse to randomly pivot to questioning the DOJ attorney about his religious views: “What do you think Jesus would say to telling a group of people that they are so worthless, so worthless that we’re not going to allow them into homeless shelters? Do you think Jesus would be, ‘Sounds right to me’? Or do you think Jesus would say, ‘WTF? Of course, let them in.’”³ This line of questioning is deeply problematic for several reasons. First, the question has no relevance to the legal analysis of military policy. Second, it placed DOJ counsel in an untenable position of either appearing unresponsive or speculating about how an incoherent hypothetical aligns with Judge Reyes’ personal religious beliefs. Counsel, however, did not fall into that trap, but instead provided a professional response that highlights the impropriety of the question itself: “The United States is not going to speculate about what Jesus would have to say about anything.”⁴ Third, sporadic use of the inappropriate abbreviation “WTF” during the questioning of an attorney on his religious beliefs sheds light on the severity of the judge’s lack of professional decorum.

Unfortunately, Judge Reyes’ misconduct was not isolated to a single incident. The transcript also reveals that Judge Reyes attempted to embarrass counsel by physically directing him as part of a rhetorical exercise in front of other attorneys, court personnel, and members of the public and press. During an exchange about discrimination, Judge Reyes abruptly instructs DOJ counsel: “I made a change to my standing order when I was in the back. My new standing order says that no one who has graduated from UVA Law School can appear before me. So, I need you to sit down, please. I need you to sit down.”⁵ When counsel complied with this directive, the judge continued her hypothetical about UVA law graduates being banned from her courtroom because “they’re all liars and lack integrity.”⁶ Only after Judge Reyes used counsel as a physical prop did she instruct him to come back up to continue the proceedings. This directive served no legitimate judicial purpose and transformed an attorney appearing before the court into an unwilling participant in the judge’s unnecessary demonstration. Such treatment undermines the dignity of counsel and the decorum of the courtroom. It also contravenes Canon 3A(4)’s instruction that judges should “accord to every person who has a legal interest in a proceeding, and that person’s lawyer, the full right to be heard according to law.” Judge Reyes’ actions diminished respect for counsel and created an intimidating atmosphere inconsistent with the proper administration of justice. The physical direction of counsel for dramatic effect, regardless of the alleged point being made, represents an inappropriate exercise of judicial authority that risks undermining respect essential for fair proceedings.

Judge Reyes’ misconduct during these proceedings raises serious concerns about her compliance with the Code of Conduct for United States Judges. Her behavior violates Canon 2A’s requirement

² 2/19/25 Transcript at 54:25–55:1.

³ *Id.* at 56:22–57:1.

⁴ *Id.* at 57:3–4.

⁵ 2/18/25 Transcript at 159:4–8.

⁶ *Id.* at 159:12–13.

that judges should “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary” and Canon 3A(3)’s directive that judges should “be patient, dignified, respectful, and courteous.” The Comment to Canon 3A(3) specifically notes that “The duty to be respectful includes the responsibility to avoid comment or behavior that could reasonably be interpreted as harassment, prejudice, or bias.” Judge Reyes’ treatment of DOJ counsel falls short of this standard.

I respectfully request that appropriate action be taken to address these violations and to ensure that future proceedings in this court are conducted with the dignity and impartiality the public has a right to expect. At minimum, this matter warrants further investigation to determine whether these incidents represent a pattern of misconduct that requires more significant remedial measures.

An independent, impartial judiciary is fundamental to our system of justice. When judges demonstrate apparent bias or treat counsel disrespectfully, public confidence in the judicial system is undermined. The issues documented here transcend the specific case and parties involved and speak to core principles of the judiciary that must be upheld.

Respectfully,
/s/ Chad Mizelle
Chad Mizelle
Chief of Staff
Office of the Attorney General
United States Department of Justice