



# Court of Appeal

FOURTH APPELLATE DISTRICT  
750 B STREET, SUITE 300  
SAN DIEGO, CA 92101-8196

JOSE S. CASTILLO  
ASSOCIATE JUSTICE

November 19, 2024

Chairman Richard J. Durbin  
Committee on the Judiciary  
United States Senate  
711 Hart Senate Office Building  
Washington, D.C. 20510

Ranking Member Lindsey Graham  
Committee on the Judiciary  
United States Senate  
211 Russell Senate Office Building  
Washington, D.C. 20510

Re: Benjamin J. Cheeks  
Judicial Nominee to the United States District Court  
for the Southern District of California

Dear Chairman Durbin and Ranking Member Graham:

I enthusiastically write this letter in support of United States Magistrate Judge Benjamin Cheeks's nomination to the United States District Court for the Southern District of California. I have known Judge Cheeks for over 14 years.

Judge Cheeks and I met in October 2010 when we were both sworn-in as Assistant United States Attorneys for the Southern District of California. We were new federal prosecutors and were assigned to the same unit. The pace of federal prosecutions in Southern California is fast, and the learning curve steep. As new federal prosecutors, Judge Cheeks and I began our workdays sitting across from each other at a conference table, reviewing freshly filed cases. In busy times, we consulted each other on the sufficiency of probable cause

statements and the merits of the cases being presented by the various federal agencies. In less busy times, we discussed our personal lives and I got to know Judge Cheeks well.

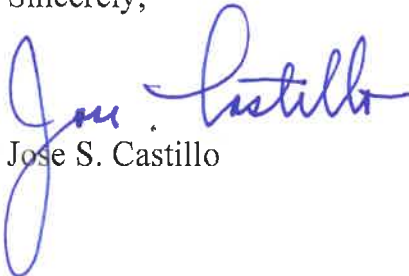
As a federal prosecutor, Judge Cheeks prosecuted hundreds of criminal cases. To do so, he coordinated with various law enforcement agencies, litigated dispositive motions, indicted cases, negotiated plea agreements with defense counsel, and appeared in court on an almost daily basis. For three years, he prosecuted federal crimes, including immigration, narcotics, and fraud offenses.

After serving our community as a federal prosecutor, Judge Cheeks started his own law firm as a solo practitioner. He applied and was selected to join the Criminal Justice Act (CJA) panel to represent indigent defendants. For indigent defendants arrested for federal crimes, the federal court appoints attorneys on the CJA panel to represent them at a reduced rate that is paid by the court. In this capacity, Judge Cheeks represented hundreds of individuals accused of various federal crimes. As a defense attorney, he quickly gained a reputation within the legal community as a worthy advocate for the clients he represented.

In 2024, Judge Cheeks applied to be a Magistrate Judge. The United States District Court for the Southern District of California uses a competitive open-selection merit process in making appointments for the position of Magistrate Judge. Judge Cheeks was first interviewed by a Merits Selection Panel. The Panel prepared a report and recommended the five most qualified candidates, which included Judge Cheeks, for final consideration to the Judges of the District Court. Judge Cheeks was then interviewed by the Judges of the District Court and selected him by majority vote to serve as a Magistrate Judge.

In my over 14 years of knowing Judge Cheeks, I have observed that he has a deep commitment to access to justice, the rule of law, and the quality of the judiciary. I wholeheartedly support his confirmation.

Sincerely,



Jose S. Castillo