



UNITED STATES DISTRICT COURT

District of New Mexico
Pete V. Domenici United States Courthouse
333 Lomas Boulevard N.W., Suite 770
Albuquerque, New Mexico 87102

William P. Johnson
Chief District Judge

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October 5, 2022

The Honorable Dick Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Re: Nomination of Matthew Garcia to the U.S. District Court for the District of New Mexico

Dear Chairman Durbin and Ranking Member Grassley:

New Mexico Senators Martin Heinrich and Ben Ray Lujan have asked me to write a letter in support of the nomination of Matthew Garcia be a United States District Judge for the United States District Court for the District of New Mexico. If confirmed, Mr. Garcia would fill a position on my court that has been vacant now for 27 months.

A federal judge ethically may respond to requests from an appointing authority or a screening committee, and may recommend and evaluate judicial nominees based on the judges' insight and experience, with the objective of maintaining a qualified and honorable judiciary. Any opinion that I offer herein is directed only to Mr. Garcia's qualifications and factors relevant to the performance of judicial duties.

In terms of my background, I was nominated by President George W. Bush in August 2001 to fill a vacancy on the U.S. District Court for the District of New Mexico, and my

nomination was confirmed by the U.S. Senate in December of 2001. Since that time, I have served as a federal district judge in active service and since February of 2018, I have served and continue to serve as Chief Judge of the U.S. District Court for the District of New Mexico.

The first interaction I recall having with Mr. Garcia occurred approximately 15 years ago when he appeared in a Section 1983 civil rights case which was assigned to my docket. The Plaintiff in this case was a woman who lived in Albuquerque, Bernaillio County, New Mexico and she was the state court appointed guardian for her disabled brother. The lawsuit was filed by the Plaintiff on behalf of her brother who was the victim of a brutal assault by inmates at the Bernaillio County detention center that resulted in Plaintiff's brother having permanent physical and mental injuries. One of the more disturbing aspects of this assault on the Plaintiff's brother was that a guard at the detention facility was involved in the assault by deliberately opening a secure door at the facility that allowed the inmates access to the Plaintiff's brother. The guard and the inmates who physically assaulted the Plaintiff's brother were criminally prosecuted.

The Plaintiff had little familiarity with the legal profession so she hired a lawyer from her church. Turns out the lawyer had never handled a civil rights case which became readily apparent in the early stages of the case. I determined that the Plaintiff and her brother needed effective legal counsel so I contacted an experienced civil rights attorney who represented the ACLU and she recruited Matthew Garcia who joined the case as co-counsel for the Plaintiff. In a relatively short time, Mr. Garcia negotiated a settlement very favorable to the Plaintiff's brother that included the creation of a trust fund to cover future medical and living expenses of the Plaintiff's brother.

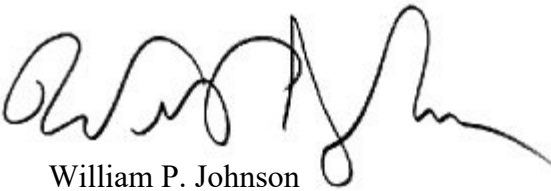
In 2018, Michelle Lujun Grisham was elected Governor of New Mexico and Mr. Garcia left his private law practice to serve as the Governor's General Counsel. Sometime in 2020 Mr. Garcia transitioned to the position of Chief of Staff. The last case Mr. Garcia handled before me was in his capacity as General Counsel to the Governor and he represented the Governor and the Secretary of the NM Department of Health who were sued by plaintiffs challenging the legality of certain Covid-19 restrictions on private schools. The plaintiffs were not successful in their request for injunctive relief and the denial of the motion for preliminary injunction essentially ended the case. There were some other cases in federal court before at least one other judge involving challenges to Covid-19 restrictions and Mr. Garcia represented the Governor and her administration in these other cases. To the best of my knowledge, the Governor and her administration prevailed in all the challenges in federal court to Covid-19 restrictions implemented by the Governor and her administration. In my opinion, the success the Governor and her administration had in fending off legal challenges to Covid-19 restrictions was due in large part to the strategy employed by the Governor's lawyer, Matthew Garcia.

In addition to his skills as a litigation attorney, Matthew Garcia has demonstrated that he

possesses the integrity and character traits necessary to be an effective Article III judge. His temperament and personality have served him well as an attorney and would no doubt serve him well as a judge. I'm confident that Mr. Garcia can be a fair and impartial judge and would strive to ensure that all who come before him would have a full opportunity to be heard. I believe Mr. Garcia is well qualified to serve as a district judge on the U.S. District Court for the District of New Mexico. Accordingly, I recommend that the Senate Judiciary Committee vote in favor of Mr. Garcia's nomination and that the U.S. Senate proceed to confirm him as a U.S. District Judge.

Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William P. Johnson', written in a cursive style.

William P. Johnson

cc: Hon. Martin Heinrich
Hon. Ben Ray Lujan