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The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Chuck E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley:

I serve as Executive Director of the MacArthur Justice Center (MJC), a national civil rights firm, and I direct the Criminal Justice Appellate Clinic at Harvard Law School. Based on my experience working with Brad Garcia in a professional setting as co-counsel and observing his work for indigent clients in other cases, I write to express my view that he would make an excellent judge on the U.S. Court of Appeals for the D.C. Circuit.

MJC litigates high-impact civil rights and systemic reform cases in courts around the country, including issues of racial and economic justice. MJC strongly believes in the importance of a federal bench that represents a diversity of professional and life experience, with judges who can understand the experiences of Americans from every walk of life and who have demonstrated an abiding commitment to equity, racial justice, and civil rights in the criminal justice system.

Mr. Garcia has demonstrated these values in his practice of law by providing the finest level of representation in the nation's highest courts—free of charge—to indigent defendants in criminal cases and to people who are incarcerated. In many of these cases, Mr. Garcia's clients might have completely lacked access to counsel had he not donated his time.

While Mr. Garcia was in private practice, he served on the Advisory Board of MJC's Supreme Court & Appellate Practice, wherein he became a resource for our attorneys on cases related to appellate strategy and criminal justice reform. I invited him to serve in that role given his expertise and outstanding reputation in appellate practice and strategy.

I worked personally with Mr. Garcia as co-counsel in *Dooley v. Wetzel*, 957 F.3d 366 (3d Cir. 2020), in which Mr. Garcia served as lead counsel for an indigent incarcerated

person who had been wrongfully denied mental health care and wrongfully denied access to federal court. Mr. Garcia cogently argued the case before the Third Circuit, obtaining a unanimous opinion in our client's favor and important precedent on both issues that were presented.

As another example, last year Mr. Garcia was lead counsel and argued in the United States Supreme Court on behalf of the respondent in *United States v. Palomar-Santiago*, 141 S. Ct. 1615 (2021), a case involving the intersection of criminal law and immigration enforcement. He also co-drafted the defendant's briefing in *United States v. Sims*, 139 S. Ct. 399 (2018), a Supreme Court case concerning the application of the Armed Career Criminal Act.

In the Fourth Circuit, Mr. Garcia led the briefing and presented oral argument in *Lester v. Flourney*, 909 F.3d 708 (4th Cir. 2018), a case where his client was sentenced to serve nearly 22 years in prison for intent to sell 15 grams of crack cocaine. Mr. Garcia obtained a favorable outcome for his client that not only caused his release from prison years before his initial sentence was set to end, but also established favorable precedent for others in the Fourth Circuit.

In addition, Mr. Garcia was part of a team of attorneys representing four Muslim federal prisoners in a suit against the Federal Bureau of Prisons, successfully seeking fair treatment and the provision of religiously appropriate meals under the Religious Freedom Restoration Act. *See Brian Carr et al. v. Inch*, 2021 WL 3774288 (S.D. Ind. Aug. 31, 2021). That matter required Mr. Garcia to handle numerous hearings, motions, and depositions.

Based on my experience working with Mr. Garcia, I believe he would be a judge who treats all parties and advocates before him with the utmost dignity and respect, and leaves them with a distinct sense of feeling heard.

Sincerely,



Amir Ali

Executive Director
MacArthur Justice Center

Co-Director, Criminal Justice Appellate Clinic
Harvard Law School