

FOIA Marker

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Records Management, White House Office of

Subject Files - FG052 (United States Court of Appeals)

Stack:	Row:	Sect.:	Shelf:	Pos.:	FRC ID:	Location or Hollinger ID:	NARA Number:	OA Number:
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Folder Title:

572656

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Email	Re: Just Confirmed and Being Delivered ASAP! - To: G. Timothy Saunders - From: Brett Kavanaugh	1	03/13/2003	P6/b6;

COLLECTION TITLE:

Records Management, White House Office of

SERIES:

Subject Files - FG052 (United States Court of Appeals)

FOLDER TITLE:

572656

FRC ID:

11164

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

572656SS
FG052

LB

President 's Appointments
STATUS - C

<u>Name</u>	<u>Title</u>	<u>Nominated</u>	<u>Confirmed</u>	<u>Appoin</u>
BYBEE, Jay S.	United States Circuit Judge for the Ninth Circuit	01/07/03	03/13/03	

OK to
auto per
11 Commissions
3/21/03

Appointed: 3/21/03

Noted:
WMB



Kyle Sampson
03/17/2003 11:24:28 AM

OFF HOLD 3/13/03
3/17/03
Hold app'tng.
Per Counsel.

Record Type: Record

To: G. Timothy Saunders/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Clearance to Appoint

You are hereby cleared to have the President sign the Commission of the following:

Jay S. Bybee of Nevada, to be a Judge of the U.S. Court of Appeals for the Ninth Circuit.

Please let us know when the commission has been signed. Thanks.

Message Copied To:

Harriet Miers/WHO/EOP@Exchange@EOP
William W. McCathran/WHO/EOP@EOP
David E. Kalbaugh/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@Exchange@EOP
David G. Leitch/WHO/EOP@Exchange@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

President 's Appointments

STATUS - C

<u>Name</u>	<u>Title</u>	<u>Nominated</u>	<u>Confirmed</u>	<u>Appoin</u>
BYBEE, Jay S.	United States Circuit Judge for the Ninth Circuit	01/07/03	03/13/03	

MASTER

03/14/03 02:02PM

George W. Bush CONFIRMATIONS FOR 03/13/03
(By Last Name)

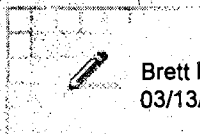
<u>Name</u>	<u>Title</u>	<u>Confirmed</u>	<u>Appointed</u>
BREEN, J. Daniel	United States District Judge for the Western District of Tennessee	03/13/03	03/14/03
BYBEE, Jay S. LHOLDJ	United States Circuit Judge for the Ninth Circuit	03/13/03	
ERICKSON, Ralph R.	United States District Judge for the District of North Dakota	03/13/03	03/14/03
QUARLES, William D., Jr.	United States District Judge for the District of Maryland	03/13/03	03/14/03
STEELE, William H.	United States District Judge for the Southern District of Alabama	03/13/03	03/14/03
VARLAN, Thomas A.	United States District Judge for the Eastern District of Tennessee	03/13/03	03/14/03

MASTER

President 's Appointments

STATUS - C

<u>Name</u>	<u>Title</u>	<u>Nominated</u>	<u>Confirmed</u>	<u>Appoin</u>
✓ BREEN, J. Daniel	United States District Judge for the Western District of Tennessee	01/07/03	03/13/03	
X BYBEE, Jay S. (HOLD)	United States Circuit Judge for the Ninth Circuit	01/07/03	03/13/03	
✓ ERICKSON, Ralph R.	United States District Judge for the District of North Dakota	01/07/03	03/13/03	
✓ QUARLES, William D., Jr.	United States District Judge for the District of Maryland	01/07/03	03/13/03	
✓ STEELE, William H. To SS 3/14 AM.	United States District Judge for the Southern District of Alabama	01/07/03	03/13/03	
✓ VARLAN, Thomas A.	United States District Judge for the Eastern District of Tennessee	01/07/03	03/13/03	



Brett M. Kavanaugh
03/13/2003 07:06:50 PM

Record Type: Record

To: G. Timothy Saunders/WHO/EOP@EOP
cc: patrick j. bumatay/who/eop@exchange@eop, william w. mccathran/who/eop@eop, edwin r. thomas iii/who/eop@eop

bcc:

Subject: Re: Just confirmed and being delivered ASAP!

Fine on Steele. Do not sign Bybee's until you hear from us.

G. Timothy Saunders



G. Timothy Saunders

03/13/2003 05:12:16 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Patrick J. Bumatay/WHO/EOP@Exchange@EOP
cc: William W. McCathran/WHO/EOP@EOP, Edwin R. Thomas III/WHO/EOP@EOP
Subject: Just confirmed and being delivered ASAP!

we're hearing there may be a desire to appoint Steele relatively quickly

(b)(6)

(b)(6)

thanks,
TIM/CLERK

----- Forwarded by G. Timothy Saunders/WHO/EOP on 03/13/2003 05:10 PM -----



"Haynes, Michelle (Secretary)" <Michelle_Haynes@sec.senate.gov>
03/13/2003 04:48:36 PM

Record Type: Record

To: David E. Kalbaugh/WHO/EOP@EOP, G. Timothy Saunders/WHO/EOP@EOP, William W. McCathran/WHO/EOP@EOP

cc:

Subject: Just confirmed and being delivered ASAP!

(The data on this screen cannot be edited or saved.) Record 2 of 2

1. Log 2003637

President GEORGE W. BUS

2. Full Name BYBEE, Jay S.

3. Status (F2) N

4. Politics

5. Appt Code (F2) PAS

6. Announce Date 01/07/03

7. Nom Date 01/07/03

8. On Calendar Y

9. Additional Designation (Y/N) N

10. Conf Date

11. Appt/Designation Date

12. Resigned (Y/N)

13. Term Expires

(Use Alt-F1 to see related Position record(s).)

Position (Use Shift-F4 to Zoom Position(s).)

933 United States Circuit Judge for the Ninth Circuit

14. Area of Responsibility

15. Nom language

Jay S. Bybee, of Nevada, to be United States Circuit Judge for the Ninth Circuit, vice Procter R. Hug, Jr., retired.

15. Comments

JSBybee currently an Assistant Attorney General. PRHug, Jr. ret'd 1/1/02, per Sheila Joy.

(The data on this screen cannot be edited or saved.) Record 2 of 2
President APPTS.WC

1. Log 2001845
2. Full Name BYBEE, Jay S.
3. Status (F2) A
4. Politics R
5. Appt Code (F2) PAS
6. Announce Date 07/10/01
7. Nom Date 09/04/01
8. On Calendar N
9. Additional Designation (Y/N) N
10. Conf Date 10/23/01
11. Appt/Designation Date 10/29/01
12. Resigned (Y/N)
13. Term Expires (Use Alt-F1 to see related Position record(s).)
Position (Use Shift-F4 to Zoom Position(s).)
3 Assistant Attorney General
14. Area of Responsibility Office of Legal Counsel
15. Nom language
Jay S. Bybee, of Nevada, to be an Assistant Attorney General, vice
Randolph D. Moss, resigned.

15. Comments