

United States District Court

District of Nebraska

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FOR IMMEDIATE RELEASE

UNITED STATES DISTRICT JUDGE JOSEPH F. BATAILLON RETIRES TO SENIOR STATUS

Judge Joseph F. Bataillon will retire from active service as a United States District Judge for the District of Nebraska, effective October 3, 2014, taking senior status with a reduced caseload.

Judge Bataillon received his commission as a U.S. District Judge on September 18, 1997, and served as the District's Chief Judge from 2004 to 2011. Before taking the federal bench, Judge Bataillon was in private practice in Omaha. In assuming senior status, he joins Nebraska's two other senior judges, Judge Lyle Strom and Judge Richard Kopf.

Commenting on Judge Bataillon's 17 years of service to the federal court, Chief District Judge Laurie Smith Camp stated, "At the time Judge Bataillon took the bench, and for many years after, Nebraska had one of the nation's highest per-judge caseloads. He worked tirelessly as a district judge, and provided outstanding leadership in this district and in the court's national governance." District Judge John Gerrard added, "Judge Bataillon has been a voice of common sense on the district court bench. He brings to this district unparalleled knowledge regarding the judiciary's national budget. I am delighted that he will carry a substantial caseload during senior status, allowing justice to be carried out wisely and efficiently until a new judge is nominated and confirmed."

Judge Bataillon served on advisory councils and working groups for the Administrative Office of the United States Courts and on committees of the Judicial Conference of the United States. He was Chair of the Judicial Conference Committee on Space and Facilities from 2006-2009 and currently is a member of the Judicial Conference Budget Committee and Economy Subcommittee. In August 2014, he coordinated the Eighth Circuit Judicial Conference, hosted in Omaha for the first time in 42 years.

During his tenure on the bench, Judge Bataillon decided many notable cases. In a 2005 case, *Citizens for Equal Protection v. Bruning*, he declared unconstitutional an amendment to Nebraska's constitution that stated "only marriage between a man and a woman shall be valid or recognized in Nebraska." He was the first federal judge in the

nation to make such a ruling. Although the U.S. Court of Appeals for the Eighth Circuit overturned his decision, Judge Bataillon's reasoning was adopted by many courts in the wake of the U.S. Supreme Court's invalidation of the Federal Defense of Marriage Act. In a 2012 case, *Union Pacific Railway v. United States Department of Homeland Security*, Judge Bataillon found in favor of the Railroad in a dispute over millions of dollars in fines and the seizure of U.P. railcars. He held that the Department of Homeland Security acted outside its authority by assessing fines against the Railroad for failing to prevent illegal drug smuggling in rail cars delivered to the border by the Mexican national railroad.

Judge Bataillon's retirement to senior status creates a vacancy on the district court bench. President Obama will nominate a successor, who will seek confirmation by the United States Senate.

Judges of Nebraska's federal district court continue to carry heavy caseloads. Out of 94 federal districts, Nebraska has the eighth highest per-judge criminal felony caseload. For the twelve-month period ending March 31, 2014, the average federal judge had 114 criminal felony cases, but the average Nebraska federal judge had 233. Nebraska ranks sixth among the nation's 94 districts with respect to supervised release hearings. The average federal district judge handled 37 hearings involving offenders on supervised release, while the average Nebraska federal district judge handled 109 such hearings.

For general information about the selection of federal judges, go to <http://www.uscourts.gov/JudgesAndJudgeships/FederalJudgeships.aspx>. For additional information about the process to select Judge Bataillon's replacement or about Nebraska's federal district court, contact the clerk's office at (866) 220-4381 or visit the court's Web site at <http://www.ned.uscourts.gov>.