

MAY 27 2009

Gregory A. Nussel
Secretary to the Council

THE JUDICIAL COUNCIL OF THE FIFTH CIRCUIT

Before: Edith H. Jones, Chief Judge, U. S. Court of Appeals for the Fifth Circuit; Jerry E. Smith, U. S. Circuit Judge; Carolyn Dineen King, U. S. Circuit Judge; E. Grady Jolly, U. S. Circuit Judge; W. Eugene Davis, U. S. Circuit Judge; James L. Dennis, U. S. Circuit Judge; Edith Brown Clement, U. S. Circuit Judge; Jennifer Walker Elrod, U. S. Circuit Judge; Leslie H. Southwick, U. S. Circuit Judge; Eldon E. Fallon, U. S. District Judge; James J. Brady, U. S. District Judge; Robert G. James, U. S. District Judge; Neal B. Biggers, Jr., U. S. District Judge; Louis G. Guirola, Jr., U. S. District Judge; Sam R. Cummings, U. S. District Judge; Hayden Head, U. S. District Judge; David Folsom, U.S. District Judge; Orlando L. Garcia, U. S. District Judge

DOCKET NO. 07-05-351-0086

**IN RE: Samuel B. Kent
United States District Judge
Southern District of Texas**

Pursuant to Title 28, Section 354 (b)(2)(A), the Judicial Council of the Fifth Circuit, based on the court record in Case No. 4:08-cr-00596, *United States of America v. Samuel B. Kent*, filed in the Southern District of Texas at Houston, and the subsequent lapse of fifteen days after sentencing without a notice of appeal or any post-judgment motion being filed, determines that Samuel B. Kent, a United States District Judge for the Southern District of Texas, has pled guilty to obstruction of justice in violation of 18 U.S.C. § 1512(c)(2) and has thus

by his own admission engaged in conduct which constitutes one or more grounds for impeachment under Article II of the Constitution, and so certifies its determination to the Judicial Conference of the United States.

The Judicial Council urges the Judicial Conference of the United States to take expeditious action on this matter pursuant to 28 U.S.C. § 355(b).

The foregoing events and certification, together with the facts that Judge Kent has voluntarily moved out of his chambers and ceased handling cases, moot this Council's reopening of the disciplinary proceeding against Judge Samuel B. Kent.**

FOR THE COUNCIL



Chief Judge

Dated: May 27, 2009

*United States Circuit Judge Catharina Haynes stood recused and did not participate in this Judicial Council decision.

**Copies of this Council certification and resolution are being contemporaneously delivered to the complainant and to Judge Kent pursuant to 28 U.S.C. § 354(b)(3).