



## Daniel Traynor

President Trump nominated Daniel Traynor to serve on the U.S. Circuit Court of Appeals for the Eighth Circuit on May 11, 2026.

### Career<sup>1</sup>

- Bachelor of Arts, University of North Dakota, 1994
- Juris Doctor, University of North Dakota School of Law, 1997
- Law Clerk to the Hon. Gerald VandeWalle, Chief Justice, North Dakota Supreme Court, 1997-1998
- Assistant City Attorney, City of Devils Lake, 1998-2020
- Traynor Law Firm, P.C., 1998-2020
  - Associate, 1998-2005
  - Shareholder, 2006-2020
- Unit Holder/Vice President, Traynor Properties, LLC, 2006-Present
- District Judge, U.S. District Court for the District of North Dakota, 2020-Present

### Record on Reproductive Freedom

#### ***Undermined Reproductive Freedom Protections for Workers***

- As a U.S. District Court judge for the District of North Dakota, Traynor undermined protections for people who have abortions or undergo in vitro fertilization (IVF) care.<sup>2</sup>
  - Under the Biden administration, the Equal Employment Opportunity Commission (EEOC) determined that the Pregnant Workers Fairness Act's (PFWA) provision that required employers to make reasonable accommodations for "pregnancy, childbirth, or related medical conditions" also encompassed abortion care and in vitro fertilization (IVF).<sup>3</sup> A religiously-affiliated employer challenged the EEOC's determination, and Traynor decided that EEOC's final rule violated the employers' religious beliefs.<sup>4</sup>

#### ***Affiliation with Anti-Reproductive Freedom Organizations***

- Traynor has been a member of the Federalist Society since 2016.<sup>5</sup>
  - The Federalist Society is a well-funded, conservative legal network that exerts influence through law schools, professional networks, and conferences, and over the judiciary at large. It serves as a talent and influence pipeline for the conservative movement to cultivate young lawyers and then pack the courts with judges who will execute their unpopular agenda, which includes undermining reproductive freedom.

## Record on Intersectional Commitments

**LGBTQIA+ Equality:** Traynor has built an aggressive anti-LGBTQ record on the bench, using religious liberty and compelled-speech theories to shield employers from rules protecting transgender workers.

- In the same case described above in which Traynor undermined reproductive freedom protections for workers, he also blocked enforcement of EEOC harassment guidance protecting transgender workers. After the Supreme Court held that Title VII's bar on sex discrimination covers sexual orientation and gender identity in *Bostock v. Clayton County*,<sup>6</sup> the EEOC advised that intentionally misusing a transgender employee's pronouns or denying access to a restroom matching their gender identity could constitute actionable workplace harassment.<sup>7</sup> In April 2025, Traynor permanently blocked the EEOC from enforcing that guidance against the religiously-affiliated employer—effectively shielding thousands of religiously-affiliated employers from liability for refusing to recognize an employee's gender identity—reasoning that the government cannot compel employers to speak “favorably” about gender transition or to use pronouns inconsistent with an employee's biological sex.<sup>8</sup>
- In another case brought against the EEOC, Traynor shielded religious-affiliated employers from being required to follow Health and Human Services (HHS) regulations under Section 1557 of the Affordable Care Act and EEOC guidance under Title VII that barred federally funded health programs from denying gender-affirming care to transgender employees.<sup>9</sup> He blocked enforcement of requirements that the organization's members cover gender-affirming care on religious freedom and First Amendment grounds.<sup>10</sup>

**Immigrant Rights:** Traynor is among a small minority of federal judges to endorse the Trump administration's mandatory-detention position—and if confirmed, would replace the Eighth Circuit's lone dissenter on the issue.

- During a volunteer assignment to the District of Minnesota, Traynor sided with the administration's policy of holding without bond most noncitizens detained in the interior of the United States—stripping immigration judges of discretion to grant bond based on factors such as family ties, lack of a criminal record, or community roots.<sup>11</sup> He denied release in seven of the nine petitions he decided, placing him among roughly 20 judges nationwide to back the policy, against some 347 judges who rejected it in more than 2,500 cases.<sup>12</sup>
- The Eighth Circuit later adopted that same mandatory-detention position in a 2-1 ruling, over a dissent by Judge Ralph R. Erickson—the very judge Traynor has been

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nominated to replace. If confirmed, Traynor would fill the seat of the panel's sole dissenter, permanently shifting the circuit's balance on interior immigration detention.<sup>13</sup>

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<sup>1</sup> Daniel Traynor, Questionnaire for Judicial Nominees, United States Senate Committee on the Judiciary (May 14, 2026).

<sup>2</sup> *Catholic Benefits Ass'n v. Burrows*, No. 1:24-cv-00142 (D.N.D.); Order Granting Permanent Injunction (D.N.D. Apr. 15, 2025); Order Granting Preliminary Injunction (D.N.D. Sept. 23, 2024).

<sup>3</sup> Regulations to Implement the Pregnant Workers Fairness Act, 89 Fed. Reg. 29096 (Apr. 19, 2024) (interpreting the statutory term "related medical conditions" to include abortion and fertility treatment such as IVF).

<sup>4</sup> *Catholic Benefits Ass'n v. Burrows*, No. 1:24-cv-00142 (D.N.D.); Order Granting Permanent Injunction (D.N.D. Apr. 15, 2025); Order Granting Preliminary Injunction (D.N.D. Sept. 23, 2024).

<sup>5</sup> Daniel Traynor, Questionnaire for Judicial Nominees, P. 7, United States Senate Committee on the Judiciary (May 14, 2026).

<sup>6</sup> *Bostock v. Clayton County*, 590 U.S. 644 (2020).

<sup>7</sup> *Catholic Benefits Association v. Burrows*, 732 F.Supp.3d 1014, 1021 (D.N.D., 2024); Implementation of the Pregnant Workers Fairness Act, 89 FR 29096-01.

<sup>8</sup> *Catholic Benefits Ass'n v. Burrows*, No. 1:24-cv-00142 (D.N.D. Apr. 15, 2025) (enjoining enforcement of the EEOC's Title VII harassment guidance against the plaintiffs).

<sup>9</sup> *Christian Emps. All. v. U.S. Equal Emp. Opportunity Comm'n*, No. 1:21-cv-00195 (D.N.D.); Order Granting Motion for Preliminary Injunction (D.N.D. May 16, 2022); Order Granting Partial Summary Judgment & Permanent Injunction (D.N.D. Mar. 4, 2024).

<sup>10</sup> *Id.*

<sup>11</sup> See Ruling against the tide, InForum (Feb. 9, 2026), <https://www.inforum.com/news/minnesota/ruling-against-the-tide-a-north-dakota-judge-denies-emergency-petitions-for-minnesota-ice-detainees> (Traynor denied release in seven of the nine habeas petitions he decided during a volunteer assignment in the District of Minnesota; a Politico analysis cited in the article found that, as of Jan. 26, 2026, 347 judges nationwide had rejected the policy in more than 2,500 cases while roughly 20 had sided with the administration).

<sup>12</sup> *Id.*

<sup>13</sup> *Herrera Avila v. Noem*, No. 25-3248 (8th Cir. Mar. 25, 2026) (Erickson, J., dissenting). Note that Judge Erickson currently holds the Eighth Circuit seat to which Traynor has been nominated.