



# Stephanie Dawkins Davis

## Nominee for the United States Court of Appeals for the Sixth Circuit

President Joe Biden [nominated](#) Judge Stephanie Dawkins Davis to the United States Court of Appeals for the Sixth Circuit on February 2, 2022, for the seat vacated by Judge Helene N. White, who is taking senior status. Judge Davis would be the first Black woman from Michigan to serve on the Sixth Circuit.

### **Biography**

Judge Stephanie Davis was born in 1967 in Kansas City, Missouri. She received an A.A. (1988) and a B.S. (1989) from Wichita State University. Judge Davis subsequently received a J.D. in 1992 from Washington University in St. Louis, where she received a full scholarship and was voted Outstanding Woman Lawyer by the school's female law professors. While in law school, Davis interned with the Thompson & Mitchell law firm in St. Louis, the federal and local prosecutor's offices in St. Louis, and the Detroit-based firm of Dickinson Wright PLLC.

### **Legal Experience**

Before her time on the bench, Judge Davis acquired both civil and criminal federal legal experience, focusing on criminal matters. After law school, she worked as an Associate at Dickinson Wright PLLC for five years, practicing civil corporate defense litigation.

In 1997, Judge Davis left Dickinson Wright PLLC for the U.S. Attorney's Office for the Eastern District of Michigan. After working for three years in the office's Civil Division, Judge Davis moved to the Criminal Division in 2000. In the Criminal Division, she practiced in both the General Crimes Unit and the Controlled Substances Unit before being ultimately promoted to Deputy Chief of the Controlled Substances Unit in 2007. In 2010, Judge Davis was appointed to the role of Executive Assistant U.S. Attorney where she led a variety of law enforcement and community initiatives. For example, she spearheaded the Detroit Youth Violence Prevention Initiative and led the Office's re-entry efforts. While at the U.S. Attorney's Office, Judge Davis received the Department of Justice's Director's Award for Outstanding Litigation Team, the U.S. Attorney's Office Outstanding Service Award, and the U.S. Attorney's Office Award for Outstanding Performance.

### **Judicial Experience**

From January 2016 to December 2019, Judge Davis served as a U.S. Magistrate Judge for the U.S. District Court for the Eastern District of Michigan after being selected by the judges on that court. In March 2019, Judge Davis was nominated to the U.S. District Court for the Eastern District of Michigan by former President Trump. She was confirmed by voice vote of the U.S. Senate in December 2019.

## Civil Law

### Disability Rights

Judge Davis has regularly adjudicated disability rights matters. In [Schuette v. Rand](#), plaintiff Tommy Schuette filed a complaint against Sheriff Steven Rand, claiming he was discriminated against based on disability. Schuette, who was a police officer in the Sheriff's Department, suffered from hearing loss and post-traumatic stress disorder. Judge Davis dismissed the claims against the defendant because plaintiff could not sue the Sheriff in his individual capacity but allowed Schuette's claims against the county to move forward.

In [Cummings v. Klee](#), an incarcerated plaintiff sued prison officials for violating the Americans with Disabilities Act (ADA), for medical malpractice, and for violating multiple Constitutional Amendments. Plaintiff, who was 68-years old, had difficulty with ambulation and had been denied full-time use of a wheelchair or a wheelchair-accessible cell. The plaintiff was forced to scoot around the prison on the ground and pull himself up by rails to navigate stairs. Judge Davis recommended that his ADA claim against the prison warden could move forward. After the U.S. District judge adopted the recommendations, the plaintiff died, and his estate settled the case with the remaining defendant.

In *Wilkerson v. Commissioner of Social Security*, plaintiff Wilkerson applied for disability, was denied, and appealed the denial. Judge Davis found that the Administrative Law Judge's (ALJ) report was internally inconsistent in denying plaintiff's application for disability and determining the amount of work she could perform. Judge Davis's granting of summary judgement to Plaintiff and remand to the ALJ was [adopted](#) by the district court.

### First Amendment

Judge Davis has made decisions that consistently protect First Amendment rights. In *Conway v. Purves*, Muslim men who were incarcerated had been denied sufficient food during Ramadan, where fasting concludes at sundown. Judge Davis, then a U.S. Magistrate Judge, found that plaintiffs' First and Eighth Amendment claims defeated summary judgement. Her report and recommendation was [adopted](#) by the U.S. District Judge and Judge Davis oversaw the case's settlement. In *Maye v. Klee*, plaintiff was an incarcerated Muslim man who was prevented from participating in Eid El Fitr because he was a member of a minority Muslim sect. As a U.S. Magistrate judge, Judge Davis recommended that Plaintiff should be granted summary judgment on his First Amendment Free

Exercise and Establishment Clause claims. Her recommendation was adopted by the district court and later [affirmed](#) by the Sixth Circuit.

### Voting Rights

In *Priorities USA v. Nessel*, voter mobilization organizations sued the Michigan Attorney General, claiming that state laws governing absentee ballots and voter transportation violated the First and Fourteenth Amendments. Judge Davis issued a preliminary injunction, finding in favor of plaintiffs' position on the voter transportation law, which prohibited organizations from spending money to transport voters to the polls, but not the absentee ballot law. The Michigan House of Representatives and Senate moved for an emergency stay of the district court's injunction. The Sixth Circuit [granted](#) the stay and reversed Judge Davis's decision despite a vigorous dissent pointing out that 49 other states allow such voter transportation to take place. Litigation on the case merits is ongoing.

In *Detroit Unity Fund v. Whitmer*, plaintiffs sought injunctive relief to prevent Michigan from enforcing a local ballot collection signature deadline. Plaintiffs argued that the COVID-19 pandemic had impaired their ability to collect the necessary signatures. Judge Davis denied the plaintiffs' emergency motion for preliminary injunction. The decision was [affirmed](#) by the Sixth Circuit.

### Criminal Law

During her time on the bench, Judge Davis has also adjudicated a number of criminal cases. For example, in *United States v. Stone*, defendant Stone filed a motion to suppress evidence, claiming that police had violated the constitution by pulling him over and conducting a search. Among other things, Stone objected to police stopping his car after running his license plate through an insurance database and finding that he lacked insurance; he argued that this did not provide reasonable suspicion of criminal activity. Judge Davis disagreed, holding that because driving without insurance is a misdemeanor, police had justification for pulling him over, and denied the motion to suppress.

Judge Davis has ruled on several compassionate release cases related to the COVID-19 pandemic. In *United States v. Coates*, Judge Davis granted compassionate release to defendant Coates, finding that extraordinary and compelling reasons existed. Coates had pre-existing conditions of hypertension and epileptic seizures, needed surgery for another health condition, was at high risk of serious illness based on age and race, and had already contracted (and re-contracted) COVID-19 in a prison with a sustained outbreak. Given these facts, and that Coates served the majority of his sentence for a non-violent crime, he was compassionately released to home confinement for the remainder of his sentence. In *United States v. Fleming*, Judge Davis denied compassionate release to defendant Fleming. Fleming, who suffered from sickle cell anemia and hypertension, along with mental disabilities, was vaccinated and housed in a jail without an outbreak. Judge Davis found that these facts did not amount to

extraordinary and compelling reasons for release and denied the defendant's motion.

### ***Professional Activities and Accolades***

Judge Davis has worked to use her legal skills in service of her community. Before her time on the bench, Judge Davis had a robust pro bono practice. Working with the Women's Justice Center, she represented survivors of domestic violence seeking protection orders. She also litigated prisoners' rights cases pro bono while in private practice. As a prosecutor, she provided volunteer legal support for young women living in Alternatives for Girls, a non-profit shelter in Detroit for homeless and at-risk young women.

Judge Davis has taken a leadership role in local bar associations and organizations. She served on the Detroit Chapter Executive Board of the American Constitution Society, the Detroit Chapter Executive Board of the Detroit Metropolitan Bar Association, and in leadership roles within the State Bar of Michigan. She has also received many accolades for her work, including the Bridget Vance Vision of Service Award from Detroit Youth Violence Prevention Initiative and Champion of Justice Award from the State Bar of Michigan.