

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2010

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Benavides, Fortunato P.	2. Court or Organization 5th Circuit Court of Appeals	3. Date of Report 05/12/2011
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. Circuit Judge; Active	5a. Report Type (check appropriate type) ☐ Nomination, ☐ Date ☐ Initial ☒ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2010 to 12/31/2010
7. Chambers or Office Address 903 San Jacinto Blvd., Rm. 450 Austin, TX 78701	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Advisory Board Member	U. of Houston Law Center's Blakely Advocacy Institute's Advisory Board
2. Advisory Board Member	U. of Houston Criminal Justice Institute Advisory Board
3.	
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

Benavides, Fortunato P.

FINANCIAL DISCLOSURE REPORT

Page 2 of 6

Name of Person Reporting

Benavides, Fortunato P.

Date of Report

05/12/2011

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2010	State of Texas Judicial Retirement System monthly benefits for year	\$60,000.00
2.		
3.		
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2010	Southwest Airlines (flight attendant)
2.	
3.	
4.	

IV. REIMBURSEMENTS – *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Foundation for Research on Economics and the Environment	08/08/10-08/12/10	Bozeman, MT	Educational Seminar	food, lodging, transportation
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 6

Name of Person Reporting

Benavides, Fortunato P.

Date of Report

05/12/2011

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*NONE *(No reportable gifts.)*SOURCEDESCRIPTIONVALUE

1.

2.

3.

4.

5.

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*NONE *(No reportable liabilities.)*CREDITORDESCRIPTIONVALUE CODE

1.

2.

3.

4.

5.

FINANCIAL DISCLOSURE REPORT

Page 4 of 6

Name of Person Reporting

Benavides, Fortunato P.

Date of Report

05/12/2011

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
1. Chase Bank of TX, Austin TX, Related Ckg & Sav. Acct.	A	Interest	L	T					
2. Univ. Fed. Credit Union, Austin, TX; IRA Saving Acct. See VIII	A	Interest	J	T		11/15/10	J		
3. Principle Financial Group, Common Stock	A	Dividend	J	T					
4. Van Kampen Mutual Fund-ACPAX		None	J	T					
5. Van Kam Global Franchise Fund Class A (VGFA) see part VIII		None	J	T					
6. 401K-Vanguard Institutional Index Fund		None	L	T					
7. 401K-Harbor Capital Appreciation Fund		None	M	T					
8. 401K-EuroPac Growth Fund-R5 (RERFX)		None	M	T					
9. 401K-Dodge&Cox Stock Fund		None	L	T					
10. SW Airlines Profit Sharing Plan-Harbor Capital Appreciation		None	L	T					
11. SW Airlines Profit Sharing Plan-EuroPac Gr. Fund-R5(RERFX)		None	L	T					
12. SW Airlines Profit Sharing-Dodge&Cox Stock Fund		None	L	T					
13. SW Airlines Profit Sharing-Vanguard Inst. Index Fund		None	K	T					
14. Royalty Interest, Starr County, TX	C	Royalty	K	W					
15. University Federal Credit Union, Austin, TX (CD)	A	Interest	K	T					
16.									
17.									

1. Income Gain Codes:

(See Columns B1 and D4)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

Page 5 of 6

Name of Person Reporting

Benavides, Fortunato P.

Date of Report

05/12/2011

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

VII. Item 2 above reflects rollover or transfer of IRA/CD from Chase Bank of Texas (Item 2 from 2009 Report) to University Federal Credit Union, Austin, Texas on 11/15/10; no gain.

FINANCIAL DISCLOSURE REPORT

Page 6 of 6

Name of Person Reporting

Benavides, Fortunato P.

Date of Report

05/12/2011

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: **s/ Fortunato P. Benavides**

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2010

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Benavides, Fortunato P.	2. Court or Organization 5th Circuit Court of Appeals	3. Date of Report 05/12/2011
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. Circuit Judge; Active	5a. Report Type (check appropriate type) ☐ Nomination, ☐ Date ☐ Initial ☒ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2010 to 12/31/2010
7. Chambers or Office Address 903 San Jacinto Blvd., Rm. 450 Austin, TX 78701	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Advisory Board Member	U. of Houston Law Center's Blakely Advocacy Institute's Advisory Board
2. Advisory Board Member	U. of Houston Criminal Justice Institute Advisory Board
3.	
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 6

Name of Person Reporting

Benavides, Fortunato P.

Date of Report

05/12/2011

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2010	State of Texas Judicial Retirement System monthly benefits for year	\$60,000.00
2.		
3.		
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2010	Southwest Airlines (flight attendant)
2.	
3.	
4.	

IV. REIMBURSEMENTS - *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Foundation for Research on Economics and the Environment	08/08/10-08/12/10	Bozeman, MT	Educational Seminar	food, lodging, transportation
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 6

Name of Person Reporting

Benavides, Fortunato P.

Date of Report

05/12/2011

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*NONE *(No reportable gifts.)*SOURCEDESCRIPTIONVALUE

1.		
2.		
3.		
4.		
5.		

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*NONE *(No reportable liabilities.)*CREDITORDESCRIPTIONVALUE CODE

1.		
2.		
3.		
4.		
5.		

FINANCIAL DISCLOSURE REPORT

Page 4 of 6

Name of Person Reporting	Date of Report
Benavides, Fortunato P.	05/12/2011

VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
1. Chase Bank of TX, Austin TX, Related Ckg & Sav. Acct.	A	Interest	L	T					
2. Univ. Fed. Credit Union, Austin, TX; IRA Saving Acct. See VIII	A	Interest	J	T		11/15/10	J		
3. Principle Financial Group, Common Stock	A	Dividend	J	T					
4. Van Kampen Mutual Fund-ACPAX		None	J	T					
5. Van Kam Global Franchise Fund Class A (VGFA) see part VIII		None	J	T					
6. 401K-Vanguard Institutional Index Fund		None	L	T					
7. 401K-Harbor Capital Appreciation Fund		None	M	T					
8. 401K-EuroPac Growth Fund-R5 (RERFX)		None	M	T					
9. 401K-Dodge&Cox Stock Fund		None	L	T					
10. SW Airlines Profit Sharing Plan-Harbor Capital Appreciation		None	L	T					
11. SW Airlines Profit Sharing Plan-EuroPac Gr. Fund-R5(RERFX)		None	L	T					
12. SW Airlines Profit Sharing-Dodge&Cox Stock Fund		None	L	T					
13. SW Airlines Profit Sharing-Vanguard Inst. Index Fund		None	K	T					
14. Royalty Interest, Starr County, TX	C	Royalty	K	W					
15. University Federal Credit Union, Austin, TX (CD)	A	Interest	L	T					
16.									
17.									

- | | | | | | |
|--|--|--|--|--|-------------------------|
| 1. Income Gain Codes:
(See Columns B1 and D4) | A = \$1,000 or less
F = \$50,001 - \$100,000
J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000 | B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000
K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000 | C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000
L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000 | D = \$5,001 - \$15,000
H2 = More than \$5,000,000
M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000 | E = \$15,001 - \$50,000 |
| 2. Value Codes
(See Columns C1 and D3) | Q = Appraisal
U = Book Value | R = Cost (Real Estate Only)
V = Other | S = Assessment
W = Estimated | T = Cash Market | |
| 3. Value Method Codes
(See Column C2) | | | | | |

FINANCIAL DISCLOSURE REPORT

Page 5 of 6

Name of Person Reporting

Benavides, Fortunato P.

Date of Report

05/12/2011

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

VII. Item 2 above reflects rollover or transfer of IRA/CD from Chase Bank of Texas (Item 2 from 2009 Report) to University Federal Credit Union, Austin, Texas on 11/15/10; no gain.

VII. Item 15 C. (1) should be "L" instead of "K".

FINANCIAL DISCLOSURE REPORT

Page 6 of 6

Name of Person Reporting

Benavides, Fortunato P.

Date of Report

05/12/2011

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ Fortunato P. Benavides

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544