

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2011

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

|                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                          |                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| <b>1. Person Reporting</b> (last name, first, middle initial)<br><br>Austin, Gary S.                                                                                                                                             | <b>2. Court or Organization</b><br><br>United States District Court, Eastern District of California                                                                                                                                                                                      | <b>3. Date of Report</b><br><br>05/31/2012                       |
| <b>4. Title</b> (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)<br><br>United States Magistrate Judge                                                                       | <b>5a. Report Type</b> (check appropriate type)<br><input type="checkbox"/> Nomination <input type="checkbox"/> Date<br><input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final<br><b>5b.</b> <input type="checkbox"/> Amended Report | <b>6. Reporting Period</b><br><br>01/01/2011<br>to<br>12/31/2011 |
| <b>7. Chambers or Office Address</b><br><br>Robert E. Coyle United States Courthouse<br>2500 Tulare Street<br>Fresno, Ca. 93721                                                                                                  |                                                                                                                                                                                                                                                                                          |                                                                  |
| <p><b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the <b>NONE</b> box for each part where you have no reportable information. Insert signature on last page.</p> |                                                                                                                                                                                                                                                                                          |                                                                  |

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

☒ **NONE** (No reportable positions.)

POSITION

NAME OF ORGANIZATION/ENTITY

|    |  |  |
|----|--|--|
| 1. |  |  |
| 2. |  |  |
| 3. |  |  |
| 4. |  |  |
| 5. |  |  |

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

☐ **NONE** (No reportable agreements.)

DATE

PARTIES AND TERMS

|         |                                                        |
|---------|--------------------------------------------------------|
| 1. 1977 | County of Fresno Retirement Plan. No control           |
| 2. 1986 | State of California Judges Retirement Plan. No control |
| 3.      |                                                        |

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**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><br>(yours, not spouse's) |
|-------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| 1. 2011     | Retirement income from the County of Fresno (the amount in the next column is gross annual income)                         | \$43,514.79                            |
| 2. 2011     | Retirement income from the State of California (Judge's Retirement) (the amount in the next column is gross annual income) | \$95,249.88                            |
| 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. 2011     | State of California, Administrative Office of the Courts |
| 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.            |              |                 |                |                               |
| 2.            |              |                 |                |                               |
| 3.            |              |                 |                |                               |
| 4.            |              |                 |                |                               |
| 5.            |              |                 |                |                               |

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**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.

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## 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.<br>Description of Assets<br>(including trust assets)<br><br>Place "(X)" after each asset<br>exempt from prior disclosure | B.<br>Income during<br>reporting period |                                               | C.<br>Gross value at end<br>of reporting period |                                           | D.<br>Transactions during reporting period      |                         |                                 |                                |                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------|-------------------------------------------------|-------------------------------------------|-------------------------------------------------|-------------------------|---------------------------------|--------------------------------|-------------------------------------------------------------------|
|                                                                                                                             | (1)<br>Amount<br>Code 1<br>(A-H)        | (2)<br>Type (e.g.,<br>div., rent,<br>or int.) | (1)<br>Value<br>Code 2<br>(J-P)                 | (2)<br>Value<br>Method<br>Code 3<br>(Q-W) | (1)<br>Type (e.g.,<br>buy, sell,<br>redemption) | (2)<br>Date<br>mm/dd/yy | (3)<br>Value<br>Code 2<br>(J-P) | (4)<br>Gain<br>Code 1<br>(A-H) | (5)<br>Identity of<br>buyer/seller<br>(if private<br>transaction) |
| 1. Custodial Account #1 (Y)                                                                                                 |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |
| 2. -Franklin High Income A (Y)                                                                                              |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |
| 3. -American Europacific GRW A (Y)                                                                                          |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |
| 4. -American Inv Co. of AmA (Y)                                                                                             |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |
| 5. -American GR FD of America A (Y)                                                                                         |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |
| 6. -MS AAA Calif tax FR Trust (Y)                                                                                           |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |
| 7. MorganStanleySmithBarney fund-529A (Y)                                                                                   |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |
| 8. Wells Fargo Bank (accounts)                                                                                              | A                                       | Interest                                      | K                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 9. Bank of the West (account)                                                                                               | A                                       | Interest                                      | M                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 10. Fresno County Federal CU (accounts)                                                                                     | A                                       | Int./Div.                                     | M                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 11. Educational Employees CU (accounts)                                                                                     | A                                       | Int./Div.                                     | L                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 12. State of Calif 401K & 457 plans-Nationwide (sec8)                                                                       | A                                       | Dividend                                      | M                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 13. Golden 1 CU (accounts)                                                                                                  | B                                       | Int./Div.                                     | N                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 14. Western Federal CU (accounts)                                                                                           | B                                       | Int./Div.                                     | M                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 15. Capital Source Bank (accounts)                                                                                          | B                                       | Interest                                      | N                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 16. Bank of America (Y)                                                                                                     |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |
| 17.                                                                                                                         |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |

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

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

In regard to item #12 in Section VII, as reported in last year's Financial Disclosure Report, I liquidated my State of California 401K plan back in 2010. This year, 2012, I discovered that some time ago [REDACTED], through [REDACTED] employment with the State of California, has both a 401K and 457 retirement plan. Both of these plans are produced for participants in the State's Savings Plus Program and are administered by a third party administrator known as "Nationwide Retirement Solutions". Various investment options are offered but only one of them, which [REDACTED] DOES NOT have, is self-directed. All of the other options are NOT self-directed which means that the participant has no control over the individual stocks, bonds, etc., which are regularly traded in them. Finally, in one of the options selected by [REDACTED], a participant is allowed to choose a level of risk.

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## 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/ Gary S. Austin

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY 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  
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