

**FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 2012**

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

<b>1. Person Reporting (last name, first, middle initial)</b>  Benavides, Fortunato P.	<b>2. Court or Organization</b>  5th Circuit Court of Appeals	<b>3. Date of Report</b>  04/18/2013
<b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b>  U.S. Circuit Judge; Active	<b>5a. Report Type (check appropriate type)</b> <input type="checkbox"/> Nomination      Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final <b>5b.</b> <input type="checkbox"/> Amended Report	<b>6. Reporting Period</b>  01/01/2012 to 12/31/2012

**7. Chambers or Office Address**  
  
903 San Jacinto Blvd., Rm. 450  
Austin, TX 78701

**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.*

**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.	_____	_____
2.	_____	_____
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 <b>Benavides, Fortunato P.</b>	Date of Report 04/18/2013
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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> (yours, not spouse's)
1. 2012	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. 2012	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.	New York University School of Law	02/25/12-02/27/12	New York, NY	Non-FJC Educational Seminar or Program	food, lodging, transportation
2.	Florida State University College of Law	10/16/12-10/18/12	Tallahassee, FL	Non-FJC Educational Seminar or Program	food, lodging, transportation
3.					
4.					
5.					

**FINANCIAL DISCLOSURE REPORT**

Page 3 of 6

Name of Person Reporting <b>Benavides, Fortunato P.</b>	Date of Report 04/18/2013
--	------------------------------

**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
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.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

# FINANCIAL DISCLOSURE REPORT

Name of Person Reporting <b>Benavides, Fortunato P.</b>	Date of Report 04/18/2013
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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. 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.	A	Interest			Redeemed	11/15/12	J	C	
3.	Principle Financial Group, Common Stock	A	Dividend	J	T					
4.	Invesco American Franchise Fund (VAFAX). See VIII.		None	K	T					
5.	Invesco Global Core Equity Fund (AWSAX). See VIII.		None	K	T					
6.	401K-Vanguard Institutional Index Fund	A	Dividend	M	T					
7.	401K-Harbor Capital Appreciation Fund	A	Dividend	M	T					
8.	401K-EuroPac Growth Fund-R5 (RERFX)	B	Dividend	M	T					
9.	401K-Dodge&Cox Stock Fund	A	Dividend	M	T					
10.	SW Airlines Profit Sharing Plan-Harbor Capital Appreciation	A	Dividend	L	T					
11.	SW Airlines Profit Sharing Plan-EuroPac Gr. Fund-R5(RERFX)	B	Dividend	L	T					
12.	SW Airlines Profit Sharing-Dodge&Cox Stock Fund	B	Dividend	L	T					
13.	SW Airlines Profit Sharing-Vanguard Inst. Index Fund	B	Dividend	L	T					
14.	Royalty Interest, Starr County, TX	C	Royalty	K	W					
15.	Univ. Fed. Credit Union, Austin, TX (money mrkt.acct)SeeVIII	A	Interest	M	T	Redeemed	11/08/12	M		
16.										
17.										

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

**FINANCIAL DISCLOSURE REPORT**

Page 5 of 6

Name of Person Reporting	Date of Report
Benavides, Fortunato P.	04/18/2013

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

VII. On 11/08/12 and 11/15/12 the CDs at University Federal Credit Union which were listed as Item 15 in last year's report were redeemed at maturity and placed in a money market account at the same institution. The money market account is shown as item 15 on this year's report.

**FINANCIAL DISCLOSURE REPORT**

Page 6 of 6

Name of Person Reporting	Date of Report
Benavides, Fortunato P.	04/18/2013

**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 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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