

# FINANCIAL DISCLOSURE REPORT

Calendar Year 2003

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

1. Person Reporting (Last name, First name, Middle initial) Benavides, Fortunato P	2. Court or Organization 5th Circuit Court of Appeals	3. Date of Report 4/30/2004
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. Circuit Judge; Active	5. Report Type (check appropriate type) <input type="radio"/> Nomination,      Date <input type="radio"/> Initial <input checked="" type="radio"/> Annual <input type="radio"/> Final	6. Reporting Period 1/1/2003 to 12/31/2003
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.)

POSITION

NAME OF ORGANIZATION/ENTITY

1. Advisory Board Member

U. of Houston Law Center's Blakely Advocacy Institute's Advisory Board

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

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

DATE

PARTIES AND TERMS

1.

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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.)DATESOURCE AND TYPEGROSS INCOME

(yours, not spouse's)

1.

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

1.

2003

Southwest Airlines (flight attendant)

**IV. REIMBURSEMENTS** -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

 **NONE** - (No such reportable reimbursements.)SOURCEDESCRIPTION

1. Harvard University

Cambridge, MA 11/11-13/03 Moot court finals (transportation, lodging, food)

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

**NONE** - (No such reportable gifts.)

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.		

**VI. LIABILITIES.** (Includes those of spouse and dependent children. See pp. 32-34 of instructions.)

**NONE** - (No reportable liabilities.)

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1. Southwestern Life Ins. Co.	loan against policy	J
2. Sallie Mae	student loan	J
3. Texas Higher Education Coordinating Board	student loan	J
4. Southwest Airlines 401(K) account	Plan Loan	J

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**VII. INVESTMENTS and TRUSTS** - income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

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) Amount Code 1 (A-H)	(2) Type (e.g. div. rent or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, transfer, redemption)	If not exempt from disclosure			
						(2) Date: Month- Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A- H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> NONE (No reportable income, assets, or transactions)									
1. Chase Bank of TX, Austin TX, Related Ckg & Sav. Acct.	A	Interest	J	T					
2. Chase Bank of TX, Austin, TX; IRA Savings Acct.;	A	Interest	J	T					
3. Principle Financial Group, Common Stock		Interest	J	T					
4. Van Kampen Mutual Fund-ACBGX		None	J						
5. Van Kampen Mutual Fund-VAGEX		None	J						
6. Van Kampen Mutual Fund-MGEAX		None	J						
7. 401K-Merrill Lynch money market		None	J						
8. 401K-Morgan Stanley mutual fund		None	K						
9. 401K-S&P 500 Index		None	K						
10. 401K-Harbor Capital Appreciation		None	K						
11. SW Airlines Profit Sharing Plan-Harbor Capital Appreciation		None	J						
12. SW Airlines Profit Sharing Plan-Morgan Stanley Mutual Fund		None	J						
13. SW Airlines Profit Sharing Plan-SW Airlines Common Stock		None	M						
14. Southwest Airlines ESPP Acct. SW Airlines common Stock	A	Dividend	K						
15. Royalty Interest, Starr County, TX (X)	A	Royalty	J	W					

1. Income/Gain Codes: (See Column B and D4)	A = \$1,000 or less B = \$1,001-\$2,500 C = \$2,501-\$5,000 D = \$5,001-\$10,000 E = \$10,001-\$25,000 F = \$25,001-\$50,000 G = \$50,001-\$100,000 H = \$100,001-\$250,000 I = \$250,001-\$500,000 J = \$500,001-\$1,000,000 K = \$1,000,001-\$5,000,000 L = \$5,000,001-\$25,000,000 M = \$25,000,001-\$50,000,000 N = More than \$50,000,000	2. Value Codes: (See Column C1 and D3)	J = \$15,000 or less K = \$15,001-\$50,000 L = \$50,001-\$100,000 M = \$100,001-\$250,000 N = \$250,001-\$500,000 O = \$500,001-\$1,000,000 P = \$1,000,001-\$5,000,000 Q = \$5,000,001-\$25,000,000 R = More than \$25,000,000	3. Value Method Codes: (See Column E2)	Q = Appraisal R = Book Value S = Cost (Real Estate Only) T = Other U = Assessed V = Estimated W = Cash/Market
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**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS**

(Indicate part of Report.)

Part VII, Item 15 - Not reported last year as neither value of asset nor income met threshold.

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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. § 501 et. seq., 5 U.S.C. §.7353, and Judicial Conference regulations.

Date

5/06/2004

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)

**FILING INSTRUCTIONS**

Mail signed original and 3 additional copies to:

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