

**FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 2005**

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><br>O'Brien, Terrence L  | <b>2. Court or Organization</b><br>Tenth Circuit  | <b>3. Date of Report</b><br>05/15/2006                       |
| <b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b><br>U.S. Circuit Judge - Active | <b>5a. Report Type (check appropriate type)</b><br><input type="checkbox"/> Nomination,                      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>01/01/2005<br>to<br>12/31/2005 |
| <b>7. Chambers or Office Address</b><br>U.S. Court of Appeals<br>2120 Carey Ave., STE 200<br>Cheyenne, WY 82001                                     | <b>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.</b><br><br>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 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 instructions.)

NONE (No reportable agreements.)

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

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 FINANCIAL DISCLOSURE OFFICE

**FINANCIAL DISCLOSURE REPORT**  
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Name of Person Reporting  
O'Brien, Terrence L

Date of Report  
05/15/2006

**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of 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><i>(yours, not spouse's)</i> |
|-------------|--|---|
| 1. 2005     | State of Wyoming - Judicial Retirement | \$ 24,958.98                                  |
| 2.          |  |   |
| 3.          |  |   |
| 4.          |  |   |
| 5.          |  |   |

**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.          |                        |
| 2.          |                        |
| 3.          |                        |
| 4.          |                        |
| 5.          |                        |

**IV. REIMBURSEMENTS** – *transportation, lodging, food, entertainment.*  
*(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)*

NONE *(No reportable reimbursements.)*

| <u>SOURCE</u> | <u>DESCRIPTION</u> |
|---------------|--------------------|
| 1.            |                    |
| 2.            |                    |
| 3.            |                    |
| 4.            |                    |
| 5.            |                    |

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Name of Person Reporting

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

| <u>SOURCE</u>   | <u>DESCRIPTION</u> | <u>VALUE</u> |
|---|--------------------|--------------|
| 1. Christmas & Birthday Gifts (Wallet, Tie, Cuff Links) & meals               | Marian Rochelle    | \$ 1500.00   |
| 2. Christmas, Birthday gifts (Trip to Peru, Art), other travel, meals & misc. | April Brimmer Kunz | \$ 5000.00   |
| 3.  |                    |              |
| 4.  |                    |              |
| 5.  |                    |              |

**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. Chase Manhattan Mortgage Corporation | Mortgage on Park City, Utah Rental Property | M                 |
| 2.                                      |   |                   |
| 3.                                      |   |                   |
| 4.                                      |   |                   |
| 5.                                      |   |                   |

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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)

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 of<br>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>merger,<br>redemption) | If not exempt from disclosure |                                 |                                |   |
|   |   |  |   |   |   | (2)<br>Date<br>Month -<br>Day | (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. Rental Property, Park City, UT<br>1/29/1999 - \$195,000.00   | E                                       | Rent   | M   | R   |   |                               |                                 |                                |   |
| 2. IRA#1 Nationwide Templeton Foreign<br>Fund   | A                                       | Distribution                                 | K   | T   |   |                               |                                 |                                |   |
| 3. Artisan Mid Cap ARTMX  | A                                       | Dividend                                     | K   | T   |   |                               |                                 |                                |   |
| 4. Janus Mid Cap Value Fund   | A                                       | Dividend                                     | K   | T   |   |                               |                                 |                                |   |
| 5. IRA #1 Nationwide American Century<br>Ultra  | A                                       | Distribution                                 | K   | T   |   |                               |                                 |                                |   |
| 6. IRA #1 Dreyfus Money Market Reserves   | A                                       | Distribution                                 | J   | T   |   |                               |                                 |                                |   |
| 7. IRA#2 AMZN   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 8. IRA#2 IMN  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 9. IRA #2 MCRL  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 10. IRA#2 MSFT  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 11. IRA #2 MMM  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 12. IRA #2 NSM  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 13. IRA #2 SLR  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 14. IRA #2 CVX  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 15. IRA#2 TYC   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 16. IRA#2 Money Market Account  | A                                       | Interest                                     | J   | T   |   |                               |                                 |                                |   |
| 17. A (TDW)   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |

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

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 of<br>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>merger,<br>redemption) | If not exempt from disclosure |                                 |                                |   |
|   |   |  |   |   |   | (2)<br>Date<br>Month -<br>Day | (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) |
| 18. AMX   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 19. BIIB  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 20. BMY   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 21. CSCO  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 22. CAG   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 23. DPHIQ (was DPH)   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 24. FDX   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 25. GE  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 26. GLW   | A                                       | Dividend                                     | K   |   |   |                               |                                 |                                |   |
| 27. GM  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 28. G   | A                                       | Dividend                                     | J   | T   | Merger  | 10/03                         | J                               | A                              | Became PG - see<br>line 34  |
| 29. GT  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 30. HPQ   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 31. INTC  | A                                       | Dividend                                     | K   | T   |   |                               |                                 |                                |   |
| 32. MSFT  | A                                       | Dividend                                     | K   | T   |   |                               |                                 |                                |   |
| 33. MIPS (was MIPSB)  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 34. PG  | A                                       | Dividend                                     | K   | T   | Merger  | 10/03                         | J                               | A                              | From Gillette - line<br>28  |

|  |   |  |  |  |                         |
|--|---|--|--|--|-------------------------|
| 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                   | 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     | M = \$100,001 - \$250,000<br>P2 = \$5,000,001 - \$25,000,000 |                         |
| 3. Value Method Codes<br>(See Column C2)         | P3 = \$25,000,001 - \$50,000,000<br>Q = Appraisal<br>U = Book Value | R = Cost (Real Estate Only)<br>V = Other               | P4 = More than \$50,000,000<br>S = Assessment<br>W = Estimated | T = Cash Market  |                         |

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|---|---|--|---|---|---|-------------------------------|---------------------------------|--------------------------------|---|
|   | (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>merger,<br>redemption) | If not exempt from disclosure |                                 |                                |   |
|   |   |  |   |   |   | (2)<br>Date<br>Month -<br>Day | (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) |
| 35. RTNA  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 36. TMX   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 37. WMB   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 38. WPJGX   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 39. CMFUZ   | A                                       | Interest                                     | J   | T   |   |                               |                                 |                                |   |
| 40. T Rowe Price Science Fund PRSCX   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 41. MS Growth Fund A GRTAX  | A                                       | Distribution                                 | K   | T   | Class Exch  | 4/25                          | J                               | A                              | Moved from<br>GRTBX   |
| 42. MS Information Fund A IFOAX   | A                                       | Dividend                                     | J   | T   | Class Exch  | 4/25                          | J                               | A                              | Moved from<br>IFOBX   |
| 43. MS Capital Opportunity Trust A<br>CPOAX   | A                                       | Distribution                                 | J   | T   |   | 4/25                          | J                               | A                              | Split from CPOBX  |
| 44. MS Capital Opportunity Trust B<br>CPOBX   | A                                       | Distribution                                 | J   | T   |   |                               |                                 |                                |   |
| 45. MS Pacific Growth Fund A TGRAX  | A                                       | Distribution                                 | K   | T   | Class Exch  | 4/25                          | J                               | A                              | Moved from<br>TGRBX   |
| 46. A (Fidelity)  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 47. BRKB  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 48. BKH   | A                                       | Dividend                                     | K   | T   |   |                               |                                 |                                |   |
| 49. FSLB  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                | Line 2 on 2004<br>report  |
| 50. HDI   | A                                       | Dividend                                     | K   | T   |   |                               |                                 |                                |   |
| 51. JDSU  | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                | Line 1 on 2004<br>report  |

|  |  |  |   |   |                         |
|--|--|--|---|---|-------------------------|
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| 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 of<br>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>merger,<br>redemption) | If not exempt from disclosure |                                 |                                |   |
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| 52. MHS   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 53. MRK   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 54. MSFT (Fidelity)   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 55. MOT   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 56. SPI   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 57. TXN   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 58. WFC   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 59. YUM   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 60. FCNTX   | A                                       | Dividend                                     | J   | T   |   |                               |                                 |                                |   |
| 61. FHIGX   | A                                       | Dividend                                     | L   | T   |   |                               |                                 |                                |   |
| 62. FMAGX   | A                                       | Dividend                                     | M   | T   |   |                               |                                 |                                |   |
| 63. FTEXX   | A                                       | Interest                                     | K   | T   |   |                               |                                 |                                |   |
| 64. Indiana State Def Fin auth Wtr Fac Arn Water Project Bonds  | A                                       | Interest                                     | J   | T   |   |                               |                                 |                                |   |
| 65. PTHAX   | A                                       | Interest                                     | J   | T   |   |                               |                                 |                                |   |
| 66. VKMHX   | A                                       | Interest                                     | J   | T   |   |                               |                                 |                                |   |
| 67. EDJ Cash & Money Mkt  | A                                       | Interest                                     | J   | T   |   |                               |                                 |                                |   |
| 68. PFL Annuity #1  | A                                       | Interest                                     | K   | T   |   |                               |                                 |                                |   |

|  |  |  |   |   |                         |
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|   | (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>merger,<br>redemption) | If not exempt from disclosure |                                 |                                |   |
|   |   |  |   |   |   | (2)<br>Date<br>Month -<br>Day | (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) |
| 69. PFL Annuity #2  | A                                       | Interest                                     | K   | T   |   |                               |                                 |                                |   |
| 70. PFL Annuity #3  | A                                       | Interest                                     | K   | T   |   |                               |                                 |                                |   |
| 71. Checking Gillettete, WY   | A                                       | Interest                                     | J   | T   |   |                               |                                 |                                |   |
| 72. Savings Gillette, WY  | B                                       | Interest                                     | M   | T   |   |                               |                                 |                                |   |
| 73. Checking - Park City, Utah  | A                                       | Interest                                     | J   | T   |   |                               |                                 |                                |   |
| 74. U S Coins   |   | None   | J   | T   |   |                               |                                 |                                |   |
| 75. U.S. Bonds  | A                                       | Interest                                     | J   | T   |   |                               |                                 |                                |   |

|  |   |  |  |  |                         |
|--|---|--|--|--|-------------------------|
| 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                   | 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     | M = \$100,001 - \$250,000<br>P2 = \$5,000,001 - \$25,000,000 |                         |
| 3. Value Method Codes<br>(See Column C2)         | P3 = \$25,000,001 - \$50,000,000<br>Q = Appraisal<br>U = Book Value | R = Cost (Real Estate Only)<br>V = Other               | P4 = More than \$50,000,000<br>S = Assessment<br>W = Estimated | T = Cash Market  |                         |



**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

O'Brien, Terrence L

Date of Report

05/15/2006

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

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|  |                                     |
|--|-------------------------------------|
| <b>Name of Person Reporting</b><br>O'Brien, Terrence L | <b>Date of Report</b><br>05/15/2006 |
|--|-------------------------------------|

**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.



Date May 15, 2006

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