IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA, v. JAMES B. COMEY, JR., Defendant.	Criminal No. 1:25-272-MSN Order

Defendant James B. Comey, Jr. has filed a motion to dismiss alleging the indictment resulted from a violation of the Appointments Clause and 28 U.S.C. § 546, which authorizes appointment of an interim United States Attorney. ECF No. 60.

On October 28, 2025, the undersigned entered an order directing the Government to submit, for in camera review, "all documents relating to the indictment signer's participation in the grand jury proceedings, along with complete grand jury transcripts." ECF No. 95. On Friday, October 31, 2025, the court received a package containing, inter alia, a "Transcript of Grand Jury proceedings on September 25, 2025." This court has reviewed the transcript and finds it fails to include remarks made by the indictment signer both before and after the testimony of the sole witness, which remarks were referenced by the indictment signer during the witness's testimony. In addition, the package contains no records or transcripts regarding the presentation of the three-count indictment referenced in the Transcript of the Return of Grand Jury Indictment Proceedings before the Magistrate Judge. See ECF No. 10.

Accordingly, the Government is directed to submit, no later than Wednesday, November 5, 2025, at 5:00 pm, for in camera review, a complete Transcript and/or recording of all statements made by the indictment signer to the grand jury on September 25, 2025, to include statements

made prior to and after the testimony of the witness and during the presentation of the three-count and subsequent two-count indictments.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
November 4, 2025