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-CR-00272-MSN

PROTECTIVE ORDER

The United States of America, by and through its undersigned counsel respectfully moves this Court for the entry of the attached stipulated Protective Order (Attachment 1), pursuant to Federal Rule of Criminal Procedure 16(d)(1) and Federal Rule of Evidence 502(d). In support thereof, the government states as follows:

1. The defendant appeared on summons and was arraigned October 8, 2025, on a federal indictment for making a false statement in violation 18 U.S.C. § 1001 (Count One) and obstruction of justice in violation of 18 U.S.C. § 1505 (Count Two). Of note, Count One alleges that the defendant made a false statement to the Senate Judiciary Committee when he denied that he authorized someone at the FBI to be an anonymous source in news reports.

2. The vast majority of the discovery is law enforcement sensitive, for official use only, includes private emails or texts, or is otherwise sensitive because of the private nature of the information. Additionally, there is a heightened media interest in this case. Through social media, the Defendant has already made a public statement regarding the indictment. Both the defendant and the government have an interest in a fair trial with impartial jurors making decisions based

only on the evidence that is part of the record. *In re Morrissey*, 168 F.3d 134, 140 (4th Cir. 1999).

3. The need to produce much of the discovery as close to its original format as possible, together with the volume of the data and the interests in producing the material expeditiously, makes it infeasible to make extensive redactions to the materials.

4. Accordingly, the proposed Protective Order regulates discovery in this case by restricting the use and dissemination of the discovery. The proposed Protective Order prohibits the dissemination of these materials and the information contained therein to third parties other than as necessary for the defendant's investigation of the allegations and the preparation of the defendant's defenses.

5. The government and defense attorneys have conferred as to the content of the proposed order. An initial draft of the order was sent to the defense. This initial version was drawn from and based on prior protective orders entered in the Eastern District of Virginia. Defense attorneys responded with several edits. In short, the government understands there to be two primary disputes between the parties.

6. First, the defense objects to the provision in the protective order that disallows defense attorneys from leaving the discovery with the defendant. Through public filings, the government has reviewed at least ten protective orders that were entered on the docket in the Eastern District of Virginia in September and August of 2025. Each of these protective orders included a similar provision that prohibited unsupervised retention of discovery materials by the defendant in the case. Prohibiting a defendant from unfettered access to the discovery is not unique in criminal proceedings. The narrowly tailored restriction the government proposed is common sense and does not place an undue burden on a Defendant that has been release on personal recognizance.

7. Second, the government's position is that all the discovery is Protective Material, except for that portion of the discovery that is already carved out in Paragraph 2 of the proposed order (Attachment 1). As the government understands it, the defense position is that all the discovery is not Protective Material, unless designated as such by the government during production. As stated above, through the proposed protective order, the government has already carved out those items that are not Protective Material. The remaining discovery is appropriately designated as Protective Material for the reasons previously provided.

8. WHEREFORE, the undersigned respectfully requests that the Court enter the proposed Protective Order.

Respectfully submitted this 12th day of October, 2025

Lindsey Halligan
United States Attorney

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CERTIFICATE OF SERVICE

This is to certify that I have this 12th day of October, 2025, the government served a copy of the foregoing upon the defendant by CM/ECF to:

Jessica Nicole Carmichael
Counsel for Defendant

Patrick Joseph Fitzgerald
Counsel for Defendant

Respectfully submitted,

_____*/S/*_____
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