

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-272-MSN

ORDER

This matter comes before the Court on the government's Motion for Discovery Order. ECF 30.

On October 8, 2025, the Court set this matter for a jury trial and issued a briefing schedule for pretrial motions. ECF 23. The Court's Order set Monday, October 20, 2025, as the deadline for the first round of pretrial motions and set Thursday, October 30, 2025, as the deadline for any additional pretrial motions. *Id.* The Court also ordered the parties to immediately confer regarding the entry of a joint discovery order. ECF 24. In the event that the parties could not agree on a joint discovery order by Friday, October 10, 2025, the Court instructed the parties to each submit a proposed discovery order by 5:00 p.m. on Monday, October 13, 2025. *Id.*

On Friday, October 10, 2025, Defendant submitted a motion for entry of a standard discovery order. ECF 27. Defendant's motion represented that "the parties [had] agree[d] to the terms of the standard discovery order" with one exception. *Id.* at 1-2. According to Defendant's motion, the parties disagreed as to which of the two pretrial motions deadlines prompted the government's discovery obligations under Federal Rule of Criminal Procedure 16(a). *Id.* Defendant proposed tying the Rule 16(a) deadline to the first set of pretrial motions due on October 20, 2025. *Id.* at 2.

That same day—October 10, 2025—the Court issued the standard discovery order submitted by Defendant, ECF 28, and issued an order stating that October 20, 2025, “is the pretrial motions deadline . . . that prompts the government’s Rule 16(a) discovery production,” ECF 29.

On October 11, 2025, the government submitted its own motion for a discovery order. ECF 30. The government’s motion disputes Defendant’s representation that the parties reached general agreement over the standard discovery order, *id.* at 2-3, and requests that the Court set two deadlines for its Rule 16(a) disclosures: one on October 14, 2025, and one on October 20, 2025, *id.* at 1. Defendant has opposed the government’s request. ECF 31.

Having reviewed the proposed discovery order submitted by the government, the Court finds that it is substantively identical to the discovery order submitted by the Defendant with the single exception of the date and scope of Rule 16(a) disclosures in Section I. *Compare* ECF 27-1 *with* ECF 30-1. Given that this matter is scheduled for a jury trial on January 5, 2026, it is critical that the government moves expeditiously to provide Defendant with discovery under Rule 16(a). Accordingly, it is hereby

ORDERED that the government’s Motion for Discovery Order is DENIED; it is further

ORDERED that the government shall provide Defendant with all discovery required under Federal Rule of Criminal Procedure 16(a) by Monday, October 13, 2025. To the extent that the parties cannot reach agreement with respect to the terms of a protective order by Monday, October 13, 2025, at 5:00 p.m., the Court shall promptly set a hearing to resolve any such dispute. Under no circumstance shall the failure to reach agreement with respect to a protective order justify withholding prompt disclosure of discovery to defense counsel for review.

The Clerk of Court is directed to forward a copy of this Order to counsel of record.

IT IS SO ORDERED.

October 12, 2025
Alexandria, Virginia

/s/

Michael S. Nachmanoff
United States District Judge