

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

United States of America	)	
	)	
v.	)	Case No. 1:25CR272-MSN
	)	
James Comey	)	
	)	
Defendant.	)	

NOTICE OF INTENT TO FILE MOTION ON UNLAWFUL APPOINTMENT

Please take notice that on October 20, 2025, James Comey, by counsel, will file his motion to dismiss challenging the lawfulness of the appointment of the United States Attorney for the Eastern District of Virginia. *See, e.g., United States v. Garcia*, Crim No. 2:25-CR-00230-DGC-BNW, ECF No. 39 (D. Nev. Sept. 30, 2025); *United States v. Giraud, et al.*, Crim No. 1:24-768-MWB, ECF Nos. 144, 145 (D.N.J. Aug. 21, 2025).

The Court advised at arraignment that such motion will require designation of and assignment to an out-of-district judge to hear and resolve that motion. *See* 28 U.S.C. § 292(b); *Minute Order*, ECF No. 19 (Oct. 8, 2025). Thus, in the interest of efficiency and to avoid any unnecessary delay in such process, Mr. Comey files the instant Notice to formally alert the Court.

Respectfully submitted,
JAMES COMEY
By Counsel

/s/
Patrick J. Fitzgerald
Michigan Bar No. P86579 (*pro hac vice*)
Jessica N. Carmichael

Virginia Bar No. 78339
Carmichael Ellis & Brock, PLLC
108 N. Alfred Street, First Floor
Alexandria, Virginia 22314
(703) 684-7908
Patrickjfitzgeraldlawoffice@gmail.com
jessica@carmichaellegal.com

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of October I filed the foregoing pleading through the ECF system, which shall then send an electronic copy of this pleading to all parties in this action.

/s/
Jessica N. Carmichael