

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

United States of America,	)	
	)	
v.	)	Case No.: 1:25-CR-00272-MSN
	)	
James B. Comey, Jr.,	)	
	)	
Defendant.	)	
_____	)	

JAMES B. COMEY, JR.'S MOTION TO SEAL

Pursuant to the Protective Order entered in this matter, ECF No. 40, James B. Comey, Jr. moves this Honorable Court to seal the redacted portions of his Response in Opposition to Government's Motion for Filter Protocol ("Opposition") and Exhibits A-E. The redacted portions of the Opposition and Exhibits A-E contain information that the government may argue is subject to the Protective Order and required to be filed under seal. *See* ECF No. 40.¹

The Court has the inherent power to seal materials submitted to it. *See Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989); *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975).

A proposed Order is attached for the consideration of the Court.

¹ The government designated discovery containing some of the information in these sentences as Protected Materials under the Protective Order in this case. Although the defense sees no reason why this information cannot be made public, out of an abundance of caution, the defense is requesting sealing in the first instance.

Dated: October 27, 2025

Respectfully submitted,

JAMES B. COMEY, JR.
By Counsel

/s/ Jessica Carmichael

Jessica N. Carmichael (VA Bar No. 78339)
CARMICHAEL ELLIS & BROCK, PLLC
108 N. Alfred Street, First Floor
Alexandria, VA 22314
Telephone: (703) 684-7908
Facsimile: (703) 649-6360
Email: jessica@carmichaellegal.com

Patrick J. Fitzgerald (*pro hac vice*)
(Mich. Bar No. P86579)
P.O. Box 277
New Buffalo, MI 49177
Telephone: (312) 758-4454

Rebekah Donaleski (*pro hac vice*)
COOLEY LLP
55 Hudson Yards
New York, NY 10001
Telephone: (212) 479-6000

Ephraim A. McDowell (*pro hac vice*)
Elias S. Kim (*pro hac vice*)
COOLEY LLP
1299 Pennsylvania Ave. NW, Suite 700
Washington, DC 20004
Telephone: (202) 842-7800

Michael R. Dreeben (*pro hac vice*)
600 New Jersey Ave. NW
Washington, DC 20001
Telephone: (202) 695-2562

Counsel for Defendant James B. Comey, Jr.

CERTIFICATE OF SERVICE

I hereby certify that, on this 27th day of October, 2025, a true copy of the foregoing document was filed electronically through the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Jessica N. Carmichael

Jessica N. Carmichael

Counsel for Defendant James B. Comey, Jr.

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

United States of America,

v.

James B. Comey, Jr.,

Defendant.

Case No.: 1:25-CR-00272-MSN

ORDER ON SEALING

The Court has reviewed and considered James B. Comey, Jr.'s Motion to Seal the redacted portions of his Response in Opposition to the Government's Motion for Filter Protocol and accompanying Exhibits A-E. For the reasons stated therein, the Motion to Seal is GRANTED.

It is hereby ORDERED that the redacted portions of Mr. Comey's Response in Opposition to the Government's Motion for Filter Protocol and accompanying Exhibits A-E shall be sealed and remain under seal permanently absent further Order of this Court.

Date

Michael S. Nachmanoff
United States District Judge