

United States of America,)
)
 v.) Case No.: 4:26-CR-00016-FL-RN
)
 James B. Comey, Jr.,)
)
 Defendant.)
 _____)

James B. Comey, Jr., by and through undersigned counsel, and pursuant to Federal Rule of Criminal Procedure 12(b), moves this Court to dismiss the indictment. As explained in the accompanying Memorandum, both Counts of the indictment seek to punish Mr. Comey for a social media post expressing a political viewpoint. As a matter of law, that post was protected by the First Amendment and falls outside the scope of 18 U.S.C. § 871(a) and 18 U.S.C. § 875(c). Both Counts must therefore be dismissed.

Dated: July 27, 2026

Respectfully submitted,

JAMES B. COMEY, JR.
By Counsel

/s/ Joseph Zeszotarski

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**Special Appearance pursuant to Local Criminal
Rule 57.1(e)*

Counsel for Defendant James B. Comey, Jr.

CERTIFICATE OF SERVICE

I hereby certify that, on this 27th day of July, 2026, 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/ Ephraim A. McDowell
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