

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, the government has singled out Mr. Comey for prosecution because of his protected speech and because of President Trump's personal animus toward him. Such a vindictive and selective prosecution violates the First Amendment, Due Process Clause, and equal protection principles. The proper remedy for this unconstitutional prosecution is dismissal with prejudice. But at the very least, the Court should order discovery and an evidentiary hearing and require the government to establish that it has a legitimate basis for this prosecution.

Dated: July 28, 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 28th 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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