

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:26-CR-16-1-FL

UNITED STATES OF AMERICA

v.

JAMES BRIEN COMEY JR.

**MOTION TO EXTEND TIME FOR
FILING PRETRIAL MOTIONS
AND TO CONTINUE
ARRAIGNMENT**

NOW COMES DEFENDANT James Brien Comey Jr., through undersigned counsel, and respectfully moves this Court for an order (1) extending the deadline for filing pretrial motions by sixty days from the date of discovery production to and including 28 July 2026, with Government responses due twenty-one days later on 18 August 2026 and any reply by Defendant due fourteen days later on 1 September 2026; and (2) continuing the arraignment in this matter to the October 2026 term of court. In support of this Motion, Defendant shows the Court the following:

1. On 28 April 2026, a grand jury in this district returned an indictment charging Mr. Comey with one count of making a threat to take the life of or inflict bodily harm upon the President of the United States, in violation of 18 U.S.C. § 871(a), and one count of transmitting in interstate and foreign commerce a threat to kill the President of the United States, in violation of 18 U.S.C. § 875(c).

2. Mr. Comey had an initial appearance in the Eastern District of Virginia on 29 April 2026, and was released pending trial.

3. This Court entered a scheduling order on 8 May 2026 setting the following deadlines in this case:

Pretrial discovery conference:	29 May 2026
Pretrial motions deadline:	5 June 2026
Deadline for motion responses:	15 June 2026
Arraignment:	30 June 2026
Trial:	15 July 2026

4. Mr. Comey expects to file multiple motions on constitutional grounds seeking dismissal of the indictment. Some of these motions may be dependent upon the discovery to be produced by the Government, and may require extensive briefing. Discovery is still forthcoming from the Government. For that reason, Mr. Comey respectfully requests that the Court extend the current scheduling deadlines, and set the following schedule for motions and arraignment:

Pretrial motions deadline:	28 July 2026
Deadline for responses:	18 August 2026
Deadline for replies:	1 September 2026
Arraignment:	October 2026 term of court
Trial:	Date to be set at time of arraignment

5. Mr. Comey consents to the exclusion of any period of delay caused by this motion and from the extended deadlines, in the interests of justice, from the calculations under the Speedy Trial Act.

6. Undersigned counsel has discussed this Motion with FAUSA Phil Aubart, who states that the Government does not oppose this proposed schedule.

WHEREFORE, Defendant respectfully requests that this Motion be granted, and that the Court enter an order setting the deadlines requested herein.

This the 20th day of May, 2026.

**LAW OFFICE OF
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