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 continuing the arraignment in this matter to the January 2027 term of court, and the trial date to the February 2027 term of court. The Government does not oppose this motion. 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 filed a motion to extend those initial deadlines, that the Government did not oppose. The Court by order dated 26 May 2026, extended the initial deadlines in the case as follows:

Pretrial motions deadline:	28 July 2026
Deadline for responses:	18 August 2026
Deadline for replies:	1 September 2026
Arraignment:	30 September 2026
Trial:	21 October 2026

The Court further ordered that any motion to continue the arraignment and trial dates must be filed at least seven days prior to the 30 September 2026 arraignment date.

5. On 28 July 2026, Mr. Comey filed multiple motions to dismiss as well as a motion for disclosure of grand jury materials (that requests the Court to consider an *in camera* review) and motion to suppress pursuant to *Franks v. Delaware* (that requests the Court conduct a pretrial hearing under *Franks*). The Government filed written responses on 18 August 2026, and Mr. Comey filed replies on 1 September 2026. Those motions are now pending before the Court.

6. Mr. Comey respectfully moves this Court for an order continuing the arraignment to the January 2027 term of court, and the trial date to the February

2027 term of court. Mr. Comey makes this motion because additional time is needed to prepare for trial. First, the motions to dismiss filed by Mr. Comey are substantial and required much time and effort to draft and finalize. The focus of counsel for Mr. Comey's efforts during the period before 1 September 2026 has been on preparing and finalizing these motions, and then preparing and finalizing the replies to the Government's substantial responses. Some of the motions filed by Mr. Comey seek pretrial hearings and/or *in camera* review of materials by the Court.

7. Next, if the motions to dismiss are not granted, counsel for Mr. Comey have much work to do to prepare for trial that will require substantial additional time, including, but not limited to, preparing for and participating in any pretrial hearings that may occur, reviewing discovery material for trial preparation, considering a potential defense case including potential expert witness testimony, and considering and drafting various motions in limine. In addition, there is a disagreement concerning the application of attorney-client privilege and the attorney work product doctrine to certain conversations reviewed by a Government filter attorney as to which the defense will shortly be filing a motion with the Court.[1]

8. Finally, the timeline proposed by Mr. Comey for trial in this matter is not inconsistent with the timeline of a typical case that proceeds to trial in this district. A trial date in the February 2027 term of court would bring this case to trial

[1] Defense counsel is also preparing for oral argument on Tuesday, September 15, before the Fourth Circuit concerning the earlier prosecution of Mr. Comey in the Eastern District of Virginia.

well within a year of indictment, which is in accord with the vast majority of cases within this district.

9. 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.

10. Undersigned counsel has discussed this Motion with the Government, which does not oppose it. The Government also asks Mr. Comey to note in this motion that the Government would be ready for trial under the Court's current schedule.

WHEREFORE, Defendant respectfully requests that this Motion be granted, and that the Court enter an order continuing the arraignment to the Court's January 2027 term of court, and the trial date to the Court's February 2027 term of court.

This the 14th day of September, 2026.

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