

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-272 (MSN)

NOTICE OF APPEAL

Notice is hereby given that the United States of America, pursuant to 18 U.S.C. § 3731, appeals to the United States Court of Appeals for the Fourth Circuit from the order of the District Court, issued on November 24, 2025 (ECF No. 213), which ordered that (1) The appointment of Ms. Halligan as Interim U.S. Attorney violated 28 U.S.C. § 546 and the Appointments Clause of the U.S. Constitution. (2) All actions flowing from Ms. Halligan's defective appointment, including securing and signing Mr. Comey's indictment, were unlawful exercises of executive power and are hereby set aside. (3) The Attorney General's attempts to ratify Ms. Halligan's actions were ineffective and are hereby set aside. (4) Mr. Comey's motion to dismiss the indictment (ECF No. 60) is granted in accordance with this order. (5) The indictment is dismissed without prejudice. (6) The power to appoint an interim U.S. Attorney for the Eastern District of Virginia pursuant to 28 U.S.C. § 546 during the current vacancy lies with the district court until a U.S. Attorney is nominated by the President and confirmed by the Senate under 28 U.S.C. § 541.

Respectfully submitted,

Lindsey Halligan
United States Attorney and Special Attorney

Todd W. Blanche
Deputy Attorney General

Robert K. McBride
First Assistant United States Attorney

By: /s/
Henry C. Whitaker
Counselor to the Attorney General
950 Pennsylvania Ave. NW
Room 5134
Washington, D.C. 20530
Phone: (202) 445-8942
E-Mail: henry.whitaker@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2025, I filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record.

/s/
Henry C. Whitaker
Counselor to the Attorney General
950 Pennsylvania Ave. NW
Room 5134
Washington, D.C. 20530
Phone: (202) 445-8942
E-Mail: henry.whitaker@usdoj.gov