

WHY DOJ MIGHT BE PUSHING FOR LINDSEY HALLIGAN TO GET NO BILLED

Update: Per ABC, a grand jury indicted Jim Comey on two of three charges.

Attorney General Pamela Bondi



@AGPamBondi No one is above the law. Today's indictment reflects this Department of Justice's commitment to holding those who abuse positions of power accountable for misleading the American people. We will follow the facts in this case.

Yesterday, there was a flood of leaks describing that Lindsey Halligan, Trump's insurance lawyer turned defense team looker turned EDVA US Attorney, is going to present an indictment to a grand jury, probably today, charging Jim Comey with lying to Congress.

MSNBC rushed the scoop first (and as a result continues to have inaccuracies). ABC has led the pack with the most important details, including a description of the declination recommendation presented to Halligan this week, which may be why the newly hired partisan but onetime AUSA Maggie Cleary (referred to here as Lindsey's deputy) has reservations about going forward.

Earlier this week, prosecutors presented Lindsey Halligan – Trump’s former personal attorney whom he appointed to lead the United States Attorney’s Office for the Eastern District of Virginia – with a detailed memo recommending that she decline to bring perjury and obstruction charges against Comey, the sources familiar with the memo said.

A monthslong investigation into Comey by DOJ prosecutors failed to establish probable cause of a crime – meaning that not only would they be unable to secure a conviction of Comey by proving the claims beyond a reasonable doubt, but that they couldn’t reach a significantly lower standard to secure an indictment, the sources said.

According to Justice Department guidelines, prosecutors are generally barred from bringing charges unless they can prove a defendant will “more likely than not be found guilty beyond a reasonable doubt by an unbiased trier of fact and that the conviction will be upheld on appeal.”

Despite their recommendations, Halligan – who has never prosecuted a criminal case in her career as an insurance lawyer – plans to present evidence to a grand jury before the statute of limitations for the alleged offense expires next week, the sources said.

[snip]

According to sources, Halligan’s deputy – a prosecutor who was briefly assigned to lead the office just a day before Trump appointed Halligan to the high-profile position – has also expressed reservations about bringing the politically charged case.

herself.

Trump has pushed Bondi repeatedly in private in recent days to bring charges against Comey, even as she has expressed reservations about the case, people familiar with the discussions said.

NYT, NBC, CNN, and WaPo all have versions of the story. Lawfare has a really good summary of why any decision to attempt to indict Comey would be stupid.

There are even some hints that EDVA is not just presenting an insufficient case to a grand jury – some grand jury – but that it won't be in the Alexandria office, presenting the likelihood of venue problems if a grand jury approves the charges.

The publicity may be the point. Even more partisan Republicans in a grand jury someplace like Norfolk or Newport News would have heard of this story by now, possibly even including notice of the prosecutorial memo saying there wasn't evidence to charge this. So while Lindsey the Insurance Lawyer might be craven enough to move forward, a grand jury sworn to uphold the law may not be.

These leaks make it far more likely that Lindsey the Insurance Lawyer will get no-billed (meaning they've vote against indicting Comey). And that may be the point. Indeed, her law license may be among a handful that get saved in the process.

Consider how this would look to Todd Blanche.

Blanche may not have noticed that DC added Ken Chesebro yesterday to the growing list of former Trump lawyers who've lost their license to practice law. But he's no doubt aware of how common it is for Trump lawyers to lose their law licenses.

Also yesterday, the judge presiding over Luigi Mangione's case, Margaret Garnett, gave DOJ one last warning about inappropriate public comments made about the accused killer, including by

Blanche's own Chief of Staff, before she starts sanctioning DOJ.



In her order, Garnett specifically directed Todd Blanche to clean all this up.

Accordingly, the Government is directed to respond to those portions of the September 23 Letter by October 3, 2025, and to include with their response a sworn declaration from a person of suitable authority (i.e. at least Ms. Houle or Mr. Buckley, in his capacity as Acting U.S. Attorney for this matter, if not an official at Main Justice) that explains to the Court how these violations occurred, despite the Court's April 25 Order, and what steps are being taken to ensure that no future violations occur. The Government is also directed to advise the Deputy Attorney General, for dissemination within the Department as appropriate, that **future violations may result in sanctions, which could include personal financial**

penalties, contempt of court findings,
or relief specific to the prosecution of
this matter. The Government's
declaration shall also include
confirmation that this message has been
conveyed to the Deputy Attorney General.
[my emphasis]

This order follows Judge Dale Ho's observation that Pam Bondi and Chad Mizelle (who is leaving DOJ in coming weeks) had violated local rules by blabbing their mouth in the Eric Adams case. DOJ also has to know they'll face worse admonishments for DOJ officials – starting with Kash Patel but including Blanche personally – for running their mouths if they ever charge Charlie Kirk's alleged killer in Federal court, which they should not do, because it would endanger the Utah case.

Blanche's personal exposure in the LaMonica McIver case goes far deeper. He is at once:

- The official who ordered DHS personnel to arrest Ras Baraka even after he had left Delaney Hall property, creating the physical confrontation in which McIver was charged, and as such, part of the law enforcement team and implicated in a potentially unlawful arrest
- The person whose office conducted the prosecutorial review previously done by career prosecutors in Public Integrity Division after that got shut down
- Because Alina Habba continues to play US

Attorney after being unlawfully retained, the person in charge of the prosecution

If McIver's own selective and vindictive prosecution claim gains any traction, we may learn far more about Blanche's effort to criminalize a co-equal branch of government for conducting lawful oversight.

Meanwhile, Jim Comey's daughter Maurene has filed a lawsuit alleging that she got fired for no other reason than that she is Jim's daughter. If her lawsuit survives a motion to dismiss, Ms. Comey will be able to start demanding discovery not just about the people at Main DOJ who invoked the President's Article II authority to fire her along with some proof that Trump was actually involved in that decision, but also – unless DOJ provides another credible explanation for her firing, like that she prosecuted Ghislaine Maxwell – discovery about the witch hunt against her father, including his prosecution in EDVA. Admittedly, that's a higher bar than some other developments and will take forever, but it presents a credible threat that documentation of everything that occurred before her firing in July will one day become public.

That's all before you get to the specific circumstances of Trump's insistence to go forward with the indictment regardless of the evidence.

In what may have been leaks attempting to stave off precisely this development, NYT reported that both Bondi and Blanche defended then-US Attorney Erik Siebert before Trump, but *lost that argument* to Bill Pulte – who's little more than a troll who benefitted from a whole lot of nepotism.

Attorney General Pam Bondi and Todd Blanche, the deputy attorney general who runs the day-to-day operations of the Justice Department, had privately

defended Mr. Siebert against officials, including William J. Pulte, the director of the Federal Housing Finance Agency, who had urged that he be fired and replaced with a prosecutor who would push the cases forward, according to a senior law enforcement official.

□Mr. Pulte's power far outstrips his role as the head of an obscure housing agency. He has gained Mr. Trump's favor by pushing mortgage fraud allegations against perceived adversaries of the White House, including Ms. James; a Federal Reserve governor, Lisa Cook; and Senator Adam B. Schiff, Democrat of California.

Mr. Pulte has made use of his influence and access to a president who prefers advisers who are willing to push boundaries. He had told Mr. Trump directly that he believed Mr. Siebert could be doing more, according to several officials with knowledge of the matter.

But Mr. Blanche, like Mr. Siebert, questioned the legal viability of bringing charges against Ms. James, according to current and former department officials who spoke on the condition of anonymity because they were not authorized to talk about internal discussions.

And, WaPo added predictably, also to Eagle Ed Martin, who in theory reports to someone at DOJ.

They added that Ed Martin, the Justice Department official who is overseeing criminal investigations based on Pulte's allegations, also pushed for Siebert to be removed.

Having lost this battle to Eagle Ed creates real chain of command problems for DOJ, both in terms

of Blanche's credibility with the actual professionals who work there, and legally, as there are a slew of things that senior DOJ officials must approve (including politically sensitive prosecutions).

All that's before, in recent days, it became clear that Eagle Ed had sent a menacing letter to the FBI agent who first responded to the Sandy Hook shooting as a favor for Alex Jones, which Blanche made Eagle Ed retract.

So to sum up so far: Blanche's DOJ, and Blanche himself, already face multiple kinds of ethical scrutiny. Having been personally involved in reviewing this case, Blanche advised Trump not to do this, but Trump ignored him (and Bondi), siding instead with two men who are not prosecutors but who told Trump what he wanted to hear. That has badly undermined Blanche's authority at DOJ and created all kinds of ethical exposure for the real lawyers involved.

And then, Trump tweeted out a signed confession, making his personal interference and malice in this plain as day.



Donald J. Trump
@realDonaldTrump

Pam: I have reviewed over 30 statements and posts saying that, essentially, "same old story as last time, all talk, no action. Nothing is being done. What about Comey, Adam "Shifty" Schiff, Leticia??? They're all guilty as hell, but nothing is going to be done." Then we almost put in a Democrat supported U.S. Attorney, in Virginia, with a really bad Republican past. A Woke RINO, who was never going to do his job. That's why two of the worst Dem Senators PUSHED him so hard. He even lied to the media and said he quit, and that we had no case. No, I fired him, and there is a GREAT CASE, and many lawyer, and legal pundits, say so. Lindsey Halligan is a really good lawyer, and likes you, a lot. We can't delay any longer, it's killing our reputation and credibility. They impeached me twice, and indicted me (5 times!), OVER NOTHING. JUSTICE MUST BE SERVED, NOW!!! President DJT

15.8k ReTruths 52.6k Likes

Sep 20, 2025, 11:44 PM

If this gets charged, it will be child's play for Comey to mount a vindictive prosecution claim – we all saw it plain as day – and with it to demand evidence like the declination memo that ABC described Lindsey the Insurance Lawyer

seeing this week! And, in addition, Comey (who used to have Blanche's job), will be able to demonstrate that this prosecution violates ethical rules that bind attorneys.

As ABC laid out, they cannot charge a case they know they can't win. And someone very close to Blanche has let it be known in the press that the people with actual prosecutorial experience, including Blanche himself, don't believe DOJ can win this.

Prosecuting this case would very likely end up in credible bar complaints targeting everyone involved.

And on top of the procedural and ethical reasons this prosecution would pose a problem for Blanche, the only other basis by which this would be legal would be John Roberts' rash language in *Trump v. USA* granting the President *personally* special province over prosecutorial decision-making.

Investigative and prosecutorial decisionmaking is "the special province of the Executive Branch," *Heckler v. Chaney*, 470 U. S. 821, 832 (1985), and the Constitution vests the entirety of the executive power in the President, Art. II, §1. For that reason, Trump's threatened removal of the Acting Attorney General likewise implicates "conclusive and preclusive" Presidential authority. As we have explained, the President's power to remove "executive officers of the United States whom he has appointed" may not be regulated by Congress or reviewed by the courts. *Myers*, 272 U. S., at 106, 176; see *supra*, at 8. The President's "management of the Executive Branch" requires him to have "unrestricted power to remove the most important of his subordinates"—such as the Attorney General—"in their most important duties." *Fitzgerald*, 457 U. S., at 750 (internal quotation marks and alteration omitted).

See this great column on how Roberts, *in response to arguments from Blanche!!*, set up this problem.

Succeeding in getting an indictment won't be good for Halligan, Blanche's former colleague representing Trump in Florida, because she'll be exposed to ethical scrutiny.

And it doesn't even help Trump, as he has signed a confession that he's doing this maliciously.

And in the background, Maurene may one day get proof of all of this, at least everything that happened before she was fired.

Whereas if Halligan presents a case to the grand jury and gets no-billed – just one more no-bill in a growing pile awarded to Trump's most partisan US Attorneys – then it's likely that Comey will never get to argue how fucked up all of this is (unless he is charged in one of the other jurisdictions Kash has people chasing geese). And Eagle Ed gets slapped with his first big humiliation.

This entire situation is a disaster for Todd Blanche. And only if Lindsey the Insurance Lawyer gets no-billed will he have a way to staunch the bleeding.