

DAN RICHMAN WANTS HIS DATA BACK

There are a number of articles (Reuters, Politico) describing discussions about reindicting Jim Comey and Letitia James. Neither addresses the issue I lay out here – namely, that the ultimate goal of the Comey prosecution, at least, is to support the Grand Conspiracy in Florida, perhaps by obtaining at least probable cause that Comey lied to cover up the import of (Grand Conspiracy nutballs claim to believe) the “Clinton Plan” CIOL and Comey’s decision to release a memo documenting Trump’s corruption.

More importantly, neither addresses a new wrinkle: That Dan Richman wants his data back. (Anna Bower first noted the suit.)

Last Wednesday, Richman moved under Rule 41(g) to get his property, in the form of an image of his computer made by the Inspector General, as well as emails and additional content obtained derivative to that.

While there are redacted bits describing the original imaging by DOJ IG of the computer and the overcollection at that stage (as well as the warrants themselves, which would have been unsealed by now if the indictment hadn’t been dismissed), it relies heavily on and largely tracks William Fitzpatrick’s ruling effectively cataloging the many Fourth Amendment violations involved in the searches of Richman’s data, which Richman points to in order to claim that Judge Colleen Kollar-Kotelly need not consider the normal balancing considerations.

While the government may argue that it needs the Hard Drive to obtain evidence to prosecute Mr. Comey, the *Comey* case has now been dismissed and any charges related to the underlying conduct are time-barred. [citation omitted] (noting that had Mr. Comey not been indicted, the statute of limitations would have

expired on September 30, 2025). Even if the case were to somehow proceed, the government should be barred from using evidence from the Hard Drive. The materials from the Hard Drive that the government presented to the grand jury in the *Comey* case were only identified by the government because it (1) exceeded the scope of the Warrants and seized non-responsive data, (2) illegally retained materials it should have destroyed or returned, and (3) searched the illegally seized and retained data without a warrant.

As *Comey* was preparing to move to suppress this content, the Loaner AUSAs claimed that he had no Fourth Amendment interest in Richman's data. That was contestable for at least a subset of the data. But Richman clearly has a Fourth Amendment interest in it.

If this effort by Richman is successful, in particular his request for "a temporary restraining order enjoining the government from using or relying on in any way the improperly seized materials until such time as the Court can further consider the merits of his claims," all the data would become inaccessible, both for any reindictment of the false statements indictment or for the Grand Conspiracy conspiracy.

Oh sure, the FBI could attempt to obtain new warrants – or subpoena Richman for the same material. But much of their use of this data (Exhibits 8, 9, and 10 post-dated Richman's departure from the FBI, and Exhibits 3 through 7 involved sourcing for which Richman was public) did not fit basic criteria arising from the imagined crimes, Richman leaking information while still at FBI. Of what the Loaner AUSAs presented to the grand jury, they'd be stuck with the "Clinton CIOL" that the jury no-billed.

Investigation into Comey's
Memos

- Exhibit 2: Comey letter reopening investigation
- Exhibit 3: January 2, 2015: Letter stating that Richman would not comment on matters he "work[s] on for the Bureau" [1st **Columbia email**]
- Exhibit 4: October 29, 2016: Text saying, "The country can't seem to handle your finding stuff" [2nd **Columbia email**]
- Exhibit 5: October 30, 2016: Richman offering to write an op-ed for NYT [2nd **Columbia email**]
- Exhibit 6: November 1-2, 2016: Comey suggests perhaps Richman can make Mike Schmidt smarter [2nd **Columbia email**]
- Exhibit 7: November 2, 2016: Richman noting story about Hillary [2nd **Columbia email**]
- Exhibit 8: April 23, 2017: Email to Richman thanking him [**Columbia email**]
- Exhibit 9: February 11, 2017: Richman recruiting Chuck Rosenberg for article [1st **Columbia email**]
- Exhibit 10: May 2017: Texts between Schmidt and Richman [**Dan Richman's phone**]
- Exhibit 11: DOJ IG

Investigation into Comey's Memos

- Exhibit 12: July, 27, 2025:
18 USC 2071 Opening memo
- Exhibit 13: September 26,
2016: Notes on Russian
investigation briefing
- Exhibit 14: Transcript of
Lindsey Graham question
about the CIOL

And to get the files they really want – Exhibit 10 – the FBI would undoubtedly rely on the tainted searches Richman invokes here to justify demanding the return of his data. Plus, there's a chunk of data DOJ unlawfully seized that went through 2019; if DOJ found anything enticing in there, it too would become inaccessible.

Kash Patel's FBI fucked up pretty badly in the way they searched Richman's data for dirt on Jim Comey. The dismissal of the indictment *might* have otherwise shielded them from consequences. But at the very least this effort may thwart their ongoing witch hunt targeting Comey.