THE FALSE CLAIMS TODD BLANCHE, ROBERT MCBRIDE, AND SOME LADY IMPERSONATING A US ATTORNEY TELL TO JUSTIFY A CRIME

Update: I realize that DOJ never complied with this part of Judge Kollar-Kotelly's order.

> *The Attorney General of the United States or her designee is further ORDERED to certify that the United States is in compliance with this Order no later than 12:00 p.m. ET on Monday, December 8, 2025.*

This court filing is a smokescreen.

DOJ — in the persons of Todd Blanche, some lady impersonating a US Attorney, and First AUSA Robert McBride — have responded to Dan Richman's demand that they stop illegally rifling through his data.

It's a remarkable filing for two reasons.

First, they cite a bunch of precedents claiming that one cannot use Rule 41 to thwart a prosecution. Best as I can tell, every single one of those precedents pertain to someone trying to withhold *his own* property to thwart *his own* prosecution. Michael Deaver trying to stop a Special Prosecutor investigation of himself. Paul Manafort trying to thwart a prosecution of himself. Justin Paul Gladding in a case where he was trying to get his own non-CSAM data back after a conviction. A grand jury case where the subject of the investigation tried to get his files back.

None of these apply here.

Effectively, Todd Blanche is saying Dan Richman has to lay back and enjoy digital compromise to allow the FBI to prosecute his friend and who cares if they're breaking the law to do so.

But I'm also struck by the lies Blanche and the lady impersonating a US Attorney tell along the way. Consider this passage.

> Richman served as a special government employee at the FBI between June 2015 and February 2017.1 Shortly after his departure from the FBI, the Government began investigating whether Richman had disclosed classified information to The New York Times concerning Comey's decisionmaking process concerning the FBI's investigation into former Secretary of State Hillary Clinton's use of a private email server. See CM/ECF No. 1-1 at 3. The investigation demonstrated, among other things, that Comey had used Richman to provide information to the media concerning his—that is, Comey's—decisionmaking process concerning the Clinton email investigation and that Richman had served as an anonymous source in doing so.
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> During the course of the investigation, the Government sought and obtained four search warrants in this district authorizing the Government to search for and seize evidence of violations of 18 U.S.C. §§ 641 and 793 from certain email accounts utilized by Richman, a hard drive containing a forensic image of his personal computer, and his iCloud account.2 See CM/ECF No. 1-1 at 3.
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> Comey provided relevant testimony to the Senate Judiciary Committee shortly before his employment as FBI Director was terminated, and again in September 2020. In May 2017, he testified in response to questioning from Senator Grassley that he had never authorized

> someone at the FBI to serve as an anonymous source regarding the Clinton email investigation. And in September 2020, he reaffirmed that testimony in response to questioning from Senator Cruz.
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> 1 The government has provided the concise factual summary herein out of an abundance of caution as a result of the Court's December 6, 2025 temporary restraining order (the "TRO"). See CM/ECF No. 9 at 4. Should the Court have meant the TRO to permit the government to use materials obtained via the relevant search warrants as part of this litigation, the government is prepared to provide a more detailed factual summary if necessary.
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> 2 The investigators sought to obtain evidence of violations of 18 U.S.C. § 641 because it appeared that Richman and Comey were using private email accounts to correspond regarding official government business, i.e., that their correspondence were "record[s]" of the United States. See id.

First, the passage makes a confession, one that Lindsey the Insurance Lawyer Impersonating a US Attorney's Loaner AUSAs never made: the use of May 2017 files involving attorney-client privilege had no basis in the prosecution, because they long post-dated the time Dan Richman left the FBI.

The filing misstates the genesis of Arctic Haze and the focus on Dan Richman. The investigation didn't *start* by focusing on Richman. The focus on Richman appears to have started when John Durham discovered his communications while rifling through the image he shared with the Inspector General (a detail that seems quite sensitive, given the redactions).

The claim that the investigation demonstrated

that Comey used Richman,

> to provide information to the media concerning his—that is, Comey's—decisionmaking process concerning the Clinton email investigation and that Richman had served as an anonymous source in doing so.

Is not backed by anything in the public record. Richman was not anonymous when doing this in fall 2016, and there's no evidence that Comey asked Richman to do this in February 2017, where he was also an on-the-record source.

This filing obscures the fact that when Comey told Chuck Grassley he had not leaked anything anonymously, it preceded the time when Richman did share his memos anonymously, and he disclosed that publicly a month later, meaning it could not conceivably have been a lie on May 3, 2017 (before he shared the memo) or after June 8, 2017, in September 2020, because he had already disclosed it.

McBride claims he's not using the unlawfully accessed materials in this filing, but he did disclose something new: that Richman and Comey were investigated under 18 USC 641 not because Comey shared a memo that the Inspector General would later rule was official FBI material, but because they were conducting official business on personal accounts (which is rich given that Lindsey the Insurance Lawyer masquerading as US Attorney used Signal for official business).

The lies are important for a reason beyond the cynicism: They obscure that if the FBI tried to get a warrant for these very same files, they would never be able to access the files they want.

And so they're telling Dan Richman to just lay back and enjoy the Fourth Amendment violations.

Update: Richman's response says exactly what I did (but in fancy lawyer-speak): The citations

DOJ relied on all pertain to someone trying to get their own content back to prevent their own prosecution.

> [I]n every single case cited by the government on this point, the movant was the target of an active investigation or the defendant in a charged criminal case. See In re Sealed Case, 716 F.3d at 604, 607 (observing that "the [DiBella] Court . . . found that each motion was tied to a criminal prosecution in esse because both movants had been arrested and indicted at the time of appeal" and that the movant in the case before it was "the subject of an ongoing grand jury investigation") 6 ; Martino v. United States, 2024 WL 3963681, at *1 (3d Cir. Aug. 28, 2024) (movant was the "subject of an ongoing grand jury investigation" and brought a Rule 41(g) Motion tied to "his criminal prosecution") (emphasis added); United States v. Nocito, 64 F.4th 76, 79 (3d Cir. 2023) (movant entities were owned by person charged with crime); In re Grand Jury, 635 F.3d 101, 105 (3d Cir. 2011) (finding DiBella's second requirement met because "the property was seized in connection with an ongoing grand jury investigation of which the appellant is a target") (emphasis added); In re Warrant Dated Dec. 14, 1990 & Recs. Seized From 3273 Hubbard Detroit, Mich. on Dec. 17, 1990, 961 F.2d 1241, 1242 (6th Cir. 1992) (involving "records . . . sought in connection with a criminal investigation of the appellants for tax evasion, filing of fraudulent tax returns, and conspiracy").
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> Professor Richman is not a subject, target, or defendant. Though the government elides this fact, it bears repeating: because Professor Richman is not a prospective criminal defendant, he

> has no suppression remedy to address an ongoing violation of his constitutional rights. His property was seized five years ago, pursuant to warrants tied to a separate and since concluded investigation, and there is no indictment and no pending criminal case.

I actually think they *might* envision including him in a Grand Conspiracy indictment. But they're pretending they're not currently working on this and so got too cute for their own good — he notes that they twice dismissed his claims of irreparable harm because he was only at risk of being a witness at trial.