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LAW

Judge tosses Comey, James cases after finding prosecutor unlawfully appointed

UPDATED NOVEMBER 24, 2025 · 4:45 PM ET

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Lindsey Halligan, at the time special assistant to the president, fixes an earring at the end of an interview outside of the White House in August 2025, in Washington.

Jacquelyn Martin/AP

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A federal judge on Monday dismissed the Justice Department's criminal cases against former FBI Director James Comey and New York Attorney General Letitia James, finding that the acting U.S. attorney who secured the indictments against the two prominent critics of President Trump was unlawfully appointed.

The decision from U.S. District Judge Cameron McGowan Currie on the appointment of Lindsey Halligan as the top prosecutor in the Eastern District of Virginia marks a significant setback to efforts to go after the president's perceived political enemies.

In dual rulings, Judge Currie said "all actions flowing from Ms. Halligan's defective appointment, including the indictments against Comey and James, "were unlawful exercises of executive power and are hereby set aside." Currie was nominated to the bench by former President Bill Clinton.

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The cases were dismissed without prejudice, meaning the Justice Department may be able to bring those cases again.

White House press secretary Karoline Leavitt said the administration disagrees with the ruling.

"Everybody knows James Comey lied to Congress, it is as clear as day, and this judge took an unprecedented action to throw these cases out, to shield James Comey and Letitia James from accountability based on a technical ruling," Leavitt said on Fox News. "We believe that the attorney in this case, Lindsay Halligan, is

not only extremely qualified for this position, but she was in fact legally appointed, and I know the Department of Justice will be appealing this in very short order."

LAW

Justice Department scrutinized as its case against James Comey hits a new roadblock

Former lawyer for Trump

Trump tapped Halligan to serve as acting U.S. Attorney for the Eastern District of Virginia after he pushed out the previous top prosecutor, who had expressed doubts about bringing charges against both Comey and James.

Halligan is a former insurance attorney who once served as Trump's personal lawyer before his return to office, when she joined his administration as a White House aide.

Halligan, who has no previous prosecutorial experience, was sworn in as acting U.S. attorney on Sept. 22. Three days later, she secured a two-count criminal indictment against Comey just days before the statute of limitations expired. He has pleaded not guilty.

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"I'm grateful that the court ended the case against me, which was a prosecution based on malevolence and incompetence," Comey said in a video posted on social

media. "A message has to be sent that the president of the United States cannot use the Department of Justice to target his political enemies."



NATIONAL

Trump nominates White House aide to be top U.S. prosecutor for office probing Letitia James

His attorney, Patrick Fitzgerald, said the decision recognizes that the case was brought by "someone who had not authority whatsoever to be the United States Attorney."

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"The decision further indicates that because the indictment is void, the statute of limitations has run and there can be no further indictment," he said in a statement.

Halligan only one on the indictments

Two weeks after Comey was withdrawn, Halligan secured an indictment against James on charges of bank fraud and false statements to a financial institution. James, too, has pleaded not guilty.

"I remain fearless in the face of these baseless charges as I continue fighting for New Yorkers every single day," James said in a statement.

Her attorney, Albe Lowell, said they would continue to fight any further charges against her.

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People targeted by the Justice Department face steep costs, even if they win in court

"The President went to extreme measures to substitute one of his allies to bring these baseless charges after career prosecutors refused," Lowell said in a statement. "This case was not about justice or the law; it was about targeting Attorney General James for what she stood for and who she challenged."

In both cases, Halligan was the only prosecutor to present before the grand jury, the government has said in court papers.

Days before she was sworn into the role, Trump in a social media post called on Attorney General Pam Bondi and the Justice Department to prosecute Comey, James and California Democratic Sen. Adam Schiff.

LAW

James Comey and Letitia James argue DOJ prosecutor was illegally appointed

Schiff is not facing charges but federal prosecutors are investigating him on allegations of mortgage fraud.

NPR's Carrie Johnson contributed to this report.

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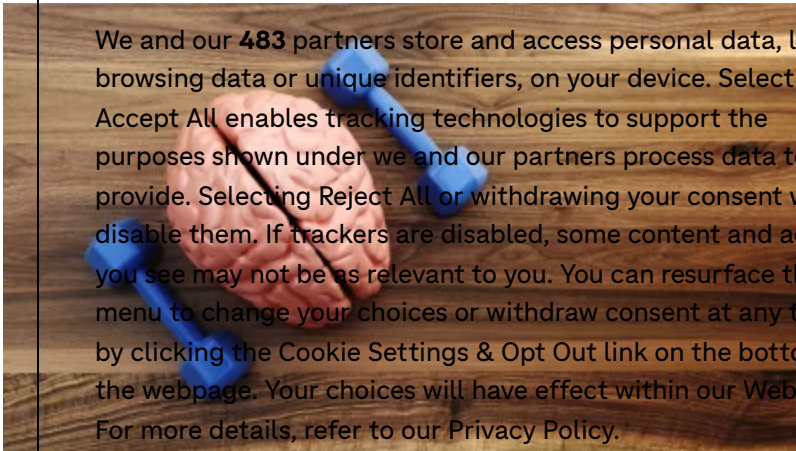
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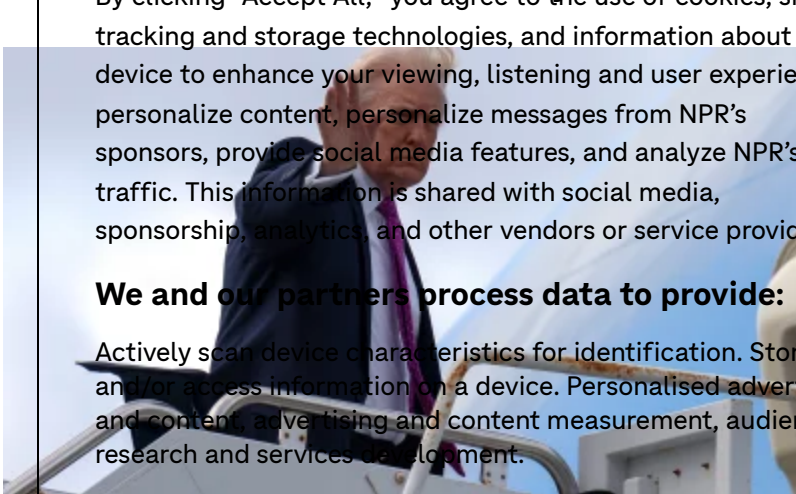
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NATIONAL

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U.S. and Iran agree to 2-week ceasefire, suspending Trump's threat to annihilate Iran

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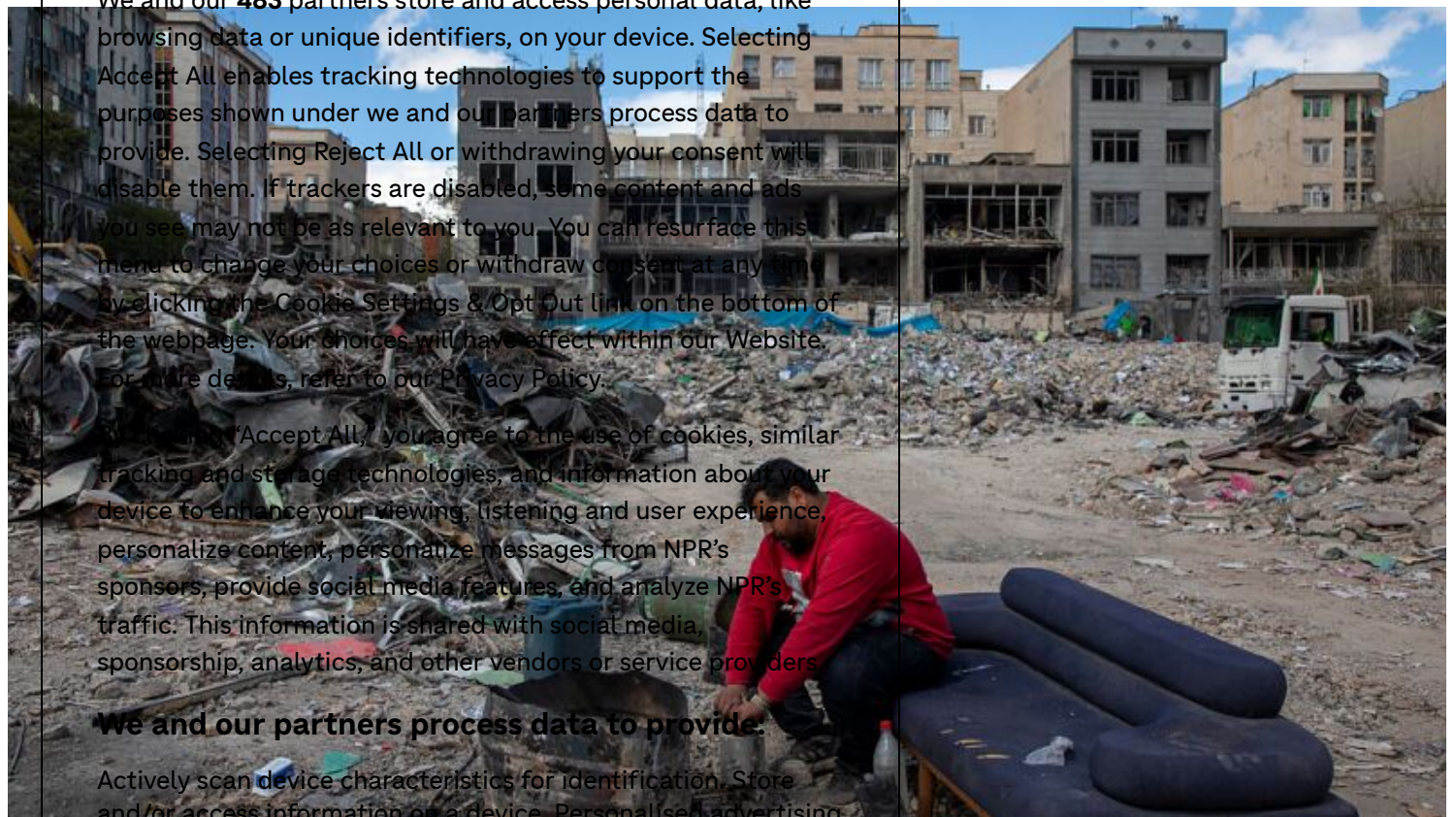
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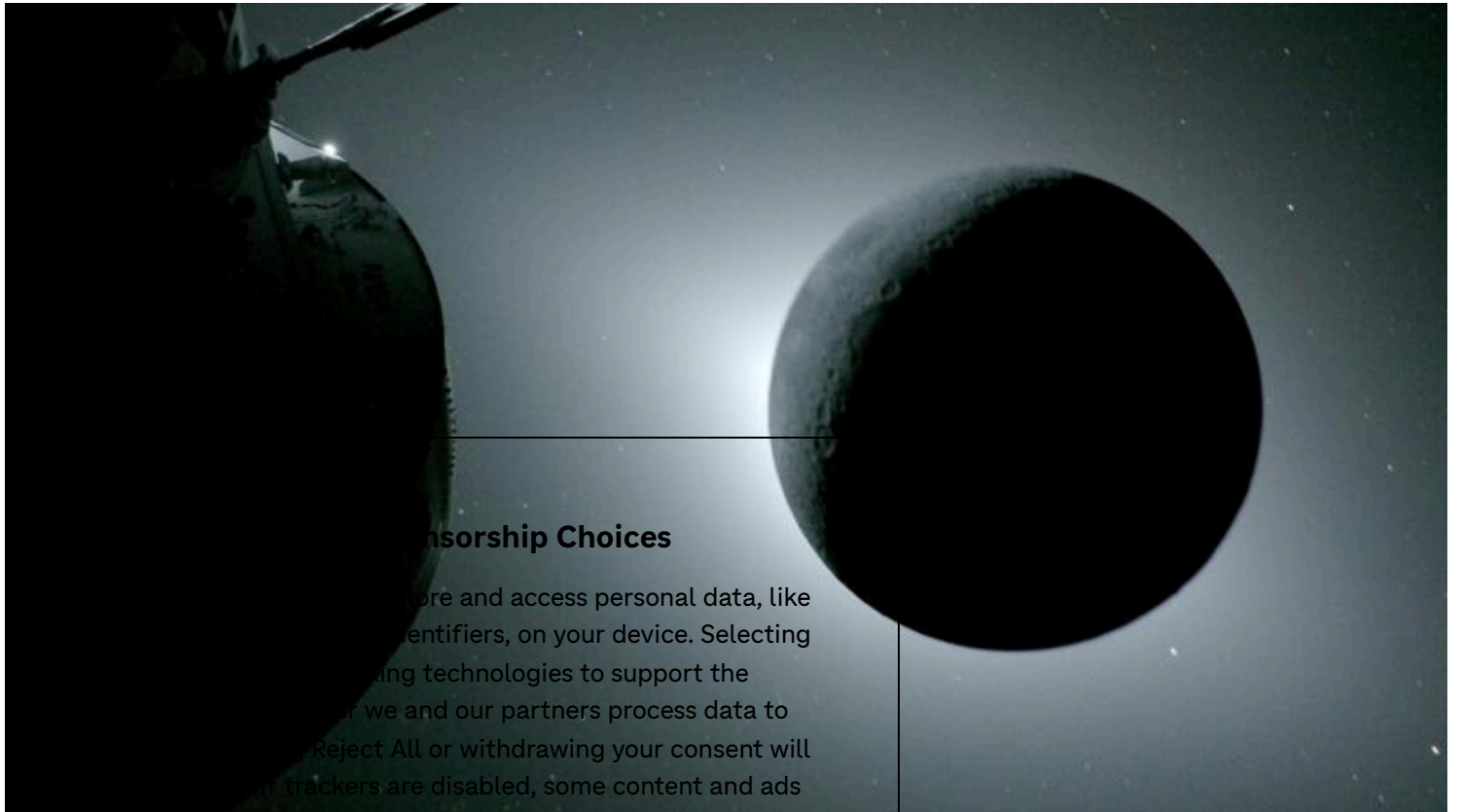
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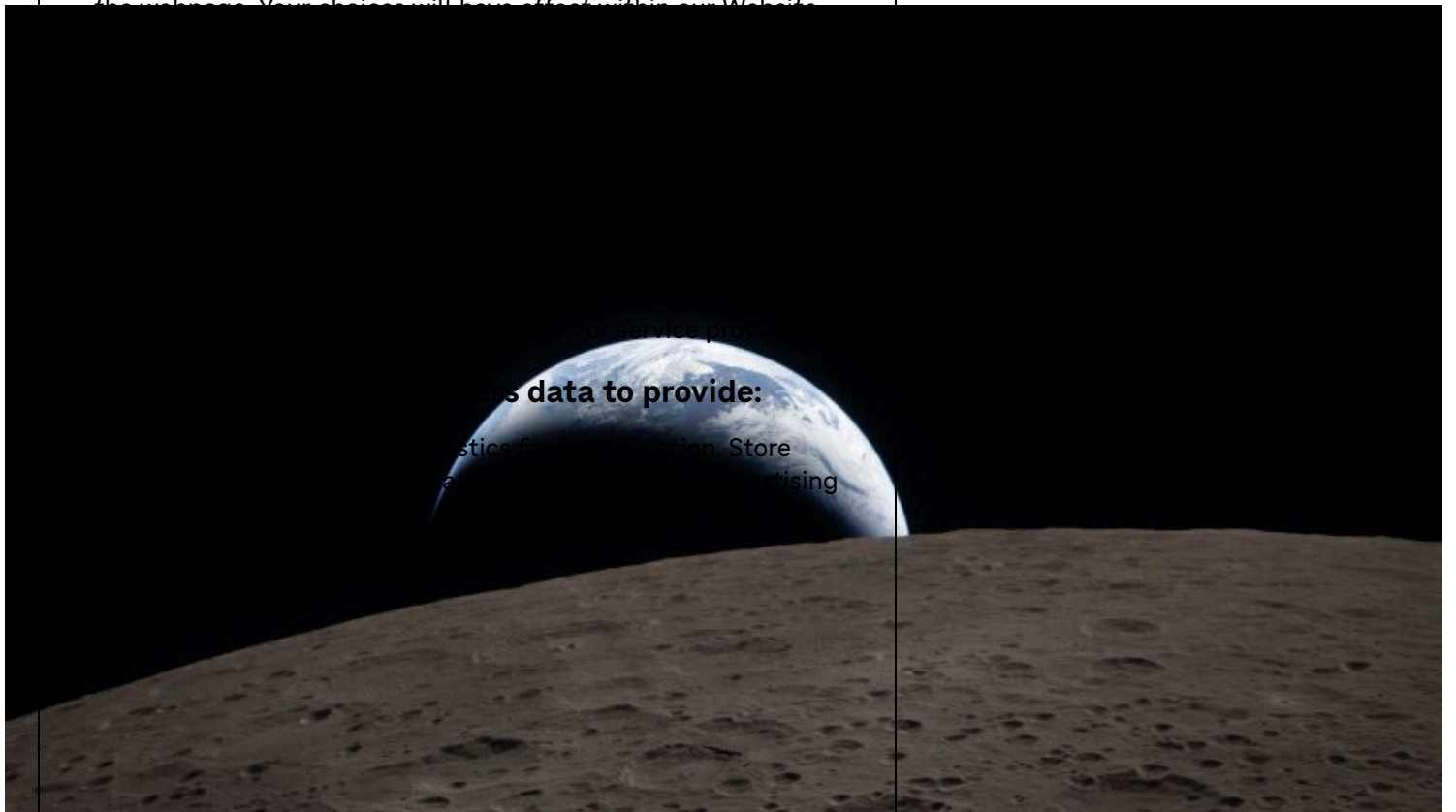
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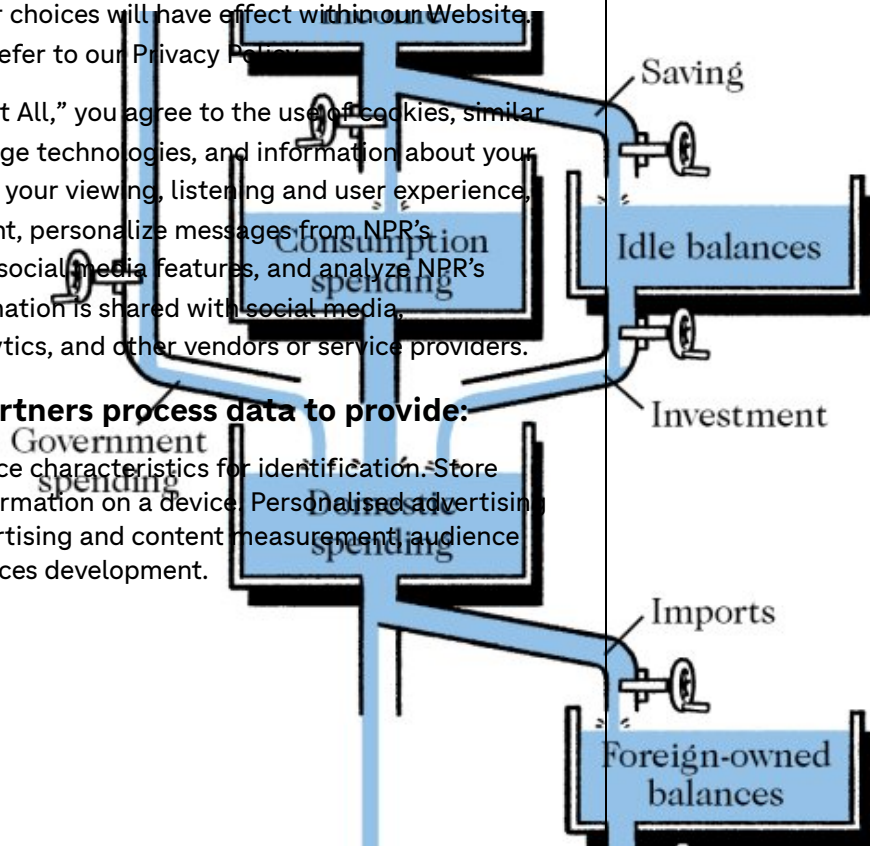
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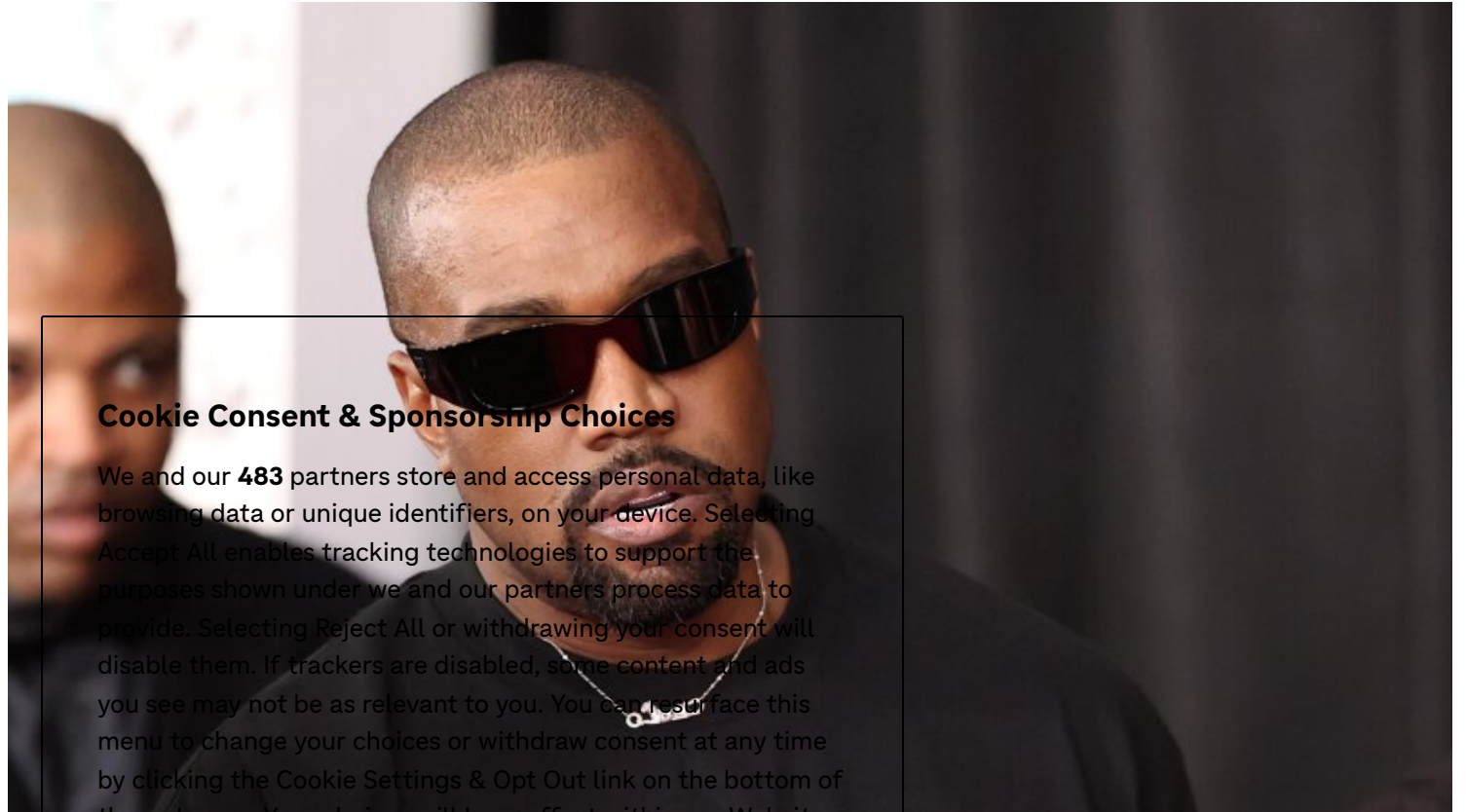
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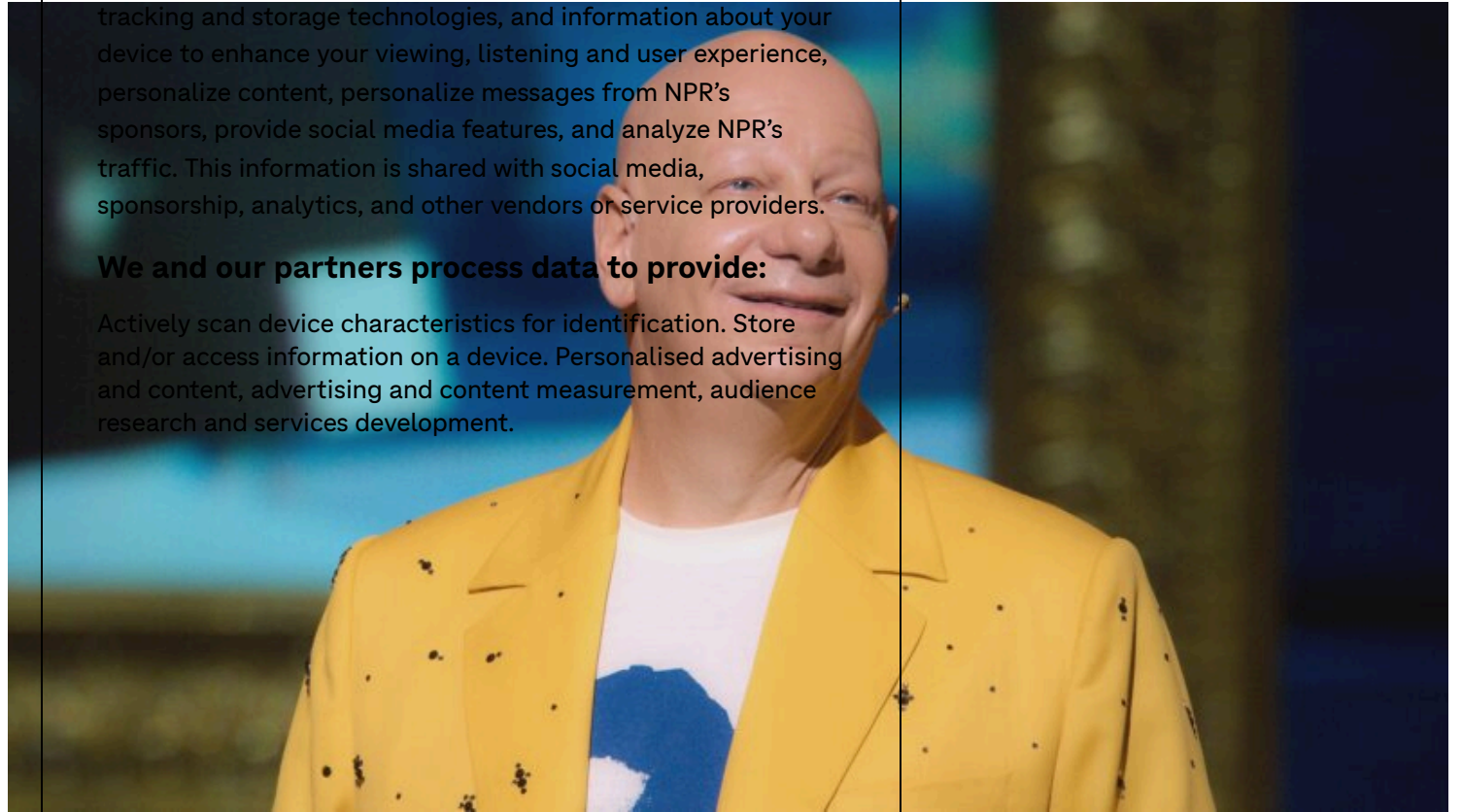
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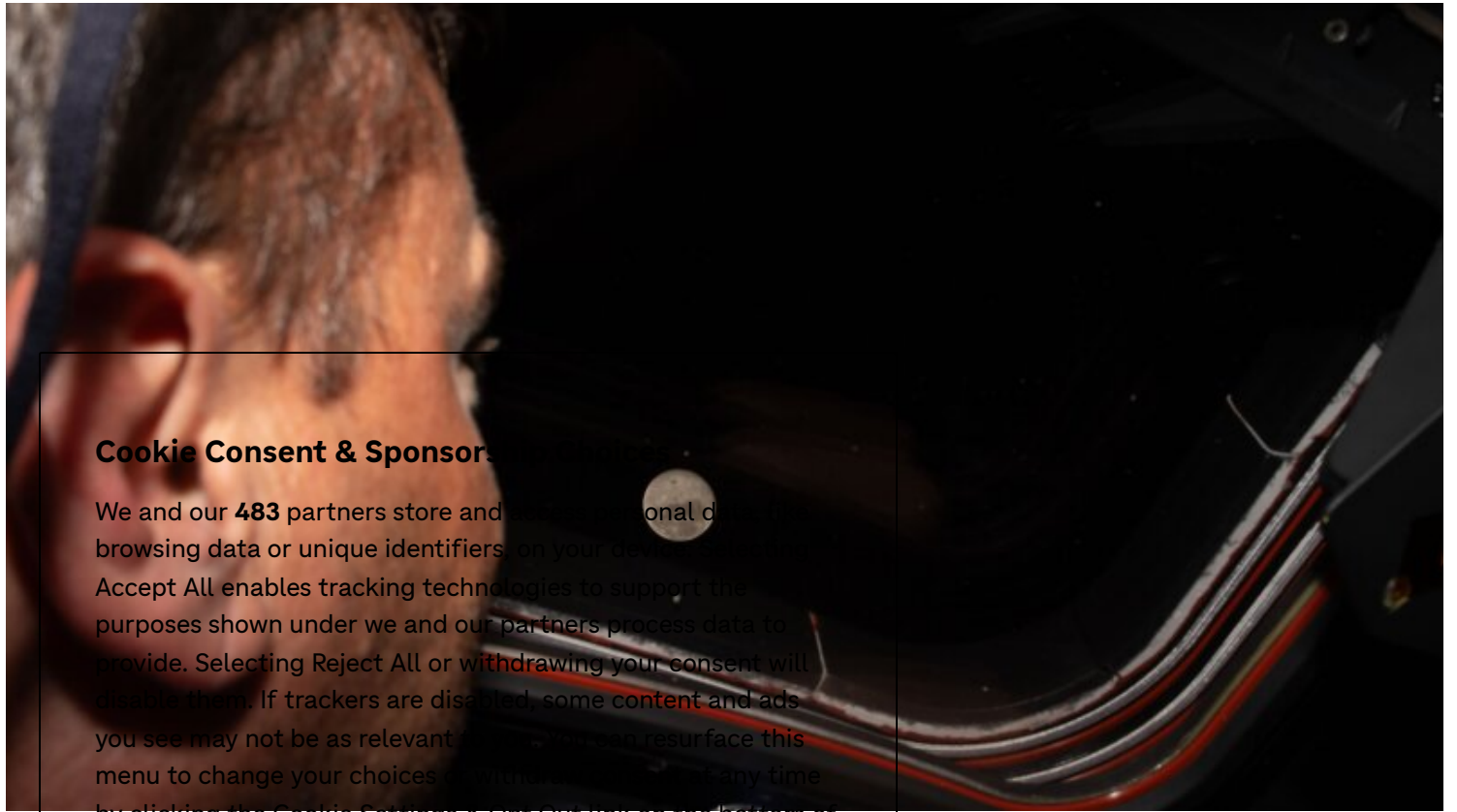
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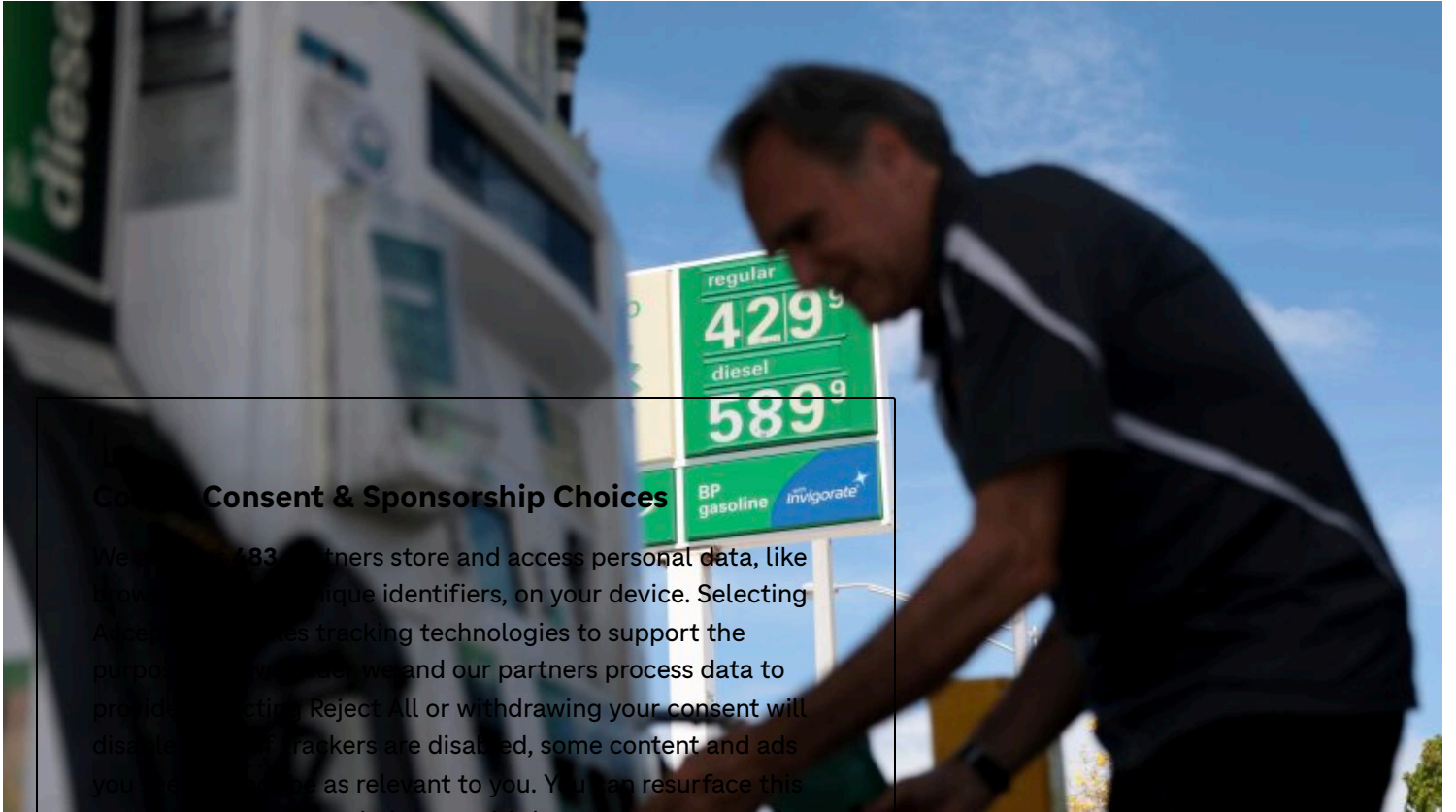
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