

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA</b>	:	
	:	
<b>v.</b>	:	<b>Criminal No. 21-CR-79-BAH</b>
	:	
<b>KEVIN JAMES LYONS,</b>	:	
	:	
<b>Defendant.</b>	:	

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION TO COMPEL**

The United States respectfully submits this Opposition to defendant Kevin James Lyons’s Motion to Compel (“Motion”) discovery of items seized from Lyons and for inspection of Speaker Nancy Pelosi’s office. Lyons’s Motion should be denied.

**I. Lyons’s Request for Unscoped Imaging**

Lyons’s Motion stated that “Defendant has asked for certain discovery in this particular matter relative to items seized by agents of the United States; to and including videos, still photographs, documentary evidence, and other information relative to the events in question.” ECF No. 52, 1. The items being sought are more specifically images of unscoped devices seized by the FBI during the execution of a search warrant. On July 30, 2021, the Government emailed Lyons’s attorney with instructions on how to obtain copies of the unscoped devices. On March 15, 2022, the Government again emailed Lyons’s attorney instructions on obtaining copies of devices and included a copy of the original letter sent on July 30, 2021 for reference.

On August 4, 2022, the Government provided Lyons’s counsel instructions on the procedures for obtaining copies of unscoped images of Lyons’s devices. On August 19, 2022, after hard drives were still not delivered to FBI for imaging, the Government again reached out to Lyons’s counsel and inquired if Lyons’s still sought images of his devices. Lyons’s counsel

dropped off an 8-terabyte hard drive to FBI on August 24, 2022. On September 12, 2022, Lyons filed the instant motion. On September 14, 2022, the Government informed Lyons's counsel that the hard drive he previously dropped off at FBI-Chicago has an insufficient memory capacity for what Lyons was seeking to image. The following day, on September 15, 2022, Lyons's counsel dropped off an additional 4-terabyte hard drive for imaging. Notably, counsel's office was advised that the total data being imaged was approximately 12-terabyte and 37-gigabyte. As of September 21, 2022, the imaging has been assigned to an FBI technician, and once the images are completed, Lyons's counsel will be notified. Lyons's counsel was informed of the process for obtaining these images well over a year before he delivered the required hard drives to FBI for imaging. His own delay in delivering the hard drives to FBI is the basis for why Lyons's is unable to review the unscoped devices.

## **II. Lyons's Request for Inspection of Speaker Pelosi's Office**

In November 2021, Lyons's counsel made a request to tour Speaker Pelosi's office suite as it relates to Lyons's conduct on January 6, 2021. On November 16, 2021, the Government reached out to the United States Capitol Police to ascertain whether a tour of Speaker Pelosi's Office Suite would be possible in light of Lyons's counsel's request. The request was then forwarded to the Office of the General Counsel for the United States Capitol Police and is currently pending with the House Sergeant at Arms. As of September 21, 2022, the request is still pending with the House Sergeant at Arms, and once a determination is made on the request, Lyons's counsel will be informed of the decision. Notably, Speaker Pelosi's office is not within the possession, custody, or control of the United States Attorney for the District of Columbia pursuant to Fed. R. Crim. P. 16(a)(1)(E). Accordingly, attorneys for the U.S. Attorney's Office for the

District of Columbia have made requests for the tour sought by defense counsel, and counsel has been informed about our attempts at securing a tour.

**CONCLUSION**

WHEREFORE, the United States respectfully requests that the Court deny the defendant's Motion to Compel.

Respectfully submitted,

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