

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

MICHAEL J. LINDELL and
MYPILLOW, INC.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 22-cv-02290-ECT-ECW

**PLAINTIFFS' MOTION TO
OBTAIN ACCESS TO WARRANT
APPLICATION MATERIALS**

**EXPEDITED HANDLING
REQUESTED**

Plaintiffs Michael J. Lindell and MyPillow, Inc., hereby move the Court for an Order that Defendants, prior to the hearing in this matter scheduled for October 19, 2022, provide Plaintiffs with copies of all materials submitted to the Court in connection with the application for issuance of a warrant, in case no. 22-mj-00742-TNL-1 (D. Minn.).

This motion is based on the First and Fourth Amendments to the United States Constitution and Rule 41 of the Federal Rules of Criminal Procedure, and is supported by the Memorandum in Support and Declaration of Andrew D. Parker filed herewith, and all the files, records, and proceedings herein.

Dated: October 4, 2022

PARKER DANIELS KIBORT LLC

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**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MICHAEL J. LINDELL and
MYPILLOW, INC.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 22-cv-2290-ECT-ECW

NOTICE OF MOTION HEARING

To: Defendants United States of America, Merrick Garland, United States Attorney for the District of Minnesota, and Christopher Wray.

PLEASE TAKE NOTICE that at a date and time to be determined, Plaintiffs will move the Court, before the Honorable Elizabeth Cowan Wright, United States Magistrate Judge, in Courtroom 3C, United States District Courthouse, 316 N. Robert Street, St. Paul, MN 55101, for an order that Defendants provide Plaintiffs, prior to the hearing in this matter scheduled for October 19, 2022, with copies of all materials submitted to the Court in connection with the application for issuance of a warrant, in case no. 22-mj-00742-TNL-1 (D. Minn.). Plaintiffs request that this Motion be handled by the Court on an expedited basis. This motion is based on all of the files, records, pleadings, declarations, exhibits, arguments of counsel, and proceedings herein.

Dated: October 4, 2022

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**IN THE UNITED STATES DISTRICT COURT
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MICHAEL J. LINDELL and
MYPILLOW, INC.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 22-cv-02290-ECT-ECW

**MEMORANDUM IN SUPPORT OF
MOTION TO OBTAIN ACCESS
TO WARRANT APPLICATION
MATERIALS**

**EXPEDITED HANDLING
REQUESTD**

**I.
INTRODUCTION**

In the District of Minnesota, “a person whose property has been seized pursuant to a search warrant has a right under the warrant clause of the Fourth Amendment to inspect and copy the affidavit upon which the warrant was issued.” *In re Up N. Plastics*, 940 F. Supp. 229, 232 (D. Minn. 1996). Defendants obtained a warrant (the “Warrant”) and used it to seize the cell phone of Plaintiffs Michael J. Lindell and My Pillow, Inc. Plaintiffs have requested to exercise their right to inspect and copy the affidavit upon which the warrant was issued, as evidence to support their showing that the Warrant was improperly obtained and executed. The Government has rejected this request. Plaintiffs now move this Court to order the release to Plaintiffs of the materials submitted to obtain the Warrant at issue in this matter.

The Government may not, under the Constitution, shroud its actions with respect to the Warrant in secrecy to avoid being held accountable for those actions. For Plaintiffs to

be fairly heard at the Court's October 19, 2022, hearing concerning the propriety of the Warrant, Plaintiffs must be given access to the materials submitted by the Government in its application to obtain the Warrant. It may be that the Warrant application materials need not be made public at this time, but Plaintiffs have a right to see the materials used to convince the Court to issue the Warrant.

Plaintiffs ask that their Motion be considered on an expedited basis to allow them to receive the Warrant application materials in advance of the injunction hearing.¹

II. FACTS

On September 7, 2022, the Warrant was issued by the Court authorizing federal agents to seize Mr. Lindell's cell phone and to gain access to multiple categories of data collected on that device. Doc. 35-1 On September 13, 2022, federal agents executed the Warrant on Mr. Lindell in the drive-through lane of a fast-food restaurant in Mankato, Minnesota in circumstances that exhibited disregard for the constitutional rights of Mr. Lindell. *See* Decl. of Michael J. Lindell (Sept. 21, 2022), Doc. 35-2 ("Lindell Decl."). The Court's docket for the matter in which the Warrant was issued, no. 22-mj-00742-TNL-1, shows only a "MJ Duty Case Opening Form," to which no public access is available, and motion filings from media seeking access to the Warrant materials. Decl. of Andrew D. Parker ¶ 2 & Ex. 1 ("Parker Decl."). At the September 30, 2022, telephonic conference with the Court, counsel for the Government stated that the Government opposed Plaintiffs'

¹ The information will also be important for purposes of conducting a *Franks* analysis of the Warrant. *Franks v. Delaware*, 438 U.S. 154 (1978).

request to see the affidavit submitted in application for the Warrant. Plaintiffs have filed a motion seeking injunctive relief and the return of Mr. Lindell's cell phone, which is to be heard on October 19, 2022. Briefing Order, Doc. 25.

III. ARGUMENT

A. Plaintiffs Have a Right to See the Warrant Application Prior to the October 19, 2022, Hearing.

Plaintiffs' constitutional rights, the Federal Rules of Criminal Procedure, and Plaintiffs' need for the Warrant application materials in connection with their motion give them the right to see the Warrant application materials in advance of the October 19, 2022, hearing concerning the Warrant.

In general, there is a "common law right of access" to "judicial records and documents." *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978); *IDT Corp v. eBay, Inc.*, 709 F.3d 1220, 1222 (8th Cir. 2013). There is also a "first amendment right of public access" to court filings that "does extend to the documents filed in support of search warrant applications." *In re Search Warrant for Secretarial Area Outside Office of Gunn*, 855 F.2d 569, 572, 576 (8th Cir. 1988) ("*Gunn*"). More specifically, it is the law in this District that "a person whose property has been seized pursuant to a search warrant has a right under the warrant clause of the Fourth Amendment to inspect and copy the affidavit upon which the warrant was issued." *In re Up N. Plastics*, 940 F. Supp. 229, 232 (D. Minn.

1996).² The right of the person whose property has been seized is an immediate and specific right protected by the Constitution. While it may be too early for the broader public's right to see the Warrant affidavit, Plaintiffs as persons whose property was seized have an immediate Fourth Amendment right to see the affidavit. "The Fourth Amendment requirement of probable cause is meaningless without some way for targets of the search to challenge the lawfulness of that search." *Id.* at 232-33.

Plaintiffs also have a right under the Federal Rules of Criminal Procedure to see the affidavit. The Rules "provide[] a procedure by which victims of unlawful searches may seek redress" by moving "for the return of the property." *Id.* at 232.³

To permit an affidavit or any documents in support of a search warrant to remain sealed against examination by the person whose property was searched deprives him of the right secured by Rule 41 to challenge that search. There is nothing in Rule 41 to suggest that such evidence is intended to be taken in secret or without a full opportunity for the aggrieved person to argue that probable cause was lacking.

² Numerous other courts have found that a property owner whose property was seized pursuant to a warrant has a right to see the affidavit submitted in support of the warrant. *United States v. Oliver*, No. 99-4231, 2000 U.S. App. LEXIS 3630, at *4 (4th Cir. Mar. 9, 2000); *Societe D'Equipments Internationaux Nig., Ltd. v. Dolarian Capital, Inc.*, No. 1:15-cv-01553-DAD-SKO, 2016 U.S. Dist. LEXIS 104335, at *3 (E.D. Cal. Aug. 8, 2016); *In re Offices & Storage Areas Utilized by Stephen P. Amato, D.C., P.C.*, No. 05-MJ-05-B, 2005 U.S. Dist. LEXIS 6870, at *23 (D. Me. Apr. 14, 2005); *In re Search Warrants Issued on April 26, 2004*, 353 F. Supp. 2d 584, 587 (D. Md. 2004); *In re Search Warrants Issued Aug. 29, 1994*, 889 F. Supp. 296, 299 (S.D. Ohio 1995). *But cf.*, e.g., *In re EyeCare Physicians of Am.*, 100 F.3d 514 (7th Cir. 1996) (opposite holding).

³ When *In re Up N. Plastics* was decided, the provision for seeking the return of seized property that is now designated Fed. R. Crim. P. 41(g) was designated as Fed. R. Crim. P. 41(e). The 2002 revision to the rule that redesignated subsection (e) as subsection (g) was "part of the general restyling of the Criminal Rules to make them more easily understood," and the changes were "intended to be stylistic only" unless otherwise noted. Fed. R. Crim. P. 41, *Notes of Adv. Committee on 2002 amendments*.

Id. at 233. “**The affidavit must be seen to be effectively challenged.**” *Id.* (emphasis added).⁴ The Rules bestow a right to review the affidavits submitted in support of a warrant application.

Plaintiffs also have a litigation need to see the affidavit. They have brought a motion that challenges the issuance and execution of the Warrant. *See* Mot. for Temporary Restraining Order and for Return of Property Pursuant to Fed. R. Crim. P. 41(g), Doc. 9; Mem. in Supp. of Mot., Doc. 10. To adequately prepare for the October 19, 2022, hearing on this Motion, and to gather evidence to show the necessity for a *Franks* hearing, Plaintiffs need to be able to review the submission made to the Court in the Government’s application for the Warrant. Withholding or misstating material information when obtaining the Warrant would require the Warrant application to be denied. *See Z. J. by and through Jones v. Kansas City Bd. of Police Commrs.*, 931 F.3d 672, 686 (8th Cir. 2019); *United States v. Randle*, 39 F.4th 533, 537 (8th Cir. 2022); *Hartman v. Bowles*, 39 F.4th 544, 546 (8th Cir. 2022).

The only way for a target of a warrant to hold the Government accountable to its Fourth Amendment limitations is to review the information provided by the Government to the Court in its application for the warrant. Plaintiffs have a right to do so.

⁴ “[W]hen the motion [pursuant to Rule 41(g)] is made by a party against whom no criminal charges have been brought, such a motion is in fact a petition that the district court invoke its civil equitable jurisdiction.” *United States v. Comprehensive Drug Testing, Inc.*, 621 F.3d 1162, 1172 (9th Cir. 2010) (*en banc*).

B. No Compelling Governmental Interest in Secrecy Justifies Keeping the Warrant Affidavit from Plaintiffs.

It is true that a person's right to see warrant application materials may be overcome, but only by a "showing of a compelling need" by the Government for temporary secrecy. *In re Up N. Plastics*, 940 F. Supp. at 233. No such circumstances are present in this case.

To justify withholding a warrant affidavit from the target of the executed warrant, the Government must show a "compelling government interest" in closure and show that secrecy is "narrowly tailored to that interest." *Id.* at 232. There must be a "showing of a compelling need to keep the contents of the affidavit secret for some reasonable period of time." *Id.* at 233. The showing may not be merely "a conclusory allegation of an ongoing investigation," but must be "a specific factual showing of how its investigation will be compromised by the release of the affidavit to the person whose property was seized." *Id.* Otherwise, "conclusory allegations" would "require the sealing of search warrants in nearly every criminal investigation." *Id.* at 234. "[S]peculative fear" is not enough. *Id.* The Court must be provided evidence allowing for "specific, on the record findings" regarding these matters, and the findings "must be specific enough to enable the appellate court to determine whether its decision was proper." *Id.*; *cf. Goff v. Graves*, 362 F.3d 543, 550 (8th Cir. 2004) ("A compelling governmental interest permits a court to take evidence under seal as long as the court makes specific findings regarding the necessity of such a step.").

No compelling interest in keeping the affidavit from Plaintiffs is present here.

First, the Government has not followed the necessary procedural steps for secrecy. The Court's local rules state that certain documents may be filed under seal without any

motion. U.S. District Ct. for the District of Minn. Local R. 49.1(c). Qualifying documents include applications for interception of electronic communications, pen register or trap-and-trace devices, a subpoena duces tecum on behalf of a criminal defendant, and various other matters. *Id.* The Rule does *not* include applications for a warrant to seize a cell phone or other property as documents qualifying to be filed under seal without court permission. *Id.* Further, the Rule requires that documents for which the court's *permission* to seal is sought must be filed under a temporary seal together with a "publicly filed motion" to seal. Local R. 49.1(d)(1)(A). No public motion to seal has been filed. Plaintiffs are unaware of the issuance of any Order sealing the affidavit materials, or how they were initially sealed or continue to be sealed. The only records relating to the Warrant available to the public in the Court's files are the docket sheet and motion papers from media seeking access to the Warrant and Warrant application materials in case no. 22-mj-00742-TNL-1. Parker Decl. ¶ 2 & Ex. 1. The Government has made no public showing of any reason to seal the Court's records related to the Warrant.

Second, even if the Government had completed the necessary procedural steps, or assuming the Court's rules permitted the Government to seal the Warrant application materials without filing a publicly accessibly motion to do so, the circumstances of this matter would preclude such a course. Here, the fact of the Government's investigation regarding Colorado has been well-publicized in media articles disclosing the existence of the investigation, the people whom the investigation concerns, and the nature of the charges being considered by the Government. Parker Decl. ¶ 3 & Ex. 2. The Warrant itself provides a list of the individuals toward whom the Government has directed its investigation and the

nature of the charges being considered, so there is no compelling need to avoid tipping off those individuals concerning the investigation. Doc. 35-1 at p.4. The Government executed the Warrant in a highly public manner in a highly public place, unconcerned whether anyone observed its detention of Mr. Lindell. Lindell Decl. ¶¶ 3-5, 13 Doc. 35-2. The Government asked Mr. Lindell, during his detention, questions concerning a broad spectrum of topics, thereby disclosing its interest in those topics. *Id.* at ¶¶ 7-8. These actions are part of the Government's broader effort to frighten people like Mr. Lindell away from advocacy related to the 2020 election with the specter of criminal sanctions. There is no serious threat of harm resulting from Plaintiffs receiving access to the Government's evidence submitted to purportedly justify issuance of the Warrant. The subject of the investigation (alleged violations of 18 U.S.C. § 1028(a)(7) (identity theft), 18 U.S.C. §1030(a)(5)(A) (intentional damage to a protected computer), and 18 U.S.C. § 371 (conspiracy to violate the preceding statutes)) do not involve violent or drug-related crime. *E.g. In re Up N. Plastics*, 940 F. Supp. at 234 ("Up North contends that, unlike the violated or drug-related crime conspiracy investigations, the government's investigation in this matter simply doesn't involve a serious threat to any likely witnesses, either by way of harassment, threats, or intimidation.").

The Government is attempting to establish an adequate showing of probable cause to seize Mr. Lindell's cell phone without allowing for any challenge of that showing by scrutiny of the information presented. This star chamber approach is not permitted in this District. *See In re Up N. Plastics*, 940 F. Supp. at 232.

Mr. Lindell's First Amendment right of free association makes it urgent that his confidential communications in association with other citizens not be intruded upon by the Government, that the ongoing violation of his rights be remedied immediately, and that his exclusive possession of the phone and the information stored upon it be immediately restored – all of which supports immediate review of the materials submitted to the Court in support of the Warrant application.

CONCLUSION

Plaintiffs request that the Court enter an Order requiring the Government to provide Plaintiffs with an opportunity to inspect and copy all materials submitted to the magistrate judge in support of the Warrant application prior to the currently scheduled hearing on October 19, 2022.

Dated: October 4, 2022

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**IN THE UNITED STATES DISTRICT COURT
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MICHAEL J. LINDELL and
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Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 22-cv-02290-ECT-ECW

**DECLARATION OF
ANDREW D. PARKER**

I, Andrew D. Parker, state the following as my declaration pursuant to 28 U.S.C. § 1746:

1. I am an attorney representing the Plaintiffs in the above-captioned action. I make this Declaration of my own personal knowledge.

2. Attached as Exhibit 1 is a true and correct copy of the PACER docket for District of Minnesota case no. 22-mj-00742-TNL-1, on October 3, 2022. The entry titled “MJ Duty Case Opening Form” is not accessible by the public. The remaining entries on the docket are motion filing documents from media non-parties seeking to unseal the search warrant materials.

3. Attached as Exhibit 2 are four media reports related to the Government’s investigation of identity theft, intentional damage to a protected computer, or conspiracy to commit identity theft and/or to cause intentional damage to a protected computer potential violations involving Tina Peters, Conan James Hayes, Belinda Knisley, Sandra Brown, Sherronna Bishop, and/or Douglas Frank, the subject of the Warrant at issue in this

case. The attached media reports are publicly accessible. The text of the reports from the media sources' internet pages as of October 4, 2022, is provided, with each report followed by the internet address at which it may be accessed.

I declare under penalty of perjury that the statements in this Declaration are true and correct to the best of my knowledge and belief.

Executed on October 4, 2022 in Hennepin County, Minnesota.

By /s/ Andrew D. Parker
Andrew D. Parker

EXHIBIT 1

U.S. District Court
U.S. District of Minnesota (DMN)
CRIMINAL DOCKET FOR CASE #: 0:22-mj-00742-TNL-1

Case title: In re: Search Warrant

Date Filed: 09/07/2022

Assigned to: Magistrate Judge Tony N. Leung

Defendant (1)

In re: Search Warrant

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Movant

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Movant

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Date Filed	#	Docket Text
09/07/2022	<u>3</u>	MJ Duty Case Opening Form. (SAE) (Entered: 09/07/2022)
09/28/2022	<u>5</u>	MOTION TO INTERVENE AND UNSEAL SEARCH WARRANT MATERIALS by Tony Webster, Minnesota Reformer in re: Search Warrant. (kt) (Entered: 09/28/2022)
09/28/2022	<u>6</u>	NOTICE OF HEARING on <u>5</u> MOTION TO INTERVENE AND UNSEAL SEARCH WARRANT MATERIALS in re: Search Warrant: Motion Hearing set for 10/18/2022 at 02:00 PM in Courtroom 9W (MPLS) before Magistrate Judge Tony N. Leung. (kt) (Entered: 09/28/2022)
09/28/2022	<u>7</u>	MEMORANDUM in Support by Tony Webster, Minnesota Reformer in re: Search Warrant re <u>5</u> MOTION TO INTERVENE AND UNSEAL SEARCH WARRANT MATERIALS. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(kt) (Entered: 09/28/2022)
09/28/2022	<u>8</u>	MEET and CONFER STATEMENT re <u>5</u> MOTION by Tony Webster, Minnesota Reformer in re: Search Warrant. (kt) (Entered: 09/28/2022)
09/28/2022	<u>9</u>	PROPOSED ORDER TO JUDGE re <u>5</u> MOTION TO INTERVENE AND UNSEAL SEARCH WARRANT MATERIALS by Tony Webster, Minnesota Reformer in re: Search Warrant.(kt) (Entered: 09/28/2022)

PACER Service Center**Transaction Receipt**

10/03/2022 10:31:35

Description:	Docket Report	Search Criteria:	0:22-mj-00742-TNL
Billable Pages:	2	Cost:	0.20

EXHIBIT 2

'Core investigation' of Tina Peters election breach complete but federal probe should continue, DA says

Rubinstein: "We have asked the United States Attorney's Office to continue its investigation"

Posted at 5:19 PM, Aug 30, 2022

and last updated 8:32 AM, Aug 31, 2022

DENVER — Mesa County District Attorney Dan Rubinstein said Tuesday that the core part of the joint investigation with the Colorado Attorney General's Office into Tina Peters' and others' [alleged election systems breaches](#) is complete and that he has asked a parallel federal investigation to continue.

Rubinstein said he and Attorney General Phil Weiser will ask a judge at Peters' arraignment, which is scheduled for Sept. 7, to set a trial date in her case and that of others who have been indicted or charged as codefendants. Rubinstein said he wanted a judge to set the "earliest possible" date for a trial for Peters.

"We have asked the United States Attorney's Office to continue its investigation into all potential perpetrators of federal crimes related to the events in Mesa County," Rubinstein said in a news release. "Attorney General Weiser and I are very aware of the need for this community to move the remaining cases through the court system."

Rubinstein's announcement comes less than a week after Mesa County Deputy Clerk and Recorder Belinda Knisley [agreed to cooperate with prosecutors and testify against Peters](#), former election manager Sandra Brown, and any other people who might potentially be charged in connection with the [May 2021 Mesa County election system security breach](#).

She pleaded guilty Thursday to three misdemeanors – criminal trespass, violation of duty, and first-degree official misconduct – in two separate cases and was sentenced, only avoiding jail because that was what the plea agreement asked for, Judge Matthew D. Barrett said.

Knisley had been [indicted alongside Peters](#) by a Mesa County grand jury in March and was charged with attempting to influence a public servant, conspiracy, violation of duty, and failing to comply with the secretary of state.

Peters was indicted on three counts of attempting to influence a public servant; one count of conspiracy to commit attempting to influence a public servant; criminal impersonation; conspiracy to commit criminal impersonation; identity theft; first-degree official misconduct; violation of duty; and failing to comply with the secretary of state.

Peters faces 11 total charges in the election tampering case.

Brown, the former elections manager who was fired for her involvement of last year's breach, [was arrested in July](#) and charged with one count of attempt to influence a public servant and two counts of criminal impersonation – all felonies.

Knisley, who was suspended on Aug. 23, 2021, and barred from performing work for Mesa County, [had participated in a proffer session](#) in early June in which she spoke with state and federal investigators for seven hours about the scheme, allegedly masterminded by Peters, to copy hard drive images of the county's election systems and allow an unauthorized man named Conan Hayes into the trusted build of the election machines with the Secretary of State's Office and Dominion Voting Systems.

What Knisley told investigators during that proffer session [led to the charges against Brown and included new details](#) about the alleged scheme and what exactly unfolded, according to court documents and what Rubinstein said in court during Knisley's hearing.

The documents said Knisley discussed "other individuals who may have various levels of criminal responsibility for the planning, preparation and/or execution" of the scheme to copy the hard drive images. Knisley told the court that she acted at the orders of Peters.

Last August, video of the trusted build and passwords for the voting systems were [posted online by right-wing conspiracy theorists](#) who sympathize with Peters' election denial efforts. The copies were posted while she was at Mike Lindell's so-called election symposium.

Federal law enforcement officials have said little about their side of the investigation since [announcing last August](#) the FBI was involved to determine if any federal crimes were committed, and as of Tuesday, no federal charges had been unsealed against those charged in district court.

In addition to the criminal case involving the [election systems breach](#), Peters also faces a [protection order violation case](#) and one involving [obstructing a peace officer](#) and obstructing government operations.

A report from the Mesa County District Attorney's Office [released in May](#) found no evidence that there was outside interference in the 2020 or 2021 elections, as Peters and the others have claimed.

<https://www.denver7.com/news/politics/core-investigation-of-tina-peters-election-breach-complete-but-federal-probe-should-continue-da-says>

FBI conducts “actions” into Tina Peters

by: Al Maulding

Posted: Nov 16, 2021 / 10:15 PM MST

Updated: Nov 16, 2021 / 10:15 PM MST

GRAND JUNCTION, Colo. ([KREX](#)) – This morning, the Federal Bureau of Investigation conducted federally-authorized law enforcement actions into potential criminal activity by employees of the Mesa County Clerk and Recorder’s Office and others associated with those employees.

The activity occurred in both Mesa and Garfield Counties at four separate locations. Investigators with the 21st Judicial District Attorney’s Office (Mesa County, Colorado) and the Colorado Attorney General’s Office assisted in the operations.

No arrests were made, and the operations are related to ongoing investigations.

In August, Peters made an appearance at “My Pillow” CEO Mike Lindell’s cybersecurity symposium as a featured speaker to share her election security concerns. There, she spoke in front of attendees, comparing the state of Colorado to Nazi Germany, and said Colorado state officials were “raiding” her office. During that time Colorado State Secretary Jenna Griswold’s office had started investigating Peters’ office after [Mesa County’s election systems passwords were posted online](#). As a result of ongoing investigations, the Secretary of State’s office removed Peters from her role of overseeing Mesa County’s November election. [Former Secretary of State Wayne Williams, and former Mesa County Clerk and Recorder Sheila Reiner](#) were appointed to oversee the upcoming election as Designated Election Officials.

[Griswold’s office is accusing Peters of allowing an unauthorized individual Gerald Wood, access to the voting equipment, and possibly passwords unique to the equipment.](#) The secretary of state also says security cameras were turned off while those individuals were in the room. Peters says the cameras were not required to be turned on and declined to comment on who Wood is, due to the ongoing investigations. What Peters does claim is that the Dominion Election Equipment is changing and deleting elections files. Peters says she captured before and after forensic images of an election hard drive. One was taken on May 23rd, prior to a scheduled trusted build on the 25th. The other, the day after on the 26th. Those are

the dates that Wood is said to have been given access to the elections equipment. The images taken on those dates were used for what she says is an [83-page forensic report](#). Peters claims the report is evidence that 29,000 elections files were deleted during the trusted build.

Secretary Griswold's office says the files that were deleted from the elections system are not required under the election code, which include items like accounting forms, certificates of registration, voter applications, spoiled ballots, and replacement ballots, among other things. The office says none of these were named in the report by Peters. Former Secretary of State and Designated Election Official Wayne Williams says those files do not impact election outcomes. Peters says every election file must be preserved.

Investigations by Mesa County District Attorney's Office, Colorado Secretary of State's Office, and the Federal Bureau of Investigation are ongoing. Peters says she will appeal the decision to remove her from overseeing Mesa County Elections, but could not comment on the investigations.

Watch the full and unedited interview here:

<https://www.westernslopenow.com/news/local-news/fbi-conducts-actions-into-tina-peters/>

Battering Ram Used In Home Search of Mesa County Clerk Supporter

BY RICK SALLINGER

NOVEMBER 19, 2021 / 8:17 AM / CBS COLORADO

GRAND JUNCTION, Colo. (CBS4) - The FBI searched four homes on Colorado's Western Slope this week, connected to an alleged breach of election security and alleged misuse of campaign funds. The door to Sharronna Bishop's Garfield County home appears that it was entered by force.

"They were yelling that this was the FBI, open the door. I took my two children into their bedroom," Bishop told CBS4's Rick Sallinger.

It was Tuesday when federal and state agents arrived with a search warrant.

Bishop recalled, "Just as we were about to open the door it flew open. They had used a ram to bust down the door."

She says the door wasn't locked. Bishop, a former campaign manager for Rep. Lauren Boebert, says she was told the search was part of a wire fraud investigation.

The same day, Republican Mesa County Clerk Tina Peters' home was searched.

Peters told CBS4 she felt she was being investigated because of how she was doing her job, "I took the initiative to investigate the 2020 election and the steps taken by the Democratic Secretary of State Jena Griswold."

Voting machine information from Mesa County somehow ended up on a public website. In August, Griswold admonished Peters.

"The Mesa County Clerk and Recorder allowed a security breach and, by all evidence at this point, assisted it," said Griswold.

Now four homes have been searched, phones and computers seized as part of a criminal investigation by the FBI, Colorado Attorney General and the Mesa County District Attorney. Bishop said she supports Peters and says she has had nothing to do with Boebert since last year.

"This is not what we do in America. We don't silence people like this. We don't shut them down because of what they are saying and we certainly don't criminalize and terrorize them, not in America," said Bishop with tears in her eyes.

The Colorado Attorney General's Office released a statement reading, "We dispute how some have characterized the law enforcement action carried out earlier this week in Mesa and Garfield Counties. This judicially authorized search was executed in a professional and lawful manner."

<https://www.cbsnews.com/colorado/news/fbi-mesa-county-clerk-tina-peters-sharronna-bishop/>

Federal warrant outlines breadth of Colorado election tampering investigation

Cyndy Koures - Sep 15

GRAND JUNCTION, Colo. (KKCO) - MyPillow CEO Mike Lindell showed viewers a copy of the search warrant and subpoena served on him earlier this week.

In less than two months, Lindell is expected to be called in front of a federal grand jury focused on election tampering in Mesa County in 2020. The subpoena states Lindell is ordered to appear November 3, 2022 in front of a federal grand jury in Grand Junction.

Lindell's one of former President Trump's strongest supporters. He has also come out in support of indicted Mesa County Clerk Tina Peters. Peters is accused in an election tampering conspiracy stemming from the 2020 presidential election.

The document lists names of people labeled identified as "subjects" in a federal investigation focused on gathering evidence in Mesa County about identity theft, intentional damage to a protected computer or conspiracy to commit either.

Among those listed – Tina Peters and two of her election clerks, Belinda Knisley and Sandra Brown. Both are accused in state court, but Knisley cut a deal with prosecutors and will testify against Peters. Peters has pleaded not guilty.

The subpoena also lists Sherronna Bishop. In November 2021, the FBI searched Bishop's house as part of the Mesa County security breach. Bishop says she managed Rep. Lauren Boebert's first run at Congress. She is also a strong supporter of Peters.

The judge signed off on agents searching for anything tied to identity fraud including discs, USB flash drives and even Lindell's cell phone.

<https://www.msn.com/en-us/news/us/federal-warrant-outlines-breadth-of-colorado-election-tampering-investigation/ar-AA11SN7q>

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

MICHAEL J. LINDELL and
MYPILLOW, INC.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 22-cv-02290-ECT-ECW

**PLAINTIFFS' MEET AND
CONFER STATEMENT**

I, Andrew D. Parker, represent Plaintiffs in the above-captioned matter. During the Court's status conference on September 30, 2022, the parties discussed whether they could agree regarding the release of the affidavits and material supporting the Warrant. The parties could not agree, and the Court indicated that Plaintiffs could if they wish bring a motion regarding the release of the material. Accordingly, the parties are unable to resolve this issue without a decision from the Court.

Dated: October 4, 2022

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Inc.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

MICHAEL J. LINDELL and
MY PILLOW, INC.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 22-cv-2290-ECT-ECW

[PROPOSED] ORDER

On consideration of the Motion to Obtain Access to Warrant Application Materials submitted by Plaintiffs Michael J. Lindell and My Pillow, Inc. the Court finds good cause to grant the Motion.

It is hereby **ORDERED** that Defendants shall

(1) Provide copies of all materials submitted to the Court in connection with the application for issuance of a warrant, in case no. 22-mj-00742-TNL-1 (D. Minn.), prior to the October 19, 2022, hearing in this action.

DATED: _____, 2022

Elizabeth Cowan Wright
United States Magistrate Judge

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**PLAINTIFFS' MOTION FOR
EXPEDITED HANDLING OF
MOTION TO OBTAIN WARRANT
APPLICATION MATERIALS**

Plaintiffs Michael J. Lindell and MyPillow, Inc., hereby move the Court to expedite the handling of Plaintiffs' Motion to obtain a copy of the materials submitted by the Defendants to the Court in application for the Warrant at issue in this matter. As stated in Plaintiffs' Motion, Plaintiffs need to see the Warrant application materials to prepare for the hearing scheduled in this matter for October 19, 2022. Plaintiffs first learned that Defendants oppose their request to receive these materials during the status conference with the Court held on September 30, 2022, and indicated that they would bring a motion to obtain the materials. They have brought their motion two business days later.

Dated: October 4, 2022

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