

U.S.

Mike Lindell Can't Get Back the Phone Seized by FBI, Judge Says

FBI agents took the device of the MyPillow CEO in September as part of a criminal investigation; the executive hasn't been charged with any crimes



A federal judge rejected MyPillow CEO Mike Lindell's request to get his phone back from the FBI.

PHOTO: ERIN SCOTT/REUTERS

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A federal judge rejected MyPillow Inc. Chief Executive Mike Lindell's motion to have his phone returned, after it was seized by the FBI in connection with a criminal investigation.

U.S. District Judge Eric Tostrud also denied on Thursday Mr. Lindell's request to bar the Federal Bureau of Investigation from using any information retrieved from the phone. Mr. Lindell's motion seeking access to the affidavit filed by federal investigators to obtain the search warrant to seize the device was also rejected.

Mr. Lindell, who hasn't been charged with a crime, said in a complaint filed in September in federal court in Minnesota that the FBI violated his constitutional rights when federal agents took his phone at a Hardee's drive-through. Mr. Lindell, who has spread false claims about voter fraud, was also questioned by agents for about half an hour about various matters, including Tina Peters, a county clerk in Mesa, Colo., according to court records.

Ms. Peters was indicted in March on charges related to her alleged involvement in a voting machine security breach. She pleaded not guilty to the charges in September and called the allegations politically motivated.

Judge Tostrud said Mr. Lindell failed to provide an adequate justification for returning the phone or blocking the FBI from using it in the course of its criminal investigation. Judge Tostrud also noted that Mr. Lindell had access to his phone's records through a backup on a cloud service.

Judge Tostrud, who reviewed the 80-page affidavit filed by the FBI to obtain the phone, said allowing Mr. Lindell to review that information would put that criminal investigation at risk. He said the affidavit includes information obtained from recorded communications, confidential informants and cooperating witnesses.

“Premature disclosure of these materials would significantly undermine the government’s ongoing criminal investigation, giving Plaintiffs (and potentially, other targets of the investigation) a window into the government’s investigation that could compromise the investigation as a whole,” Judge Tostrud wrote in his order.

Andrew Parker, a lawyer for Mr. Lindell, said they intend to appeal the court’s decision. Mr. Parker said the court-approved search warrant was overly broad and allowed investigators unfettered access to the business and personal information stored on Mr. Lindell’s phone.

The FBI’s Minnesota office and the U.S. attorney’s office in Minnesota didn’t respond to requests for comment.

Mr. Lindell has made numerous false claims that the 2020 presidential election was stolen from former President Donald Trump due to widespread fraud. No court or election authority has found widespread fraud in the 2020 election.

Dominion Voting Systems, one of the largest makers of voting machines in the U.S., sued Mr. Lindell and his company in 2021, alleging that he had defamed the company with false accusations that it had rigged the 2020 election for President Biden. MyPillow countersued but withdrew its complaint in December 2021, according to court records.

The FBI agents who surrounded Mr. Lindell’s car as he waited in the drive-through of Hardee’s fast-food restaurant in Mankato, Minn., also questioned him about Dominion.

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