

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

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December 5, 2024

The Honorable E. Martin Estrada
United States Attorney
United States Attorney's Office
Central District of California
312 North Spring Street, Suite 1200
Los Angeles, California 90012

Dear Mr. Estrada:

On October 19, 2021, the U.S. Attorney's Office for the Central District of California indicted then-United States Representative Jeff Fortenberry for allegedly making materially false statements to federal agents.¹ A California federal jury found Representative Fortenberry guilty on these charges,² and the court sentenced him to two years of probation.³ On December 26, 2023, the U.S. Court of Appeals for the Ninth Circuit reversed the conviction, holding that Representative "Fortenberry's trial took place in a state where no charged crime was committed . . .".⁴

There are serious concerns about the Department's abusive tactics in its prosecution of Representative Fortenberry.⁵ Among other concerns, Representative Fortenberry's former attorney accused the lead prosecutor of misleading him about Representative Fortenberry's status as a witness, subject, or target of the investigation and about the nature of the Department's investigation.⁶ Despite the Ninth Circuit reversing Representative Fortenberry's conviction, on May 8, 2024, the Department has indicted him again for much of the same alleged conduct in Washington, D.C.⁷ As the Committee continues to examine the politicization of the Department of Justice, we ask that you preserve all records concerning the prosecution of Representative Fortenberry in the Central District of California.

¹ *U.S. Rep. Jeff Fortenberry Charged with Scheme to Deceive Federal Investigators Probing Illegal Campaign Contributions in 2016*, Press Release, U.S. ATT'Y OFF., C.D. CA. (Oct. 19, 2021).

² *Congressman Jeff Fortenberry Found Guilty of Concealing Facts and Lying to Investigators Probing Illegal Campaign Contributions*, Press Release, U.S. ATT'Y OFF., C.D. CA. (Mar. 24, 2022).

³ Kelly Hooper, *Former Rep. Jeff Fortenberry sentenced to 2 years probation for lying to FBI*, POLITICO (June 28, 2022).

⁴ *United States v. Fortenberry*, 89 F.4th 702, 713 (9th Cir. 2023).

⁵ See Josh Gerstein, *Fortenberry indictment raises questions about the FBI's tactics*, POLITICO (Dec. 12, 2021).

⁶ *Id.*

⁷ Kyle Cheney, *Federal prosecutors reissue criminal charges against ex-Rep. Jeff Fortenberry*, POLITICO (May 9, 2024).

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This letter serves as a formal request to preserve all existing and future records and materials related to your office's investigation and prosecution of Representative Fortenberry. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

If you have any questions about these requests, please contact Committee staff at (202) 225-6906. Pursuant to the Rules of House of Representatives, the Committee on the Judiciary is authorized to conduct oversight of the Justice Department.⁸

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

⁸ Rules of the U.S. House of Representatives, R. X, 118th Cong. (2023).