IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,
v.

ANTHONY ALBENCE, in his official capacity as State Election Commissioner of the State of Delaware,

Defendant.

C.A. No. 25-cv-01453-RGA

MOTION OF LATIN AMERICAN COMMUNITY CENTER, LA ESPERANZA, DELAWARE COALITION AGAINST DOMESTIC VIOLENCE, AND JOSE MATTHEWS TO DISMISS THE COMPLAINT

The Latin American Community Center, La Esperanza, Delaware Coalition Against Domestic Violence, and Jose Matthews (together, "Intervenors"), move to dismiss the Complaint pursuant to Rule 12 of the Federal Rules of Civil Procedure for failure to state a claim for which relief may be granted. A memorandum setting forth the facts and legal argument necessary to support their motion, with exhibits attached, is being filed concurrently herewith.

The requests propounded by the U.S. Department of Justice ("DOJ") on the State of Delaware, as set forth in the Complaint, do not satisfy the core statutory requirement that any federal demand for information under the Civil Rights Act of 1960 include a disclosure of "the basis and the purpose" for the federal data request. 52 U.S.C. § 20703. Because the United States has not fully and accurately disclosed the basis and the purpose of its request for hundreds of thousands of Delawareans' sensitive personal data, and because the United States' request for this data without any redaction or protections for voters' privacy is unlawful, the United States has failed to state a claim. This Court should dismiss this action.

CONCLUSION

The Court should dismiss the Complaint.

Respectfully submitted,

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Dated: February 9, 2026

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via the Court's ECF system on all counsel of record on February 9, 2026, and will be served on Defendant in accordance with Federal Rule of Civil Procedure 5(a).

/*s/* Andrew Bernstein
Andrew Bernstein