

**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, “Proposed 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,

Theresa J. Lee\*  
Jonathan Topaz\*  
Sophia Lin Lakin\*  
American Civil Liberties Union Foundation  
125 Broad St., 18th Floor  
New York, NY 10004  
(212) 549-2500  
tlee@aclu.org  
jtopaz@aclu.org  
slakin@aclu.org

Patricia Yan\*  
American Civil Liberties Union Foundation  
915 15th St. NW  
Washington, DC 20001  
(202) 457-0800  
pyan@aclu.org

/s/ Andrew Bernstein  
Andrew Bernstein (#7161)  
100 W. 10th St. #706  
Wilmington, DE 19801  
Phone: (302) 551-6809 Ext. 119  
Email: abernstein@aclu-de.org

*Counsel for Proposed Intervenors Latin  
American Community Center, La  
Esperanza, Delaware Coalition Against  
Domestic Violence, and Jose Matthews*

\* Application for admission *pro hac  
vice* forthcoming

Dated: February 3, 2026