

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHENNA BELLOWS in her official capacity  
as Secretary of the State of Maine and the  
STATE OF MAINE,

Defendants.

Docket No. 1:25-cv-00468

**MAINE’S RESPONSE TO THE UNITED STATES’S RESPONSE TO  
NOTICE OF SUPPLEMENTAL AUTHORITY (ECF NO. 107)**

Defendants Shenna Bellows and the State of Maine file this response to the United States’ “Response to Notice of Supplemental Authority” (ECF No. 107) (“Response”). At the end of their Response, and without a formal motion, the United States for the first time sought the Court’s “leave” to send Maine a “curing elaboration letter” in lieu of dismissal of their Complaint on the merits for failure to articulate a basis for their written demand on the Civil Rights Act. *See id.* The Court should not entertain this belated attempt to evade dismissal.

Despite ample opportunity to make such a request in their opposition to the motions to dismiss or before the Court at oral argument, the United States has never done so. In fact, even the legal argument underpinning the United States’ request—that DOJ does not believe it is required to provide a “factual,” as opposed to a “legal,” basis for its records demand under the Civil Rights Act—is entirely absent from the Opposition that the United States filed in this case. *See* ECF No. 75. The United States’ request should accordingly be rejected as untimely and, insofar as it is designed to undercut the pending motions to dismiss, waived. *See, e.g., Feliciano-Hernandez v. Pereira-Castillo*, 663 F.3d 527, 536 (1st Cir. 2011) (failure to raise argument in opposition to motion to dismiss results in waiver).

Should the United States wish to send Maine an additional letter demanding records, it is of course free to do so. But the Secretary also has the right to review and respond to any such demand. The Court should not permit the United States to graft it onto existing litigation to rescue their current, legally deficient demand.

Dated: April 14, 2026

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Attorney General

/s/ Jonathan R. Bolton

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