

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:25-cv-01453-
	)	RGA
ANTHONY ALBENCE, in his	)	
official capacity as State Election	)	
Commissioner of the State of	)	
Delaware,	)	
	)	
Defendant.	)	

**DEFENDANT’S MOTION TO DISMISS**

Defendant Anthony Albence, in his official capacity as State Election Commissioner of the State of Delaware, by and through undersigned counsel, hereby moves to dismiss Plaintiff United States of America’s Complaint (D.I. 1) under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim on which relief can be granted. Consistent with L.R. 7.1.3, Commissioner Albence sets forth the grounds for dismissal in his accompanying memorandum of law.

**WHEREFORE**, the Commissioner respectfully requests this Court grant the motion and dismiss the United States’ Complaint.

Respectfully submitted,

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Ian R. Liston  
Ian R. Liston (DE Bar No. 5507)  
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Date: February 9, 2026

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