UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JUSTIN A. TAHAI, Plaintiff,
v.
PATRICK S. BEDARD, individually, Defendant.
Case No. 2:26-cv-00454-LEW

PLAINTIFF'S SPECIFIC OBJECTIONS TO THE RECOMMENDED DECISION (ECF NO. 8) AND ALTERNATIVE REQUEST FOR LEAVE TO AMEND

PRELIMINARY STATEMENT

Plaintiff Justin A. Tahai, appearing pro se, objects under 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72(b), and District of Maine Local Rule 72(c) to the November 16, 2026 Recommended Decision (ECF No. 8). He requests de novo review of the identified portions of that recommendation and, in the alternative, a meaningful opportunity to present a factually supported amended complaint.

The recommendation proposes to extinguish a federal civil-rights action at preliminary review, before service, and describes the asserted insufficiency as something that "almost goes without saying." ECF No. 8 at 2. That pronouncement, however elegantly convenient to its author, proves precisely nothing. The law is not an aristocracy of unstated certainties. An assertion does not ascend into a legal conclusion merely because it is delivered from a judicial office, and a litigant's claim does not become unworthy of explanation merely because a judicial officer considers its weakness apparent. The obligation to identify the relevant pleading, isolate the deficient element, apply the controlling standard, and address any properly presented alternative to dismissal survives every flourish of institutional confidence.

What, then, actually goes without saying? The **savagely depraved procedural antiquity** of demanding exacting obedience to a labyrinth of formalities from a self-represented litigant while permitting the institution itself to treat the explanation for terminating his constitutional claim as nearly superfluous. This is a criticism of procedural asymmetry, not a finding that any judicial

officer acted with malice or corruption. Plaintiff accepts the rigors of Twombly, Iqbal, and Dennis; he refuses only the peculiar privilege by which a court might demand specificity from the citizen while excusing itself from specifying why the citizen loses. Judicial economy cannot be enthroned as a substitute for legal method. What goes without saying is the indignity of that antiquated asymmetry. What absolutely cannot go unsaid is the law.

I. PRECISE OBJECTIONS AND STANDARD OF REVIEW

1. Plaintiff specifically objects to (a) ECF No. 8's reduction of ECF No. 3 to disagreement over a motion in limine and proposed findings, notwithstanding the sequence identified in ECF No. 3 ¶¶ 12–24; (b) its treatment of the joint-action theory under 42 U.S.C. § 1983 without a sufficiently clear distinction between ordinary representation and properly pleaded willful participation; (c) the absence of an express, separately reasoned treatment of amendment and futility; and (d) its disposition of the limited preservation and early-discovery request at ECF No. 6. These are objections to identifiable rulings and omissions, not a generalized complaint about tone. The central protest is that a federal court ought to be no less rigorous in stating the reason for rejecting a pleading than it requires the pleader to be in stating a claim.

2. Under Rule 72(b)(3), the District Judge must determine de novo the portions properly objected to and may accept, reject, modify, or return the recommendation with instructions. A recommendation is a proposal subject to independent judicial scrutiny, not a ceremonial instrument to be countersigned by force of habit. Plaintiff asks for the actual reasoning to be exposed, tested, and anchored to the actual pleading. Local Rule 72(c) governs this submission, and Local Rule 72(d) limits supplementation of the record absent permission. Plaintiff therefore asks that the existing allegations be read, not that new evidence be smuggled into the case through objections.

II. OBJECTION ONE: A TRUNCATED ACCOUNT OF THE COMPLAINT CANNOT SUPPORT A COMPLETE DISPOSITION OF IT

3. ECF No. 8 at 2 reduces the complaint to the filing of a motion in limine and the subsequent adoption of proposed findings. Those events are included, but the complaint describes more. ECF No. 3 ¶¶ 12–24 alleges a dated procedural sequence: Defendant's December 29, 2025 motion in limine concerning former guardian ad litem Glenn R. Anderson; Anderson's January 6, 2026 signed letter challenging asserted inaccuracies and identifying later appointments; the recorded January 16 hearing; Defendant's January 20 transmission of proposed orders; Plaintiff's objection before judgment; the February 11 order; and Plaintiff's later challenges to specific factual characterizations in that order.

4. These are pleaded events, not judicially established proof of a conspiracy. Plaintiff asks neither credulity nor indulgence. He asks that the Court observe the difference between an allegation, an inference, and a conclusion. A digest may abbreviate; it may not silently amputate the very allegations whose sufficiency is under review. Condemnation of an abridged version of the complaint, however swift, is not adjudication of the complaint itself.

5. The chronology matters precisely because the recommendation's compressed account makes the legal inquiry easier by making the pleaded case smaller. “Counsel filed a motion and the judge ruled for his client” is one account. The pleaded sequence of challenged representations, Anderson's contrary signed letter, a recorded hearing, proposed orders, objections before judgment, and later contested factual characterizations is another. The latter may still be legally insufficient. But if the whole sequence fails, let it fail under the law and with reasons given—not by the venerable administrative art of omitting the inconvenient parts of the question.

6. The plausibility inquiry is disciplined, not mystical. The Court must separate factual allegations from legal conclusions, accept well-pleaded facts as true for that limited purpose, and determine whether those facts plausibly support liability. Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007). Neither decision licenses a judicial shortcut by which the Court's paraphrase displaces the pleaded facts. Plaintiff accepts a reasoned adverse determination. He objects to a method that risks making the result inevitable by first narrowing what must be considered.

III. OBJECTION TWO: PRIVATE-ATTORNEY STATUS IS NOT AUTOMATIC IMMUNITY FROM A PROPERLY PLEADED JOINT-ACTION CLAIM

7. Plaintiff concedes the doctrinal threshold without reservation: private counsel does not become a state actor merely by filing an objectionable motion, submitting proposed orders, maintaining professional acquaintance, or prevailing before a judge. A civil-rights complaint cannot be sustained by dubbing an adverse outcome a conspiracy. That elementary proposition is not, however, a license to proclaim that every conceivable allegation of joint action by private counsel is legally extinct. A distinction this consequential deserves something more precise than a gesture toward obviousness.

8. Dennis v. Sparks, 449 U.S. 24, 27–29 (1980), recognizes that a private person who willfully participates in joint action with a state official may act under color of state law. Lugar v. Edmondson Oil Co., 457 U.S. 922, 941–42 (1982), addresses attribution of challenged conduct to the State. The distinction is decisive: private advocacy alone does not suffice, yet private status alone does not confer categorical immunity from a properly pleaded joint-action theory. To announce only the first half of that rule as though it consumes the second would not be judicial restraint; it would be doctrinal truncation.

9. Plaintiff does not claim to possess direct evidence of bribery, clandestine messages, ex parte communications, or an express agreement between Bedard and a judicial officer. He will not invent such evidence to decorate a complaint. The issue is whether the concrete acts actually alleged—taken together and with the necessary factual support—permit a nonconclusory inference of willful coordination beyond ordinary adversarial advocacy. If they do not, the District Judge should say which indispensable factual connection is missing. If the omission is curable by truthful amendment, the question of amendment should be decided rather than passed over in silence.

10. The difference between an inadequately pleaded theory and a legally impossible theory is elemental. The former may sometimes be cured by concrete, truthful facts; the latter cannot. Dennis keeps the legal door from being declared categorically nonexistent, while Twombly and Iqbal govern whether the facts pleaded permit entry. A federal court may find the present complaint wanting. It should not bury a curability question under the antiquated conceit that a legal result is sufficiently explained once its author has announced that everybody should already know it.

IV. OBJECTION THREE: WHAT GOES WITHOUT SAYING IS THE SAVAGELY DEPRAVED PROCEDURAL ANTIQUITY—NOT THE REASONS FOR DISMISSAL

11. Plaintiff objects to the recommendation's "almost goes without saying" formulation not as an isolated affront to etiquette, but as an illustration of the analytical concern pleaded in these objections. A litigant must state nonconclusory facts, identify actors, and meet a federal plausibility standard; a court considering dismissal must identify the defect it finds and apply the relevant law to the allegations at issue. The latter obligation does not vanish in the radiance of judicial certainty. A threshold dismissal is not a parlor trick in which a conclusion materializes from the incantation that it was always obvious.

12. What genuinely goes without saying is the **savagely depraved procedural antiquity** of a process that can demand page after page of exactitude from the unrepresented and then risk answering the dispositive question with a raised eyebrow and a nearly unspoken premise. There is something almost operatically archaic about insisting upon immaculate pleading while treating the obligation to explain the legal rejection of that pleading as beneath elaborate expression. The asymmetry does not become noble because it is ancient; the burden does not become lawful because it is routine. Plaintiff does not ask this Court to abandon standards. He asks it to apply standards without the feudal indulgence of one-sided rigor.
13. The point is not that a judicial recommendation must be lengthy. Brevity born of precision is commendable; brevity masquerading as analysis is not. Does ECF No. 3 omit any factual act plausibly attributable to a judicial participant? Does it fail to allege an agreement or coordinated conduct? Are the identified events equally or more readily explained by ordinary adversarial litigation? Is any deficiency potentially curable, or is the asserted theory legally foreclosed? Each question admits a legal answer. The phrase “almost goes without saying” supplies none of those answers and cannot, by repetition, acquire the force of one.
14. Let there be no confusion: the District Judge may reject Plaintiff's joint-action theory. The Federal Rules do not guarantee vindication, discovery, or even a second pleading in every case. They do, however, establish a method of decision. A court exercising federal judicial power is not a hereditary college of oracles whose proclamations acquire authority from the absence of explanation. If ordinary representation is all that was plausibly alleged, identify the factual gap and apply Dennis. If amendment is futile, explain the ground of futility. The law has no exception for an outcome that a judicial officer considers too evident to merit saying.

15. The jurisprudential offense is the attempted inversion of burdens: the citizen is told that no allegation may survive without meticulous factual specificity, while the sovereign institution is invited to pronounce the terminal result with nearly no corresponding specificity of its own. That imbalance is the procedural antiquity Plaintiff condemns. It is not the honor of the Court that suffers from a demand for reasons; it is the honor of adjudication that suffers when reasons are treated as an extravagant courtesy. The courthouse door may be shut by a rule, properly applied. It must not be shut by the cultivated implication that explanation is beneath the Court's time. As the Rev. Jesse L. Jackson, Sr. put it: ‘Never look down on anybody unless you're helping them up.’ The judicial office exists to administer law, not to confer upon its occupant a hereditary privilege to look down upon those seeking its protection. A father ought not to be compelled to offer what amounts to a stern fatherly talking-to in a federal pleading about the difference between lawful authority and institutional condescension. Yet here we are. When the citizen's allegations fail, identify the failure; when amendment is said to be futile, explain why. The dignity of the tribunal is not diminished by explaining the law governing a closed door. It is diminished when the obligation to explain is treated as beneath the tribunal's time.
16. Plaintiff does not allege that the quoted phrase alone proves bias, personal misconduct, or constitutional error, nor does he tender a moral maxim as an independent rule of decision. He identifies the remark as a reason to scrutinize whether the recommendation actually confronts the pleaded facts and amendment request. The objection is to judicial method, not the character of a judicial officer. Its language is severe because the proposed consequence is severe: termination of a federal claim at the threshold. Severity of advocacy does not relieve Plaintiff of Rule 11; neither does judicial impatience relieve the Court of the obligation to

decide according to law. The remedy requested remains exact: read the full complaint, apply the correct distinction, and decide amendment expressly.

V. OBJECTION FOUR: A PRE-SERVICE DISMISSAL SHOULD ADDRESS A REQUEST FOR NONFUTILE AMENDMENT INSTEAD OF LEAVING IT IN AN ANALYTICAL VOID

17. The recommendation's proposed dismissal does not separately answer the amendment-and-futility question now presented. Plaintiff does not assert an inexhaustible right to rewrite an inadequate complaint, and he will not ask discovery to manufacture missing facts. He asks the Court to determine the actual Rule 15 posture and whether any identified failure can be cured by a complete pleading consistent with Rule 11. To dispose of the lawsuit without confronting a properly presented curability issue would perpetuate precisely the procedural antiquity against which the opening objection is directed: the form of a conclusion preserved, the substance of a question unanswered.

18. The First Circuit has recognized that sua sponte dismissals without notice and a meaningful opportunity to respond or cure generally require caution, subject to the exception where futility is clear. See Brown v. Rhode Island, 511 F. App'x 4, 5 (1st Cir. 2013) (per curiam); Chute v. Walker, 281 F.3d 314, 319–20 (1st Cir. 2002); González-González v. United States, 257 F.3d 31, 37 (1st Cir. 2001). Brown applied that principle in the screening setting. Plaintiff acknowledges that a recommended decision and objections may provide an opportunity to respond; he uses that opportunity now to request a definite ruling on a nonfutile amendment, rather than assuming the existing complaint must be deemed sufficient.

19. Rule 15(a) differentiates amendment as a matter of course, when its conditions apply, from amendment by consent or leave, which should be freely given when justice requires. That

inquiry cannot be decided by the dignity of the courthouse, the litigant's lack of counsel, or the judicial officer's impatience with the claim. If necessary, Plaintiff seeks twenty-one days to tender a single, complete amended complaint identifying each allegedly responsible actor, relevant act, date, document, and factual basis for an inference of coordinated state action. Plaintiff will not adorn suspicion as fact. The Court is entitled to a pleading, not mythology; Plaintiff is entitled to an adjudication, not ceremony.

20. If no truthful amendment could plausibly allege state action, the law permits a finding of futility. Plaintiff does not contest that authority. He contests the idea that the question need never be answered. “The existing allegations are insufficient” and “no permissible amendment could cure them” are not the same proposition. The administration of justice gains nothing by leaving that distinction buried beneath a sentence announcing that the first answer almost need not be spoken.

VI. OBJECTION FIVE: PREMATURE DISCOVERY MAY BE DENIED WITHOUT CONVERTING A PRESERVATION REQUEST INTO EVIDENCE OF MERITLESSNESS

21. ECF No. 6 sought expedited preservation and limited early discovery concerning proposed-order versions, routing information, and identified source records. Plaintiff recognizes that discovery ordinarily cannot serve as a substitute for facts necessary to state a plausible complaint, and that requests for judicial deliberative materials, privileged communications, or sprawling inquiry into the family-law history would present serious independent barriers. He does not ask the Court to compel any such production merely because litigation exists.

22. A premature discovery request may be denied under the governing rules. It should not thereby be transmuted into proof that the underlying constitutional theory is frivolous or categorically unavailable. Plaintiff does not seek immediate compulsion through these

objections. If a nonfutile amended claim survives preliminary review, a properly narrowed request for nonprivileged preservation or discovery may be considered when and if procedurally appropriate. Here again, separate legal questions deserve separate legal answers; bundling them into an air of general insufficiency merely repeats the same defect in miniature.

VII. DE NOVO REVIEW MUST BE AN EXERCISE OF JUDGMENT, NOT A CEREMONY OF DEFERENCE

23. De novo review should expressly determine whether ECF No. 8 fairly confronts the entire sequence in ECF No. 3 ¶¶ 12–24; whether those allegations plausibly support joint state action, rather than merely describing adverse litigation; whether any shortfall is factual and potentially curable or legally insurmountable; and how ECF No. 6 is to be treated apart from the sufficiency of ECF No. 3. This is the work of federal pleading review. The task cannot be completed by admiring the recommendation's confidence or by borrowing its shorthand.
24. Plaintiff does not request a federal rehearing of the Maine parental-rights case or a judicial declaration that every adverse state-court action proves federal collusion. He requests review of this federal complaint under the rules governing this federal cause of action. The distinction is not a technical refuge. It is the boundary separating legally cognizable joint-action allegations from dissatisfaction with a judgment. If Plaintiff stands on the wrong side of that boundary, the District Judge should identify it with precision. If a truthful amendment could move the allegations across it, Rule 15 should be considered on its own terms.
25. An institution that demands respect for its judgments must be prepared to demonstrate the reasoning by which those judgments are reached. Respect cannot be exacted as an advance payment on an unexplained conclusion. The law does not ask a losing litigant to enjoy the result; it asks the Court to identify the rule, the facts alleged, the missing legal element, and

the reason any cure is or is not possible. No federal court is required to serve as a litigant's counsel or rescue an inadequate complaint; the distinction between explaining a judgment and supplying legal representation is elementary. The judicial function does not require reaching down to rescue a defective claim. It does require refusing to look down upon its author as though the act of reasoned explanation were an extravagant indulgence. What goes without saying is the barbarous persistence of procedural antiquity when solemn gestures are valued above intelligible decisions. What must be said—and said with enough legal precision for review—is why this particular claim fails, if fail it must. The authority of the resulting judgment will derive from that explanation, not from the assurance that an explanation was scarcely necessary.

VIII. REQUESTED RELIEF

WHEREFORE, Plaintiff respectfully requests that the District Judge:

A. Conduct de novo review under 28 U.S.C. § 636(b)(1) and Rule 72(b)(3) of the identified portions of ECF No. 8;

B. Review the full pleaded factual sequence in ECF No. 3 ¶¶ 12–24, including the December 29, January 6, January 16, January 20, and February 11 events, rather than relying solely on a compressed characterization of the claim;

C. Apply Dennis, Lugar, Twombly, and Iqbal distinctly, making clear whether the alleged facts fail to support a plausible inference of joint action or whether a legal theory is being treated as categorically unavailable;

D. Decline to adopt the recommendation's proposed dismissal without expressly addressing the applicable Rule 15 posture, Plaintiff's present request for curative amendment, and whether amendment would be futile;

E. Alternatively, allow Plaintiff twenty-one (21) days to submit a complete proposed amended complaint supported by facts properly assertable under Rule 11, for renewed preliminary consideration;

F. Deny immediate discovery if necessary without prejudice to a later, independently justified, narrowly tailored request for nonprivileged preservation or discovery if a legally sufficient claim is pleaded; and

G. Grant such other relief as the law and record permit.

Respectfully submitted,

/s/ Justin A. Tahai
Justin A. Tahai, Plaintiff, pro se

Dated: November 17, 2026