

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE

Justin A. Tahai v. Matt Pollack et al.

Tahai · No. 2:26-cv-00211-LEW · Decided May 13, 2026

SUMMARY

A United States Magistrate Judge recommends dismissal of Justin A. Tahai’s in forma pauperis complaint against the Clerk of the Maine Supreme Judicial Court and unidentified state court employees. The complaint alleges that he was denied meaningful appellate review in a child custody matter because he could not afford a transcript. The recommended decision concludes that the requested relief is barred by sovereign immunity and that Tahai lacks standing to seek prospective injunctive relief based on speculative future harm.

CASE DETAILS

COURT	United States District Court for the District of Maine
WRITING FOR THE COURT	Karen Frink Wolf
JURISDICTION	United States District Court for the District of Maine
DECIDED	May 13, 2026
DOCKET	2:26-cv-00211-LEW
DISPOSITION	other
PROCEDURAL POSTURE	Recommended decision after preliminary review of an in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	Preliminary screening under 28 U.S.C. § 1915(e)(2)(B); the court must dismiss an in forma pauperis action that is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. A party may seek de novo review of specified objections under 28 U.S.C. § 636(b)(1)(B).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Justin A. Tahai v. Matt Pollack et al.

TOPICS

- sovereign immunity
- eleventh amendment immunity
- standing
- injunctions
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Ex parte Young exception to Eleventh Amendment sovereign immunity permits a plaintiff to obtain declaratory relief against state officials for alleged constitutional violations that occurred in the past.
2. Whether a plaintiff who alleges only past harm and speculates about a possible future appeal has standing to seek prospective injunctive relief under Ex parte Young.
3. Whether the complaint should be dismissed during preliminary review under 28 U.S.C. § 1915(e)(2)(B).

HOLDINGS

1. The Ex parte Young exception to sovereign immunity does not permit a declaration that state officials violated federal rights in the past; it applies only when the alleged violation of federal law is ongoing.
2. Past constitutional injury, without a sufficient likelihood of a similar future injury, does not establish standing to seek prospective injunctive relief.
3. The complaint should be dismissed under 28 U.S.C. § 1915(e)(2)(B) because the requested relief is barred by sovereign-immunity principles and the plaintiff lacks standing for prospective injunctive relief.

KEY QUOTATIONS

“The lingering effects of [a] discrete past action do not convert it into an ongoing violation.”

“To justify an injunction when the incident now lies in the past, there must be a real and immediate threat of future legal violations rather than an abstract or conjectural one.”

FACTUAL BACKGROUND

Tahai alleged that he was unable to pursue an appeal from a state trial-court child-custody decision because he could not afford the underlying transcript and was not provided a timely and practical substitute record. He sued the Maine Supreme Judicial Court clerk and unidentified state court employees in their official capacities, seeking a declaration that his constitutional rights had been violated and a prospective injunction requiring access to an adequate appeal record without prohibitive prepayment.

PROCEDURAL HISTORY

Tahai was granted leave to proceed in forma pauperis and filed a complaint against state court officials alleging due process and access-to-court violations arising from his inability to obtain a transcript or adequate substitute record for an appeal in a child-custody matter. The magistrate judge recommended that the district court dismiss the complaint under 28 U.S.C. § 1915(e)(2)(B), subject to objections and de novo review by the district court.

DISPOSITION

other

CASES CITED

- Ex parte Young, 209 U.S. 123 (1908)
- Cotto v. Campbell, 126 F.4th 761, 768 (1st Cir. 2025)
- K.A. v. Barnes, 134 F.4th 1067, 1075-76 (10th Cir. 2025)
- Merritts v. Richards, 62 F.4th 764, 771-72 (3d Cir. 2023)
- Asociación de Periodistas de P.R. v. Mueller, 680 F.3d 70, 84-85 (1st Cir. 2012)

OPINION

TAHAI

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

JUSTIN A. TAHAI,)

) Plaintiff)) v.) No. 2:26-cv-00211-LEW) MATT POLLACK et al.,)) Defendants)

RECOMMENDED DECISION AFTER PRELIMINARY REVIEW

Because I granted Justin A. Tahai’s application to proceed in forma pauperis (IFP), see ECF No. 4, his complaint (ECF No. 1) is now before me for preliminary review, see 28 U.S.C. § 1915(e)(2)(B) (providing that a court must, after granting IFP status, “dismiss the case at any time if” it determines that the action “is frivolous or malicious[,] . . . fails to state a claim on which relief may be granted,” or “seeks monetary relief against a defendant who is immune from such relief”). Tahai brings due process and access to court claims against Matt Pollack, in his official capacity as Clerk of the Maine Supreme Judicial Court, and two unidentified defendants in their official capacities as state court employees. See Complaint at 1-2. Tahai alleges that he was stymied in his attempt to appeal a state trial court decision in a child custody matter because he could not afford to pay for a transcript of the underlying proceedings and was not provided “a timely and practical substitute record sufficient for effective appellate review.” Id. at 1-3. He seeks, under Ex parte Young, 209 U.S. 123 (1908), a declaration that his constitutional rights were violated and a prospective injunction requiring the “Defendants to provide [him], without prohibitive prepayment, a usable appeal record, including the audio or electronic recording and any constitutionally adequate substitute necessary for meaningful review.” Id. at 4-5. Tahai’s complaint is subject to dismissal. Even if the Defendants previously violated Tahai’s constitutional rights, the Ex parte Young exception to sovereign immunity may not be used to obtain a declaration that state officials have violated a plaintiff’s federal rights in the past. See Cotto v. Campbell, 126 F.4th 761, 768 (1st Cir. 2025) (“Because the Ex parte Young exception is intended to balance Eleventh Amendment concerns with the supremacy of federal law, it only applies in cases in which a

violation of federal law by a state official is ongoing as opposed to cases in which federal law has been violated at one time or over a period of time in the past.” (cleaned up)); *K.A. v. Barnes*, 134 F.4th 1067, 1075 (10th Cir. 2025) (noting that “retrospective” requests for declaratory relief against state officials “do not fall within the *Ex parte Young* exception to sovereign immunity” and are therefore barred by the Eleventh Amendment).¹ 1 Tahai asserts in a conclusory way that the alleged constitutional violations are “ongoing” and “continuing,” but does not explain how this is so when, by his own description, the appeal at issue “was concluded” by March 20, 2026. Complaint at 3-4. To the extent he suggests that the alleged violations have lingering effects on him, that is not enough to show ongoing violations. See, e.g., *Merritts v. Richards*, 62 F.4th 764, 771-72 (3d Cir. 2023) (“[F]or the *Ex parte Young* exception to apply, there must be both an ongoing violation of federal law and a request for relief that can be properly characterized as prospective. . . . The lingering effects of [a] discrete past action do not convert it into an ongoing violation.”). Similarly, the past constitutional violations alleged by Tahai do not give him standing to seek prospective injunctive relief where he only speculates that he might suffer the same harm in a future appeal. See Complaint at 4 (questioning “whether Defendants may continue to administer transcript, audio, and appeal-record procedures in a manner that denies Plaintiff meaningful review”); *Asociación de Periodistas de P.R. v. Mueller*, 680 F.3d 70, 84-85 (1st Cir. 2012) (“To justify an injunction when the incident now lies in the past, there must be a real and immediate threat of future legal violations rather than an abstract or conjectural one. . . . Any past harm that [the plaintiffs] allegedly suffered does not by itself entitle them to obtain equitable relief absent a sufficient likelihood that they will again be wronged in a similar way.” (cleaned up)); *Barnes*, 134 F.4th at 1075-76 (holding that a plaintiff lacked standing to pursue prospective injunctive relief under *Ex parte Young* because she failed to allege a nonspeculative anticipated injury that would justify such relief). This is especially so where the state court appellate rules explicitly provide a process for indigent civil litigants to file an “electronic recording or statement of the evidence in lieu of a transcript.” Me. R. App. P. 5(b)(2)(B)(iii). For these reasons, I recommend that the Court DISMISS Tahai’s complaint pursuant to 28 U.S.C. § 1915(e)(2)(B).

NOTICE

A party may file objections to those specified portions of a Magistrate Judge’s report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which de novo review by the District Court is sought, together with a supporting memorandum, within fourteen

(14) days after being served with a copy thereof. A responsive memorandum shall be filed within fourteen (14) days after the filing of the objection. Failure to file a timely objection shall constitute a waiver of the right to de novo review by the District Court and to appeal the District Court’s order. Dated: May 13, 2026 /s/ Karen Frink Wolf United States Magistrate Judge

