

1 Johnny Sinodis (CA Bar #290402)
2 Oona Cahill (CA Bar #354525)
3 Van Der Hout LLP
360 Post St., Suite 800
4 San Francisco, CA 94108
Telephone: (415) 981-3000
5 Facsimile: (415) 981-3003
jsin@vblaw.com

6 Attorneys for Petitioner-Plaintiff
John DOE

7 UNITED STATES DISTRICT COURT
8
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10
11 SACRAMENTO DIVISION

11 John DOE,

12 Petitioner-Plaintiff,

13 v.

14
15 MOISES BECERRA, Acting Field Office
16 Director of Sacramento Office of Detention and
17 Removal, U.S. Immigrations and Customs
18 Enforcement; U.S. Department of Homeland
19 Security;

20 Caleb VITELLO, Acting Director, Immigration
21 and Customs Enforcement, U.S. Department of
22 Homeland Security;

23 Kristi NOEM, in her Official Capacity,
24 Secretary, U.S. Department of Homeland
25 Security; and

26 Pam BONDI, in her Official Capacity, Attorney
27 General of the United States;

28 Tonya ANDREWS, in her Official Capacity,
Facility Administrator at Golden State Annex,
McFarland, California;

Respondents-Defendants.

Case No. 2:25-cv-00647-DJC-DMC

**PETITIONER'S REPLY IN
SUPPORT OF MOTION TO
PERMIT PETITIONER TO
PROCEED UNDER
PSEUDONYM; AND REPLY IN
SUPPORT OF REQUEST TO
PLACE FILINGS UNDER
SEAL**

1 **I. INTRODUCTION.**

2 Petitioner, Mr. Doe, through undersigned Counsel, hereby submits this Reply in support
3 of his Motion to Permit Petitioner to Proceed Under Pseudonym and his Request to Place Filings
4 Under Seal. ECF Nos. 4, 5.

5 **II. MR. DOE HAS MET HIS BURDEN TO ESTABLISH (1) THAT HE IS**
6 **ENTITLED TO PROCEED UNDER A PSEUDONYM AND (2) THAT ALL**
7 **FILINGS SHOULD BE UNDER SEAL.**

8 As the Court ordered, all filings in this matter should be under pseudonym until the Court
9 rules on Mr. Doe’s Motion to Proceed Under a Pseudonym. ECF Nos. 3, 7. Mr. Doe objects to
10 Respondents’ refusal to comply with this Court’s order by naming him in their opposition and
11 submitting exhibits revealing his identity, and respectfully requests that the Court (1) remove the
12 documents naming him from the docket, (2) order Respondents to re-file their opposition using
13 his pseudonym, and (3) order Respondents to redact his name and identity in any exhibits.

14 Mr. Doe’s Motion to Proceed Under Pseudonym, ECF No. 3, overwhelmingly establishes
15 that these proceedings should be anonymous to protect his safety and that of his family. Despite
16 Respondents’ contention that this Court’s Local Rules establish immigration cases are sealed,¹
17 any order of the Court typically is not. As explained in Mr. Doe’s Motion, ECF No. 3 at 2, the
18 [REDACTED] has surveilled and targeted people all over the world, including in the United
19 States. *See also* ECF No. 2 at 2, 14, 15-16. Respondents do not dispute this, nor do they dispute
20 that nothing would prevent [REDACTED] officials from viewing orders of this Court, identifying Mr.
21 Doe’s location, and targeting him for harm. Furthermore, Respondents have not identified any
22 harm the government would suffer if the Court permits Mr. Doe to proceed under pseudonym—
23 because none exists. Mr. Doe’s private interest—protecting him and his family from a well-

24 ¹ This contention also does not appear accurate. It is unclear which local rule Respondents
25 believe seals immigration cases. *Compare* ECF No. 8 at n.1, with E.D. Cal. Local Rules (no
26 provisions specific to immigration cases). The Eastern District of California’s website provides
27 that civil immigration cases are *restricted*, but are *not sealed*, and that restricted documents in
28 civil immigration cases are “viewable at the Clerk’s Office public terminals.” E.D. Cal.,
Restricted Cases, available at <https://www.caed.uscourts.gov/caednew/index.cfm/cmecf-e-filing/viewing-restricted-documents/> (emphasis added).

1 documented risk of severe harm—outweighs any interest the public has in knowing his identity.
2 *See Does I thru XXIII v. Advanced Textile*, 214 F.3d 1058, 1067 (9th Cir. 2000).

3 Potential “retaliation from a foreign government is recognized by the Ninth Circuit and
4 other district courts as a sufficient basis to proceed anonymously.” *Doe v. USCIS*, 2021 WL
5 1907562 (E.D. Cal. May 12, 2021) (quoting *Poozesh v. Pompeo*, No. 119CV01466LJOSKO,
6 2019 WL 6052363, at *2 (E.D. Cal. Nov. 15, 2019) (citing *Does I thru XXIII*, 214 F.3d at
7 1063 (considering possible retaliation by the Chinese government against Chinese national
8 plaintiffs residing in Saipan and their family members residing in China as supporting the use of
9 pseudonyms)); *see also International Refugee Assistance Project v. Trump*, No. TDC-17-0361,
10 2017 WL 818255, at *2–3 (D. Md. Mar. 1, 2017) (“Potential retaliatory physical or mental harm
11 against individuals in another country can form the basis for permitting plaintiffs to use
12 pseudonyms.”); *Doe v. U.S. Dep’t of State*, No. 1:15-cv-01971, 2015 WL 9647660, at *3
13 (D.D.C. Nov. 3, 2015) (granting motion to proceed pseudonymously due to proffer that
14 “potential litigation that reveals his work with U.S.-led reconstruction efforts in Iraq will expose
15 him and his family to life-threatening danger.”). As Mr. Doe highlights, courts have granted
16 motions to file pseudonymously as related to asylum proceedings. *See Al Otro Lado, Inc. v.*
17 *Nielsen*, No. 17-CV-02366-BAS-KSC, 2017 WL 6541446, at *8 (S.D. Cal. Dec. 20,
18 2017) (“Here, the Individual Plaintiffs raise claims of a ‘systematic, illegal practice’ by [CBP] of
19 denying certain asylum seekers access to the U.S. asylum system ... [t]he identity of the
20 Individual Plaintiffs is irrelevant to the legal merits of these claims, the resolution of which will
21 be in full view of the public [and] the Court concludes that the public interest is best served by
22 permitting the Individual Plaintiffs to proceed pseudonymously.”); *Doe v. Risch*, 398 F.Supp.3d
23 647 n.1 (N.D. Cal. 2019)).

24 Mr. Doe’s interest in privacy is underscored by fact that the U.S. government’s own
25 regulations have enacted heightened confidentiality protections for asylum applicants. 8 C.F.R. §
26 208.6 (providing that information contained in an asylum application and any other records that
27 indicate that a specific individual has applied for asylum shall not be disclosed without written
28

1 consent from the applicant). Here, Respondents are bound by 8 C.F.R. § 208.6. Mr. Doe does not
2 consent to the disclosure of his name or the details of his asylum claim in this proceeding. He
3 should therefore be permitted to proceed under pseudonym and to have all documents filed in
4 this matter under seal. *See Doe*, 2021 WL 1907562, at *4 (finding compelling reasons were
5 demonstrated to require all filings to be placed under seal where petitioner indicated possible
6 retaliation by the Yemeni government); *see also Poozesh*, 2019 WL 6052363, at *2 (compelling
7 reasons were established given potential retaliation from the Iranian government).

8 **iii. CONCLUSION.**

9 For all the above reasons, this Court should permit Mr. Doe to proceed under pseudonym
10 and should further order that all filings in this matter be placed under seal.

11
12 Dated: February 28, 2025

Respectfully submitted,

s/Johnny Sinodis

Johnny Sinodis

Oona Cahill

Attorneys for Petitioner