LAWYERS' COMMITTEE FOR CIVIL RIGHTS
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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN DOE,

Petitioner,

v.

TONYA ANDREWS, Facility Administrator of Golden State Annex Detention Facility, ORESTES CRUZ, in his official capacity, Director for the San Francisco ICE Field Office; KRISTI NOEM, in her official capacity, Secretary of the Department of Homeland Security; TODD LYONS, in his official capacity, Acting Director U.S. Immigration and Customs Enforcement; and PAMELA BONDI, in her official capacity, Attorney General of the United States,

Respondents.

PETITIONER'S ADMINISTRATIVE MOTION TO PROCEED UNDER PSEUDONYM

INTRODUCTION

Pursuant to Local Rule 233, Petitioner presents this administrative motion for leave to proceed in this litigation under the pseudonym "John Doe." Petitioner is an asylum seeker, who fled persecution in Belize at the hands of high-ranking members of the national police force. He seeks to litigate the instant lawsuit under a pseudonym to prevent persecutors from connecting the facts in this litigation—including his current location—to his true identity.

Suit has just commenced on Petitioner's challenge to his prolonged detention, nonetheless Petitioner, by and through undersigned counsel, attempted to ascertain Respondent's position on this administrative motion. On the day of the Petition's filing, March 19, 2025, Petitioner contacted the United States Attorney's Office for the Eastern District of California, which typically represents Respondents in immigration habeas petitions in this District, to explain Petitioner's need to proceed pseudonymously and to request their position on the issue. The following day, undersigned counsel reached out a second time but has not received a response. Thus, Respondents have not indicated a position on this motion.

In any event, Petitioner easily meets the Ninth Circuit's standard for proceeding under pseudonym. Petitioner respectfully requests that the Court grant this motion.

FACTUAL BACKGROUND

Petitioner has been civilly incarcerated by Immigration and Customs Enforcement ("ICE") at Golden State Annex – a for-profit detention facility owned and operated by The Geo Group, Inc. ("GEO") – since July 2024 without a bond hearing. He filed a habeas petition before this Court to remedy his prolonged and baseless detention without a bond hearing in violation of his due process rights. Dkt. 1 (filed Mar. 19, 2025). Petitioner is in immigration court proceedings seeking asylum due to persecution he faced in Belize for exposing corruption and drug trafficking in the Belize Police Department, the national police force. He fears further persecution and torture

from Belize government officials or agents, should his true identity be disclosed in connection with this Action.

ARGUMENT

"The Ninth Circuit permits parties to proceed anonymously 'in special circumstances when the party's need for anonymity outweighs prejudice to the opposing party and the public's interest in knowing the party's identity.'" *Publius v. Boyer-Vine*, 321 F.R.D. 358, 361 (E.D. Cal. 2017) (quoting *Doe v. Kamehameha Sch./Bernice Pauahi Bishop Est.*, 596 F.3d 1036, 1068 (9th Cir. 2010)). A litigant may proceed under a pseudonym where "anonymity is 'necessary . . . to protect a person from . . . injury.'" *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067–68 (9th Cir. 2000) (citation omitted). A "fear of retaliatory harm" can suffice to meet the standard. *Doe v. UNUM Life Ins. Co. of Am.*, 164 F. Supp. 3d 1140, 1144 (N.D. Cal. 2016). Anonymity is proper where the litigant faces "greater threat[s] of retaliation" than a typical plaintiff. *Advanced Textile*, 214 F.3d at 1070 (cleaned up).

Petitioner meets the Ninth Circuit's *Advanced Textile* standard to proceed under pseudonym because he has a reasonable fear of severe retaliatory harm if his identity is made public, and because these privacy interests are not outweighed by competing interests.

I. Petitioner has a reasonable fear of retaliatory harm if his identity is made public.

The law recognizes the compelling need to protect asylum-seekers' anonymity. While immigration courts are ordinarily open to the public, there is a special rule that closes asylum proceedings to the public. Similarly, Department of Homeland Security and Department of Justice regulations bar the disclosure of records indicating that a non-citizen has applied for asylum. 8 C.F.R. § 208.6(b); 8 C.F.R. 1208.6(b).

Courts are equally protective. The Federal Rules of Civil Procedure presume that "sensitive information" is "prevalen[t]" in immigration cases. Fed. R. Civ. P. 5.2 & cmt. c. Even where the civil litigation does not directly touch upon the asylum application, courts in this Circuit allow asylum seekers to litigate under a pseudonym. *See, e.g.*, *Doe v. Risch*, 398 F. Supp. 3d 647, 647 n.1 (N.D. Cal. 2019); *E.P.E. v. United States*, No. 24-CV-0312-AGS-MSB, 2024 WL 2278353, at *2 (S.D. Cal. May 20, 2024). This practice is the same throughout the federal courts, which allow asylum seekers to proceed anonymously to protect their identities from disclosure to potential persecutors. *See, e.g.*, *Anim v. Mukasey*, 535 F.3d 243, 253 (4th Cir. 2008); *Doe v. Gonzales*, 484 F.3d 445, 446 (7th Cir. 2007); *Doe v. U.S. INS*, 867 F.2d 285, 286 n.1 (6th Cir. 1989); *Asylumworks v. Wolf*, No. 1:20-CV-03815, 2020 WL 13460835, at *3 (D.D.C. Dec. 23, 2020); *A.B.T. v. USCIS*, No. 2:11-CV-02108 RAJ, 2012 WL 2995064, at *5 (W.D. Wash. July 20, 2012) ("[T]here exists a strong public interest in restricting asylum seekers' identities from the public."). Beyond the asylum context and even in the absence of a motion, the Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that judicial opinions on civil cases involving sensitive immigration information "us[e] only the first name and last initial of any nongovernment parties." Hon. William Terrell Hodges, *Memorandum RE: Privacy Concern Regarding Social Security and Immigration Opinions*, Committee on Court Administration and Case Management of the Judicial Conference of the United States, https://www.uscourts.gov/sites/default/files/18-ap-c-suggestion_cacm_0.pdf (last visited October 27, 2020).

Petitioner falls squarely into the class of people for whom courts allow identity protection through pseudonyms. The Petition reveals sensitive information regarding the bases for Petitioner's asylum claim, his current location, and other personal information, that would then be accessible to the public, and by extension, to his persecutors in Belize. Therefore, if Petitioner's

identity is associated with this suit, his persecutors will potentially be able to find and harm him in the United States, as well as family members that he has in Belize. Under these circumstances, Petitioner has a reasonable fear of suffering harm if his identity is disclosed in the proceedings before this Court.

II. Petitioner's privacy interests outweigh competing interests.

Granting this motion will not prejudice Respondents. Undersigned counsel already has disclosed Petitioner's full name and Alien Registration number to Respondents. This disclosure was non-public. Petitioner's counsel also will provide the Court with his true full name under whichever procedure the Court may direct.

Far from harming any public interests, permitting Petitioner to proceed under pseudonym in this matter advances relevant public interests. Because Petitioner's identity is not critical to the instant lawsuit, which asks the Court to answer a concrete legal question regarding the constitutionality of his continued detention without a bond hearing, "[a]nonymity . . . does not in this case threaten the principle of open courts." *Jane Roes 1–2 v. SFBSC Mgmt.*, LLC, 77 F. Supp. 3d 990, 996 (N.D. Cal. 2015); *see Advanced Textile*, 214 F.3d at 1072 n.15 ("For instance, the question whether there is a constitutional right to abortion is of immense public interest, but the public did not suffer by not knowing the plaintiff's true name in *Roe v. Wade*"). Thus, applying the *Advanced Textile* standard, this Court should grant Petitioner leave to proceed under the pseudonym, John Doe.

CONCLUSION

For the reasons set forth above, Petitioner respectfully requests that this Court grant him leave to proceed in this litigation under a pseudonym.

Dated: March 21, 2025 By: */s/ Victoria Petty*
Victoria Petty

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