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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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| JOHN DOE,<br><br>Petitioner,<br><br>v.<br><br>U.S. ATTORNEY GENERAL BONDI, ET AL.,[1]<br><br>Respondents. | CASE NO. 1:25-CV-00333-JLT-HBK<br><br>OBJECTION TO ADMINISTRATIVE MOTION TO PROCEED BY PSEUDONYM |

On 1/22/2025, Petitioner filed for relief under 28 U.S.C. § 2241. ECF 1. In furtherance of his § 2241 petition, Petitioner demanded to proceed under the pseudonym "John Doe". As set forth herein, Respondent is opposed to use of a pseudonym.

**DISCUSSION**

In support of his demand to proceed anonymously (in proceedings under § 2241 collateral to his immigration court removal proceedings), Petitioner — a non-citizen alien who unlawfully entered the

[1] Respondent moves to strike and to dismiss all unlawfully named officials under § 2241. A petitioner seeking habeas corpus relief is limited to name only the officer having custody of him as the respondent to the petition. *Riego v. Current or Acting Field Office Director,* Slip Op., 2024 WL 4384220, (E.D. Cal. Oct. 3, 2024) (ordering § 2241 petitioner, a non-citizen alien, to file a motion to amend his petition to "name a proper respondent" and setting forth that "[f]ailure to amend the petition and state a proper respondent will result in dismissal of the petition for lack of jurisdiction"). *See also* 28 U.S.C. § 2242; *Rumsfeld v. Padilla,* 542 U.S. 426, 430 (2004); *Ortiz-Sandoval v. Gomez,* 81 F3rd 891, 894 (9th Cir. 1996). *Doe v. Garland,* 109 F.4th 1188, 1197 (9th Cir. 2024).

United States[2] — claimed he is also wanted for criminal activity in his country of origin (Belize). Indeed, Petitioner admitted that he is wanted for commission of crimes in Belize. ECF 1 at 8. Additionally, Petitioner conceded, also as a matter of fact, that he has taken unlawful flight (from his country of origin) to avoid prosecution for the extant criminal charges against him. *Id.* ECF 4 at 2.

Against this background, Petitioner has offered zero evidence — besides a waxing and inflated narrative — to support his claim that his country of origin is seeking to oppress him, and to torture him or, as he otherwise characterized, politically persecute him. *See generally* ECF 1, ECF 4 at 2-3. In other words, Petitioner merely claimed, without evidence, that he left his country of origin (Belize) fearing political persecution "at the hands of high-ranking members of the national police force." ECF 4 at 2. At conspicuous contradiction to his claim of political persecution in Belize, Petitioner conceded that he abandoned his wife and three children in Belize, *i.e.*, leaving them to face torture or so-called persecutive or otherwise oppressive circumstances in Belize. ECF 1 at 7-8.

First, this EDCA court-of-custody should bar Petitioner's motion for leave to use a pseudonym. On its face, such pseudonym use is contrary to the general rule that anonymity via monikers interferes with the public's strong common law right of access to judicial proceedings and conflicts with Federal Rule of Civil Procedure 10. *See Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000). *Accord Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 188–89 (2d Cir. 2008) (recognizing Fed. R. Civ. P. 10(a) "serves the vital purpose of facilitating public scrutiny of judicial proceedings and therefore cannot be set aside lightly"). The federal courts have well recognized that the use of pseudonyms in place of the true identities of the parties "runs afoul of the public's common law right of access to judicial proceedings ... a right that is supported by the First Amendment." *Doe v. Del Rio*, 241 F.R.D. 154, 156 (S.D.N.Y. 2006) (citing Fed. R. Civ. P. 10 (a)'s requirement that proceedings, including the title of the complaint, must properly name all parties).

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[2] For his surreptitious entry into the United States (including attempting to by-pass inspection personnel), Petitioner was detained for expedited removal. In fact, as an unlawful entrant to the United States, his detention was and remains mandatory. 8 U.S.C. § 1225(b)(1)(B)(ii); INA § 235(b)(1)(B)(ii) (an alien placed in expedited removal who demonstrates a credible fear "shall be detained for further consideration of the application for asylum"). *See Jennings v. Rodriguez*, 583 U.S. 281, 297-303 (2018) (citing § 1225(b)(1)(B)(ii) requirement that asylum applicants "shall be detained for further consideration of the application for asylum" and holding that the period of detention shall extend to resolution of the asylum application).

Second, Petitioner has failed his burden to show necessity to proceed by pseudonym. Petitioner — who indicated he is of renown and prominence in Belize for exposition of corruption — has failed to establish anonymity is necessary in the United States because (1) he is at risk of retaliatory physical or mental harm in civil custody in the United States, (2) he has a unique personal privacy concern rising to a highly sensitive and grave nature, and, (3) since he claimed no commission of criminal or illegal conduct (*i.e.*, that he is innocent), there is no risk of further criminal prosecution. *Does I thru XXIII,* 214 F.3d at 1068. *See e.g., Singh v. Scott, Slip Op.,* 2024 WL 3694238 (Aug. 7, 2024, W.D. Wash.) (denying § 2241 petitioner (proceeding collaterally to his immigration court removal proceedings), as in this case, leave to proceed by pseudonym for failure to establish risk of retaliatory harm, personal privacy concern, and risk of admission of criminal liability under *Does I thru XXIII*).

Further, here, there is no "need to shield" Petitioner's identity. In this case, Petitioner has offered no evidence of threatened harm to Petitioner (in the United States or in Belize) and there is no evidence of Petitioner having a unique vulnerability. Indeed, Petitioner conceded he broadcast his identity and revelations of police corruption to a reporter. ECF 1 at 8.

Moreover, Petitioner's incredible claim of valor and of sacrifice to help persons in Belize to be free of corruption (and his unsubstantiated claim of so-called persecutive reprisal) apparently does not extend to his own family. To the contrary, Petitioner (who is in the United States without evidence of threat of harm from the long reach of corrupt Belize officials), apparently is without fear of consequence to his wife and his family (who he simply abandoned to so-called political persecutors in his country of origin).

In sum, Petitioner, as the party seeking to overcome the strong presumption in favor of public access, has failed his burden to "articulate[ ] compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure." *See Kamakana v. City and County of Honolulu,* 447 F.3d 1172, 1178-79 (9th Cir. 2006). *See also Doe v. Deschamps,* 64 F.R.D. 652, 653 (D. Mont. 1974) ("[T]he public has a right of access to the courts. Indeed, lawsuits are public events, and the public has a legitimate interest in knowing the facts involved in them. Among those facts is the identity of the parties.").

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And third, Petitioner's demand to proceed by pseudonym is superfluous. By Fed. R. Civ. P. 5.2 and local rule, public access to this § 2241 matter — collateral to removal proceedings in immigration court — is already restricted. *See also* 8 C.F.R. § 208.6 (regarding disclosure of information related to asylum applications). *See generally Anim v. Mukasey,* 535 F.3d 243, 253 (4th Cir. 2008).

Dated: April 1, 2025

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