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14	IN THE UNITED STATES DISTRICT COURT	
15	EASTERN DISTRICT OF CALIFORNIA	
16	VOIL	CAGENO 1 OF CV 425 VEG CVO
17	Y.G.H., Petitioner-Plaintiff,	CASE NO. 1:25-CV-435-KES-SKO
18	v.	REPLY IN SUPPORT OF REQUEST TO SEAL GOVERNMENT'S DECLARATION
19	DONALD J. TRUMP, et al.,	
20	Respondents-Defendants	
21		TRODUCTION
22	Respondents-Defendants ("Respondents") move to seal the documents concurrently filed with the	
23	Declaration of Yousuf Khan. The declaration contains law enforcement sensitive information. Th	
24	compelling need for continued secrecy of law enforcement sensitive information combined with th	
25	potential for prejudice against Respondents by public disclosure of the documents outweighs the publi	
27	interest in the declaration's disclosure. This Court should seal the declaration and the accompanying	

28 request, opposition and reply.

## II. ARGUMENT

Courts have a "solemn duty" to guard the "public's right of access" to judicial records and preserve the "public's faith in our judicial system." *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 420–21 (5th Cir. 2021). But "the right to inspect and copy judicial records is not absolute. Every court has supervisory power over its own records and files, and access has been denied where court files might have become a vehicle for improper purposes." *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978). This Court must "scrupulously examine each document sought to be sealed," undertaking a "'document-by-document, 'line-by-line' balancing of 'the public's common law right of access against the interests favoring nondisclosure," *June Med. Servs., LLC v. Phillips*, 22 F.4th 512, 521 (5th Cir. 2022) (quoting *Binh Hoa Le*, 990 F.3d at 419). Sealing information is permitted when there is a compelling governmental interest and the seal is narrowly tailored to protect that interest. *Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 606–07 (1982). Courts have found compelling governmental interests in sealing information where disclosing that information could thwart law-enforcement efforts and endanger those involved in law-enforcement operations. *See United States v. Brown*, 447 F. Supp. 2d 666, 670–71 (W.D. Tex. 2006).

Here, Respondents seek an extremely narrow seal to a declaration. See Globe Newspaper Co., 457 U.S. at 606–07; Brown, 447 F. Supp. 2d at 670–71. Because Respondents seek a targeted seal on a specific document whose disclosure could lead to identifiable harms, Respondents have identified sufficiently compelling interests to outweigh the starting presumption of disclosure.

Although the public has "had access to the overall subject of this suit," it has never had access to the specific, sensitive information in the declaration at issue. See Monbo v. United States, Civil Action No. 23-2425 (JEB), 2023 WL 7129866, at \*2 (D.D.C. Sept. 7, 2023). That the United States has moved to seal the documents "weighs in favor of [Respondents'] motion" to seal. Zapp v. Zhenli Ye Gon, 746 F. Supp. 2d 145, 149 (D.D.C. 2010). The privacy interests inherent in intelligence reports are even weightier. See, e.g., United States v. Hubbard, 650 F.2d 293, 315–16 (D.C. Cir. 1980) ("The public has in the past

been excluded, temporarily or permanently, from court proceedings or the record of court proceedings to protect private as well as public interests: [e.g.,] to guard against risks to national security interests . . . . ").

Disclosure could cause "dire consequences" to Respondents. See Cable New Network, Inc. v. Federal Bureau of Investigation, 984 F.3d 114, 119 (D.C. Cir. 2021). Loss of trust in the ability of the United States to keep law enforcement operational activities from being publicly disclosed "could well impair intelligence gathering and cause sources to close us like a clam." Id. (quoting CIA v. Sims, 471 U.S. 159, 175 (1985)). States.

Given the law enforcement sensitive information contained in the recently provided declaration, the factors weigh decisively in favor of sealing.

Indeed, Petitioner does not and cannot contest that information pertaining to a Foreign Terrorist Organization is law enforcement sensitive. Instead, Petitioner mistakenly asserts that the declaration is a judicial document that should be available to the public relying on *J.A.V. v. Trump*, No. 1:25-cv-72 (S.D. Tex., Minute Entry dated Apr. 24, 2025). Opposition at 4. However, in that case, the Court's jurisdiction was not in question in terms of place of confinement. Moreover, Respondents provided the declaration in response to the Court's three questions so it could determine its jurisdiction after Respondents filed a motion to dismiss and transfer venue. The declaration and the sensitive nature of the information contained within the declaration pertains to a Foreign Terrorist Organization, which contains law enforcement sensitive information related to an ongoing operation. To disclose which portion of it implicates operational activities would also be law enforcement sensitive. Because Petitioner is detained at Bluebonnet Detention Center and as the declaration notes: Petitioner was detained there at the time the habeas petition was filed, jurisdiction lies with the Northern District of Texas. As such, because this Court lacks jurisdiction, protecting the law enforcement sensitive information leans in favor of Respondents.

Case 1:25-cv-00435-KES-SKO Document 52 Filed 05/20/25 Page 4 of 4 CONCLUSION Ш. The motion to seal should be granted. Dated: May 20, 2025 By: /s/ Nancy Safavi NANCY N. SAFAVI Senior Trial Attorney, DOJ OIL