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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JOHN DOE,

12 Petitioner,

13 v.

14 TONYA ANDREWS, ET AL.,

15 Respondents.
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CASE NO. 1:25-CV-00755-CDB

OPPOSITION TO MOTION TO PROCEED BY
PSEUDONYM

17 The United States respectfully opposes Petitioner's motion to proceed by pseudonym as
18 Petitioner has failed to meet his burden of proving that this is the unusual case where he will face
19 bodily harm if his name is disclosed in conjunction with his detention litigation.

20 This is a habeas case in which Petitioner seeks release from immigration detention. ECF 1.
21 For three reasons, there is no need for Petitioner to proceed via pseudonym in this case: (1) all previous
22 litigation that Petitioner has been a party to has been under his true name, including all of his state
23 court criminal proceedings and his two Ninth Circuit petitions¹; (2) as an immigration case, this case is
24 automatically electronically sealed, such that the contents of any pleading are not visible to the public
25

26 ¹ That docket numbers and petitioner's name are a matter of public record, but because Petitioner
27 has moved to attach that docket to this case only under seal, the government in an abundance of caution
28 does not list that docket number in this pleading, for it would identify the Petitioner. The government
does not agree that there is any risk to Petitioner in linking this habeas petition with his previous Ninth
Circuit case, and for this reason objects to both the sealing request and this pseudonym motion.

1 via ordinary online access; and (3) the documents with sensitive information about Petitioner are
 2 extraneous to the merits of the question presented about Petitioner's detention.

3 For these three reasons, the motion for use of a pseudonym should be denied as Petitioner
 4 cannot meet his burden of showing that this case is so unusual as to warrant this extraordinary
 5 measure.

6 I. COURTS DISFAVOR THE USE OF PSEUDONYMS

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

17 Petitioner, as the party seeking to overcome the strong presumption in favor of public access, has
 18 the burden to "articulate[] compelling reasons supported by specific factual findings that outweigh the
 19 general history of access and the public policies favoring disclosure." *See Kamakana v. City and County*
 20 *of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006); *Doe v. Deschamps*, 64 F.R.D. 652, 653 (D. Mont.
 21 1974) ("[T]he public has a right of access to the courts. Indeed, lawsuits are public events, and the
 22 public has a legitimate interest in knowing the facts involved in them. Among those facts is the identity
 23 of the parties.").

24 Particularly where, as here, Petitioner has already been involved in public criminal case
 25 proceedings, Petitioner must demonstrate to the Court that his immigration case is so unusual as to
 26 warrant the extraordinary measure of use of a pseudonym. *Does I thru XXIII*, 214 F.3d at 1068; *see e.g.*,
 27 *Singh v. Scott, Slip Op.*, 2024 WL 3694238 (Aug. 7, 2024, W.D. Wash.) (denying § 2241 immigration
 28 petitioner leave to proceed by pseudonym for failure to establish risk of retaliatory harm, personal

1 privacy concern, and risk of admission of criminal liability under *Does I thru XXIII*).

2 **II. PETITIONER HAS PREVIOUSLY LITIGATED IN HIS OWN NAME**

3 First, Petitioner's claimed fear of use of his own name in immigration litigation is undercut by
4 the fact that he has twice litigated in the Ninth Circuit under his true name. Petitioner's 2023 petition
5 for review, which petitioner proposes to attach under seal in this Court, is a publicly available case on
6 the Ninth Circuit docket. Petitioner's 2024 appeal of a district court habeas petition is also a publicly
7 available case on the Ninth Circuit docket. Similar to the electronic docket in this case, only some of
8 the Ninth Circuit docket in those cases can be accessed electronically by the public. But Petitioner's
9 name is not hidden in the Ninth Circuit litigation, nor does Petitioner appear to have asked for this
10 extraordinary measure before that Court.

11 Because Petitioner has not made any argument regarding what distinguishes his Ninth Circuit
12 case from this case, he has failed to meet his burden of demonstrating that this case is unusual.

13 **III. THIS CASE IS ELECTRONICALLY SEALED, AND OTHER SENSITIVE**
14 **DOCUMENTS CAN BE SEALED BY LOCAL RULE**

15 Second, this Court has already taken an extraordinary measure to protect Petitioner's sensitive
16 information. This case, like all immigration cases in the Eastern District of California, is electronically
17 sealed. The content of the pleadings in the case are not viewable unless a member of the public takes
18 the cumbersome step of physically requesting the documents from the clerk's office. The logistics of
19 having to undertake this step are burdensome. The purpose of having immigration cases under
20 electronic seal is to give the exact measure of protection that Petitioner now seeks. Immigration cases
21 are electronically sealed in order to give the measure of security is concerned about in his motion.

22 Furthermore, if Petitioner has a particular concern with one or more of his pleadings or
23 exhibits, his recourse is to seek leave to file those documents under seal pursuant to Local Rule 141.

24 **IV. THIS CASE IS NOT ABOUT THE SENSITIVE ISSUES PETITIONER FLAGS**

25 Finally, Petitioner seeks to introduce documents that he describes as sensitive, including
26 information about his country of origin, his personal history, and his mental health. But those topics
27 are extraneous to the sole issue raised in this habeas petition, which is whether Petitioner must be
28 released from immigration detention. That question is a legal question, focused on the immigration

1 detention statute and the Constitution, and not on the personal circumstances that Petitioner would like
2 to bring into the case.

3 Because the focus of the briefing in this case should be on the legal question of whether
4 Petitioner's detention is lawful, there should be no need for the use of a pseudonym to facilitate the
5 Court's consideration of irrelevant topics.

6 **V. CONCLUSION**

7 For the foregoing reasons, the government opposes the use of a pseudonym.

8 In the event the Court disagrees, the government requests the alternative remedy of the use of
9 Petitioner's initials. The number of immigration habeas cases has grown significantly in this Court in
10 recent months, and the more cases authorized under the name "Doe," the higher the risk of confusion,
11 mis-citation to precedent, and mistakes in processing cases consistent with the Court's orders.

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13 Dated: July 17, 2025

Respectfully submitted,
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