

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 25-cv-02059-DDD-STV

HOSSEIN BATOIE,

Petitioner,

v.

JUAN BALTAZAR, Acting Warden, Aurora ICE Processing Center,
ROBERT GUADIAN, Field Office Director, U.S. Immigration & Customs Enforcement, U.S.
Department of Homeland Security,
KRISTI NOEM, Secretary, U.S. Department of Homeland Security, and
PAMELA BONDI, U.S. Attorney General, U.S. Department of Justice, in their official
capacities,

Respondents.

JOINT MOTION FOR THE ENTRY OF A PROTECTIVE ORDER

Pursuant to Rule 12 of the Rules Governing Section 2254 Cases and Section 2255 Proceedings and Fed. R. Civ. P. 26(c), the parties hereby move for the entry of a Protective Order regulating the use and disclosure of documents, materials, and information produced or exchanged in connection with litigating this case.

In support of this Motion, the parties state as follows:

1. As part of litigating this case, the parties may need to disclose certain information and documents that may be subject to the Privacy Act, 5 U.S.C. § 552a, or that are otherwise confidential pursuant to Fed. R. Civ. P. 26(c)(1)(G). Examples of information the parties seek to protect include information contained in the Department of Homeland Security's (DHS) systems of records that is subject to the Privacy Act, and sensitive personal information about Petitioner

and/or third parties that has been disclosed to DHS and its subagencies in connection with Petitioner's habeas petition, immigration applications, and immigration court proceedings.

2. To balance the need for disclosure with the need for confidentiality, the parties seek a protective order through this motion. *See Gillard v. Boulder Valley School Dist.*, 196 F.R.D. 382, 386 (D. Colo. 2000) (approving of protective orders where a party reviews material and designates information as confidential based on a good faith belief that the information is confidential or subject to protection). Specifically, the Stipulated Protective Order attached to this motion permits disclosure of information under 5 U.S.C. § 552a(b)(12), provides that the parties may designate certain documents and information as confidential "in good faith," and establishes a mechanism for the parties to challenge confidentiality designations. The Stipulated Protective Order will therefore minimize the necessity for judicial intervention in dealing with information and documents exchanged as the case progresses. *See Gillard*, 196 F.R.D. at 386 (observing that protective orders can "serve the interests of a just, speedy, and less expensive determination of complex disputes by alleviating the need for and delay occasioned by extensive and repeated judicial intervention"). As noted, a copy of the Stipulated Protective Order is attached.

3. Pursuant to 5 U.S.C. § 552a(b)(12) and Fed. R. Civ. P. 26(c), the parties submit that the Stipulated Protective Order is necessary to protect the discovery and dissemination of protected or confidential information or information which, if released to third persons or parties, may improperly annoy, embarrass, or oppress any party, witness, or person providing discovery in this case.

Accordingly, the parties respectfully request that the Court enter the Stipulated Protective Order attached to this Motion.

Dated: October 27, 2025.

Respectfully submitted,

s/ Laura Lichter
Mark Robert Barr
Laura Lichter
Lichter Immigration
1601 Vine Street
Denver, CO 80206
(303) 554-8400
MBarr@LichterImmigration.com
LLichter@LichterImmigration.com

Attorneys for Petitioner

PETER MCNEILLY
United States Attorney

s/ Nicholas A. Deuschle
Nicholas A. Deuschle
V. William Scarpato III
Assistant United States Attorneys
1801 California Street, Suite 1600
Denver, Colorado 80202
Telephone: (303) 454-0100
Fax: (303) 454-0407
Email: nick.deuschle@usdoj.gov
victor.scarpato@usdoj.gov

Counsel for Respondents

CERTIFICATE OF COMPLIANCE

Counsel hereby certifies that the foregoing pleading complies with the type-volume limitation set forth in DDD Civ. P.S. III(A)(1).

CERTIFICATE OF SERVICE

I certify that, on October 27, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following recipients by e-mail:

Laura L. Lichter
Mark Robert Barr
Lichter Immigration
1601 Vine Street
Denver, CO 80206-1117
Llichter@lichterimmigration.com
Mbarr@lichterimmigration.com

Attorneys for Petitioner

s/ Nicholas A. Deuschle

Nicholas A. Deuschle
United States Attorney's Office