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13
14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 Hugo Gil Candido-Bolanos,

17 Case No. 2:25-cv-01359-RFB-EJY

18 Petitioner,

19 **Motion for Leave to File Asylum and**
20 **Credible Fear Documents under Seal**
21 **pursuant to Local Rule IA 10-5(a)**

22 v.

23 John Mattos, Todd M. Lyons, and Kristi
24 Noem,

25 Respondents.

26 The United States of America on behalf of Federal Respondents, through
27 undersigned counsel, hereby respectfully moves the Court for an order permitting the filing
28 of Petitioner's Asylum and Credible Fear Documents under seal pursuant to Local Rule IA
10-5(a).

29 Pursuant to the Court's Order dated September 25, 2025 (ECF No. 26), Federal
30 Respondents are required to file "all records relating to Mr. Candido Bolanos's eligibility
31 screening for deferral of removal to Mexico." *Id.* at 5. The Asylum and Credible Fear
32 Documents responsive to this Order contain Petitioner's personally identifiable information
33 ("PII") as well as highly sensitive personal information disclosed to the asylum officer during
34 Petitioner's interview. While public disclosure of this information would compromise
35 Petitioner's privacy interests, the Court requires access to the unredacted documents to
36 meaningfully evaluate the process afforded to Petitioner during his asylum and credible fear
37 process.

1 proceedings. Accordingly, Federal Respondents seek leave to file these documents under
2 seal. Following the electronic filing of this motion, Federal Respondents will serve this
3 motion and an unredacted copy of the Asylum and Credible Fear Documents via email to
4 Petitioner's counsel on October 1, 2025.

5 **II. Background**

6 Petitioner initiated this action by filing a Petition for Writ of Habeas Corpus on
7 July 25, 2025. ECF No. 1. Petitioner also sought a temporary restraining order requesting
8 the deferral of removal of the Petitioner to El Salvador. ECF No. 2. Following additional
9 submissions, the court denied Petitioner's motion for temporary restraining order without
10 prejudice. ECF No. 11. The court ordered the Federal Respondents to file a response to
11 the Petition for Writ of Habeas Corpus by August 10, 2025, to which the Federal
12 Respondents complied. ECF Nos. 11, 12. The court granted Petitioner's Petition for Writ
13 of Habeas Corpus, and the Petitioner was released from detention on September 18, 2025.
14 ECF No. 19, 21.

15 Petitioner was served with a Notice of Removal to a Third County, which was
16 filed with the Court on September 4, 2025. In response, the Court ordered Federal
17 Respondents to provide a status update about whether Petitioner was scheduled for
18 removal to Mexico and whether Petitioner was scheduled for a hearing where he could
19 challenge his removal. ECF No. 20. In response Federal Respondents provided a status
20 update and a supplemental update to its status update on September 19, 2025. ECF Nos.
21 22, 24. The supplemental update notified the Court that the Petitioner was screened to
22 determine his eligibility for protection under section 241(b)(3) of the INA and the
23 Convention Against Torture (CAT) if removed to Mexico. The screening concluded that
24 Petitioner did not establish that it is more likely than not that he will be persecuted or
25 tortured in Mexico. ECF No. 24. It further notified the Court that Petitioner would be
26 removed to Mexico no earlier than September 27, 2025, absent any protective filings by
27 Petitioner. *Id.*

28

1 On September 25, 2025, Petitioner filed an Emergency Motion for Temporary
2 Restraining Order and Preliminary Injunction Against Removal To An Undesignated
3 Third Country. ECF No. 25. Therein, Petitioner sought “an emergency order enjoining
4 Respondents from effectuating the removal of Petitioner to an undesignated third country,
5 Mexico, without the opportunity for a ruling on his motion to reopen to the immigration
6 court after a negative ‘third party screening’ determination.” *Id.* The Court entered an
7 order granting Petitioner’s motion for a temporary restraining order, restraining
8 Petitioner’s removal from the District of Nevada until October 9, 2025. The Court further
9 ordered the Federal Respondents to respond to the Motion for Preliminary Injunction by
10 October 1, 2025¹ and to “provide all records relating to Mr. Candido Bolanos’s eligibility
11 screening for deferral of removal to Mexico.” ECF No. 26. Federal Respondents seek to
12 comply with the second portion of the Court’s order (ECF No. 26), but seeks to do so
13 while minimizing any harm to the Petitioner by an improper disclosure.

14 **III. Discussion**

15 Under District of Nevada Local Rule IA 10-5(a), “[u]nless otherwise permitted by
16 statute, rule, or prior court order, papers filed with the court under seal must be
17 accompanied by a motion for leave to file those documents under seal.” Filings under seal
18 have become one of “the primary means by which the courts ensure full disclosure of
19 relevant information, while still preserving the parties’ . . . legitimate expectation that
20 confidential . . . information . . . will not be publicly disseminated.” *In re Adobe Sys. Inc. Secs.*
21 *Litig.*, 141 F.R.D. 155, 161- 62 (N.D. Cal. 1992). Analogously, the Court in *Kamakana v.*
22 *City & Cnty. of Honolulu* found that discovery documents attached to non-dispositive motions
23 may be filed under seal if good cause is shown under Fed. R. Civ. P. 26(c). *See Kamakana v.*
24 *City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006). The party desiring protection
25 of the documents bears the burden of showing that good cause exists for the court to seal
26 the documents. *Id.* at 1182.

27
28 ¹ The Court has granted Federal Respondents and Petitioner an additional 24 hours to file its Response and Reply.
See ECF No.

1 Good cause exists to permit Federal Respondents to file the documents under seal.
2 Federal Respondents have been ordered to produce documents concerning the Petitioner's
3 Asylum and Credible Fear interview. The documents contain Petitioner's PII and other
4 inherently private and sensitive information. Asylum applications and credible fear
5 interviews typically include detailed narratives of persecution, violence, political opinion,
6 religious beliefs, and other deeply personal matters.

7 Redaction would not adequately protect Petitioner's privacy interests while
8 preserving the Court's ability to meaningfully review the documents. The sensitive
9 information is woven throughout the documents and cannot be excised without rendering
10 them incomprehensible or unusable for the Court's purposes. Meaningful review by the
11 Court requires access to the unredacted documents in their entirety.

12 Additionally, even limiting the remote electronic access of the documents under
13 Fed. R. Civ. P. 5.2(c)(2) would not address the underlying concern because the PII and
14 sensitive information of a personal nature would remain publicly available at the
15 courthouse. *See* Rule 5.2(c)(2) ("any other person may have electronic access to the full
16 record at the courthouse").

17 The public's interest in access to judicial proceedings is outweighed by Petitioner's
18 substantial privacy interests and harm that may result from public disclosure. Accordingly,
19 good cause exists to file the subject documents under seal pursuant to Federal Rule of Civil
20 Procedure 26(c), Local Rule IA 10-5(a) and the standards articulated in *Kamakana*.

21 As an alternative, the Court could order specific pages to be sealed. In this matter,
22 page 1 of the Third Country Screening Worksheet and pages 4-11 of the Interview Notes
23 have PII or sensitive information of a personal nature.

24 Respectfully submitted this 1st day of October 2025.

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26 SIGAL CHATTAH
27 Acting United States Attorney

28 /s/ Summer A. Johnson
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