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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Hugo Gil Candido-Bolanos,

Petitioner,

v.

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

Respondents.

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

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

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

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

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

II. Background

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

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

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

III. Discussion

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

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
Acting United States Attorney

27 /s/ Summer A. Johnson
28 SUMMER A. JOHNSON
Assistant United States Attorney

Attorneys for Federal Respondents