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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

JOHN DOE, JAMES SMITH, v. KEVIN RAYCRAFT, et al. Petitioner-Plaintiff, and Plaintiff, Respondent-Defendants.
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Case No. 25-cv-13124
Honorable Mark A. Goldsmith
Mag. Judge Patricia T. Morris

**UNOPPOSED MOTION TO
PROCEED UNDER
PSEUDONYM**

Petitioner-Plaintiff John Doe and Plaintiff James Smith respectfully move this Court to permit them to proceed under pseudonym in this matter for the reasons discussed in their declarations and in the attached brief. *See* Pet., Exhs. E, N. Counsel for Respondent-Defendants Zak Toomey, Esq. has indicated that Respondent-Defendants do not oppose this motion. Undersigned counsel has provided the true

names of both parties to opposing counsel, along with the immigration alien file number for Petitioner-Plaintiff John Doe.

Dated: October 7, 2025

Respectfully submitted,

/s/ Rebecca Hufstader

Rebecca Hufstader

*Pro Bono Counsel for Petitioner-
Plaintiff and Plaintiff*

STATEMENT OF CONTROLLING AUTHORITY

Doe v. Porter, 370 F.3d 558, 560 (2004), permits this Court to allow parties to proceed pseudonymously notwithstanding the typical requirement of Federal Rule of Civil Procedure 10(a).

ARGUMENT

Although “as a general matter, a complaint must state the names of all parties,” Courts in this Circuit may excuse plaintiffs from identifying themselves when their “privacy interests substantially outweigh the presumption of open judicial proceedings.” *Porter*, 370 F.3d at 560. Relevant factors include:

(1) whether the plaintiffs seeking anonymity are suing to challenge governmental activity; (2) whether prosecution of the suit will compel the plaintiffs to disclose information “of the utmost intimacy”; (3) whether the litigation compels plaintiffs to disclose an intention to violate the law, thereby risking criminal prosecution; and (4) whether the plaintiffs are children.

Id. (citing *Doe v. Stegall*, 653 F.2d 180, 185-86 (5th Cir. 1981). Courts also consider whether “the defendants are being forced to proceed with insufficient information to present their arguments against the plaintiff’s case.” *Citizens for a Strong Ohio v. Marsh*, 123 F. App’x 630, 636 (6th Cir. 2005); accord *Does v. Shalushi*, No. 10-11837, 2020 WL 3037789, at *3 (E.D. Mich. July 30, 2010).

Here, the balance of the factors shows that the plaintiffs’ privacy interests warrant their use of pseudonyms. First, Mr. Doe and Mr. Smith are challenging government activity, particularly, Respondent-Defendants’ prolonged detention of

Mr. Doe and unlawful handling of his immigration case during the pendency of his application for asylum. *See Porter*, 370 F.3d at 560. In recognition of the harm asylum-seekers may face if returned to their home countries, Mr. Doe’s identity has been kept confidential in his asylum process, as has the fact that he has applied for asylum in the United States. *See* 8 C.F.R. § 208.6(a) (“Information contained in or pertaining to any asylum application . . . shall not be disclosed without the written consent of the applicant.”); USCIS Asylum Division, Fact Sheet: Federal Regulation Protecting the Confidentiality of Asylum Applicants (Oct. 18, 2012).¹ The regulations are intended to safeguard information that, “if disclosed publicly, could subject the claimant to retaliatory measures by government authorities or nonstate actors in the event that the claimant is repatriated, or endanger the security of the claimant’s family members who may still be residing in the country of origin.” *Id.* at 1. Requiring Mr. Doe to disclose his identity publicly would undermine the confidentiality of his asylum proceeding and disincentivize him and other litigants from bringing federal court challenges in cases involving asylum.

Second, this lawsuit relates to the immigration relief that Mr. Doe and Mr. Smith are seeking based on their marriage, and therefore requires them to disclose their sexual orientations and the fact that they are in a same-sex marriage. This is the

¹ Available at <https://www.uscis.gov/sites/default/files/document/factsheets/Asylum-ConfidentialityFactSheet.pdf>

type of “sensitive and highly personal” information that has justified the use of a pseudonym. *G.E.G. v. Shinseki*, No. 1:10-cv-1124, 2012 WL 381589, at *2 (W.D. Mich Feb. 6, 2012). The declarations of Mr. Smith and Mr. Doe explain that they believe that they will be ostracized and lose all contact with Mr. Smith’s family if they learn about his sexual orientation. Pet., Exhs. E, N. Mr. Doe’s family also faces retaliation in the Dominican Republic, where his mother and child live, and he could face further violence if he is returned to Haiti. Exh. N; *see* U.S. State Dep’t, 2023 Human Rights Report: Haiti² (“Armed gangs targeted LGBTQI+ individuals based on their sexuality. . . . A 2017 study of public opinions on stigma and discrimination towards vulnerable groups showed 71 percent of individuals surveyed responded ‘hate’ was the most appropriate term to express their attitude toward LGBTQI+ persons . . .”). Therefore, plaintiffs reasonably fear that they will suffer psychological and possibly physical harm if this information becomes public. *See Shalushi*, 2010 WL 3037789, at *3.

Finally, the countervailing interests are minimal. Respondent-Defendants would not be prejudiced by allowing Mr. Doe and Mr. Smith to proceed pseudonymously, because they have their true names and Mr. Doe’s A number, and therefore can access all the information they need to present their arguments in this

² Available at https://www.state.gov/wp-content/uploads/2024/02/528267_HAITI-2023-HUMAN-RIGHTS-REPORT.pdf.

matter. *See Marsh*, 123 F. App'x at 636. Indeed, they have indicated that they are not prejudiced by not opposing this motion. *Cf. Poe v. Lowe*, 756 F. Supp. 3d 537, 548 (M.D. Tenn. 2024). The public, for its part, has a relatively weak interest in knowing the identities of Mr. Doe and Mr. Smith, because the case is about governmental legal processes, not the underlying facts of their case. *See Doe v. U.S. Dep't of Homeland Security*, No. C21-1274, 2021 WL 6138844, at *2 (W.D. Wash. Nov. 18, 2021). For all these reasons, the privacy interests at stake outweigh the presumption of open proceedings. *See Porter*, 370 F.3d at 560.

CONCLUSION

For the foregoing reasons, Petitioner-Plaintiff and Plaintiff respectfully request that the Court grant their unopposed motion to proceed under pseudonym.

Dated: October 7, 2025

/s/ Rebecca Hufstader
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CERTIFICATE OF SERVICE

I certify that on October 7, 2025, this motion was filed using the Court's CM/ECF system. The U.S. Attorney has entered an appearance and will receive a copy via ECF.

/s/Rebecca Hufstader

Rebecca Hufstader, Esq.