

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF KENTUICKY

3 B.D.E.,

4 Petitioner,

Case No. 2:25-cv-00168-DCR

5 v.

**PETITIONER'S MOTION FOR
LEAVE TO FILE SEALED
DOCUMENT**

6 Russell HOTT, Field Office Director of
7 Enforcement and Removal Operations, Chicago
8 Field Office, Immigration and Customs
9 Enforcement; Kristi NOEM, Secretary, U.S.
10 Department of Homeland Security; U.S.
11 DEPARTMENT OF HOMELAND
12 SECURITY; Pamela BONDI, U.S. Attorney
13 General; EXECUTIVE OFFICE FOR
14 IMMIGRATION REVIEW; James DALEY,
15 Campbell County Detention Center Jailer,

16 Respondents.
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12 SECURITY; Pamela BONDI, U.S. Attorney
13 General; EXECUTIVE OFFICE FOR
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17 **PETITIONER'S MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR LEAVE**
18 **TO FILE SEALED DOCUMENT**

19 Pursuant to Fed. R. Civ. R. 5.2, Petitioner files this memorandum of law in support of her
20 motion for leave to file an unredacted petition for writ of habeas corpus under seal. Petitioner is
21 submitting this request because she is a victim of domestic violence and abuse by her ex-partner
22 with whom she has children. Federal Rule of Civil Procedure 10(a) requires a plaintiff to disclose
23 his or her name in the complaint. Fed. R. Civ. P. 10(a). However, this Court may excuse a
24 plaintiff from that requirement if "a plaintiff's privacy interests substantially outweigh the
presumption of open proceedings." *Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004).

25 **STATEMENT OF FACTS**

26 Petitioner is a citizen of Mexico and victim of domestic violence. Her ex-partner, the father
27 of her two younger children, abused her throughout their relationship. In 2020, she filed a police

1 report against her ex-partner and took her children to stay in a domestic violence shelter. Since her
2 separation from her ex-partner, the children have lived with her. Petitioner has been diagnosed
3 with depression and post-traumatic stress disorder (PTSD), chronic, due to the violence she
4 witnessed and suffered. Petitioner has applied for relief in her removal proceedings under the
5 Violence Against Women Act (VAWA). Federal law protects VAWA self-petitioners from having
6 their abusers discover such applications have been filed against them in order to protect victim
7 confidentiality. *See* 8 U.S.C. § 1367(a)(2).

8 ARGUMENT

9 Federal Rule of Civil Procedure 10(a) generally requires that a complaint must state the
10 names of all parties. But this Court may excuse a plaintiff from that requirement if “a plaintiff’s
11 privacy interests substantially outweigh the presumption of open proceedings.” *Doe v. Porter*, 370
12 F.3d 558, 560 (6th Cir. 2004). The considerations relevant to that analysis include “(1) whether the
13 plaintiffs seeking anonymity are suing to challenge governmental activity; (2) whether prosecution
14 of the suit will compel the plaintiffs to disclose information of the utmost intimacy; (3) whether
15 the litigation compels plaintiffs to disclose an intention to violate the law, thereby risking criminal
16 prosecution; and (4) whether the plaintiffs are children.” *Id.* (internal citations omitted). “Courts
17 have also considered whether the plaintiffs would risk suffering injury if identified and whether
18 the [d]efendant would be prejudiced if the plaintiffs were permitted to proceed anonymously.” *Doe*
19 *v. City of Detroit*, 2018 WL 3434345, at *1 (E.D. Mich. July 17, 2018) (citing *Doe v. Shakur*, 164
20 F.R.D. 359, 364 (S.D.N.Y. 1996)).

21 In this case, Petitioner filed a motion to proceed under pseudonym, which was granted by
22 this Court. *See* ECF Docs. 2, 4. This Court then ordered Petitioner to file this motion for leave to
23 file a sealed unredacted petition for writ of habeas corpus. *See* ECF Doc. 4. Petitioner seeks to
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1 seal information that may reasonably reveal her identity, including her name and details of her
2 victimization, as well as the fact that she has filed for relief under VAWA. If her identity, the
3 identity of her ex-partner, and the fact that she has disclosed intimate details of the abuse she
4 suffered to immigration authorities are revealed, she risks grave danger of retaliation from her
5 abusive ex-partner. Recognizing the grave risk victims of domestic violence face in coming
6 forward to immigration authorities, federal law protects their confidentiality in the immigration
7 process. *See* 8 U.S.C. § 1367(a)(2) (confidentiality measure prohibits federal authorities from
8 allowing the use of any information related to VAWA, T, or U visa applications or disclosure of
9 such information to any third party.). These policy considerations and the intent of Congress in
10 passing such laws weigh heavily in favor of granting Petitioner's request. On the other hand, the
11 public interest in requiring Petitioner to disclose her name and identity information is weak. As
12 the case deals with purely legal and constitutional issues, the facts of Petitioner's personal
13 identity is of no significance to the public. In addition, Defendants will not be prejudiced because
14 they will be informed of Petitioner's identity.

15 **CONCLUSION**

16 For the reasons set forth above, this Court should grant Petitioner's motion for leave to
17 file documents under seal, subject to future review as may be appropriate.

18 DATED this 28th of October, 2025.

19 /s/ Lisa Chun

20 Lisa Chun
21 National Immigrant Justice Center
22 111 W. Jackson St., Suite 800
23 Chicago, IL 60604
24 312-660-1684
LCHUN@immigrantjustice.org

Attorney for Petitioner