

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO

<b>IRENE FLORES-MENDOZA,</b>	)	
	)	<b>Case No. 1:25-cv-03475</b>
Petitioner-Plaintiff,	)	
	)	
<b>v.</b>	)	<b>PETITIONER'S UNOPPOSED</b>
	)	<b>MOTION TO RESTRICT</b>
	)	<b>PUBLIC ACCESS</b>
	)	
<b>JUAN BALTAZAR, et al.,</b>	)	
	)	
Respondents-Defendants.	)	

**INTRODUCTION**

Pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Rule 7.2, Petitioner Ms. Flores-Mendoza submits this motion to restrict or redact public access to the Psychiatric Evaluation from Drs. Ahmad Ali and Elizabeth Joseph detailing and evaluating Ms. Flores-Mendoza's psychiatric and medical history and providing diagnostic assessment of her current condition. ECF No. 1-2. These documents are submitted in support of Ms. Flores-Mendoza's Petition for Habeas Corpus, ECF No. 1, and her subsequent Motion for Temporary Restraining Order and Preliminary Injunction, ECF No. 5.

Ms. Flores-Mendoza complied with Local Rule 7.1, conferring with Respondents-Defendants' counsel. On October 31, 2025, counsel indicated that Ms. Flores-Mendoza's Motion to Restrict is not opposed.

**ARGUMENT**

Ms. Flores-Mendoza demonstrates that restriction is warranted, and the Court should grant her Motion.

A case filed as “463 Habeas Corpus – [Noncitizen] Detainee” is automatically subject to a restriction pursuant to Fed. R. Civ. Pro. 5.2. Although remote access to an electronic file is only authorized for the parties and their attorneys, “any other person may have electronic access to the full record at the courthouse.” Fed. R. Civ. Pro. 5.2(2). Ms. Flores-Mendoza merits Level 1 restriction due to the sensitivity of the documents entered into the record at ECF No. 1-2.

The public’s right to access court records “is not absolute.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978); *United States v. Hickey*, 767 F.2d 705, 708 (10th Cir. 1985) (“[A] court in its discretion, may seal documents if the public’s right of access is outweighed by competing interests”) (citations and quotations omitted)). There are a “number of . . . traditional exceptions to the general rule of access . . .” *Hickey*, 767 F.2d at 708. For example, public access “has been denied where court files might have become a vehicle for improper purposes.” *See id.* (quoting *Nixon*, 435 U.S. at 598). Another example includes a party’s interest in restricting public access to their personal, private medical information. *United States v. Dillard*, 795 F.3d 1191, 1205–06 (10th Cir. 2015); *Eugene S. v. Horizon Blue Cross Blue Shield of New Jersey*, 663 F.3d 1124, 1136 (10th Cir. 2011) (restricting the public’s access to private medical records); *Russell v. Lanier*, 404 Fed. Appx. 288, 289 n. 2 (10th Cir. 2010) (acknowledging the “sensitive nature” of medical records and granting the moving party’s request to keep the records sealed).

To prevail on a motion to restrict, “[t]he party seeking to overcome the presumption [of access] bears the burden of showing some significant interest that outweighs the presumption.” *Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir. 2007) (citations and quotations omitted). A movant seeking to overcome the presumption and restrict documents from public access must “(1) identify the document or the proceeding for which restriction is sought; (2) address the interest to be protected and why such interest outweighs the presumption of public access; (3) identify a

clearly defined and serious injury that would result if access is not restricted; (4) explain why no alternative to restriction is practicable or why only restriction will adequately protect the interest in question; and (5) identify the level of restriction sought.” *Slivka v. Young Men’s Christian Association of Pikes Peak Region*, 390 F.Supp.3d 1283, 1288 (D. Colo. July 11, 2019) (citing D.C. COLO.LCivR 7.2(c)).

Here, Ms. Flores-Mendoza respectfully seeks restriction of public access to the document contained in ECF No. 1-2. Restriction of this document is warranted because it discusses private and sensitive medical information. *Dillard*, 795 F.3d at 1205–06 (“[T]he privacy interest inherent in personal medical information can overcome the presumption of public access.”). Thus, Ms. Flores-Mendoza’s competing interests outweigh the public’s right to access to the information contained in ECF No. 1-2.

There are no alternatives other than restricting access or redaction because Ms. Flores-Mendoza’s Petition for Habeas Corpus, ECF No. 1, and Motion for Temporary Restraining Order and/or Preliminary Injunction, ECF No. 5, include arguments that rely on the evidence that is sensitive and is subject to restriction. Requiring Ms. Flores-Mendoza to the psychiatric evaluation is impracticable because the Court’s review of this information is necessary to adjudicate portions of her habeas petition and injunctive relief. Thus, ECF No. 1-2 should be restricted in its entirety from public view and instead remain accessible only to the Court and parties in the litigation under Level 1 restriction. D.C.COLO.LCivR 7.2(b).

#### **CONCLUSION**

Based on the foregoing, Ms. Flores-Mendoza respectfully requests the Court grant this Motion and restrict public access to ECF No. 1-2.

Dated: October 31, 2025

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### **CERTIFICATE OF SERVICE**

I hereby certify that on October 31, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, pursuant to Fed. R. Civ. P. 5, and sent a courtesy copy via email to:

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/s/ Laura Lunn  
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