

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

R.A.B.,

Plaintiff,

v.

KRISTI NOEM, in her official capacity as Secretary of Homeland Security; the U.S. DEPARTMENT OF HOMELAND SECURITY; PAMELA BONDI, in her official capacity as Attorney General of the United States; the U.S. DEPARTMENT OF JUSTICE; DAREN MARGOLIN, in his official capacity of Director of the Executive Office for Immigration Review; the EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; TODD LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; BRIAN MCSHANE, in his official capacity as Field Office Director, Philadelphia Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; DAVID O'NEILL, in his official capacity as Deputy Field Office Director, Philadelphia Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; J.L. JAMISON, in his official capacity as Warden of the Federal Detention Center, Philadelphia;

Defendants.

Case No: 2:25-cv-6310

MOTION FOR LEAVE TO PROCEED USING A PSEUDONYM

Plaintiff, R.A.B, by undersigned counsel, hereby moves for an Order allowing him to proceed in this matter under a pseudonym, and in support of his motion, avers as follows:

1. Plaintiff is an asylum seeker from Venezuela. He was allowed to enter the United States in October 2022 pursuant to a grant of humanitarian parole, pursuant to 8 U.S.C. § 1182 (d)(5)(A). He was detained more than three years later when Defendant ICE and/or Defendant DHS terminated his humanitarian parole. *See* Amended Petition for Writ of Habeas Corpus and Complaint for Declarative and Injunctive Relief [Doc. No. 2], ¶¶ 1, 4, 13.

2. In this action, Plaintiff challenges, *inter alia*, the decision to terminate his humanitarian parole as being contrary to the requirements of 8 C.F.R. § 212.5(e), which requires an individualized determination that “neither humanitarian reasons nor public benefit warrants the continued presence of the [noncitizen] in the United States.” *See id.*, ¶ 63.

3. The substance of Plaintiff’s asylum claim is central to the issue of whether Defendants acted arbitrarily, capriciously, or unlawfully when they terminated his humanitarian parole.

4. In his asylum application, Plaintiff alleges that he had previously “suffered psychological damage, physical abuse, death threats and persecution” in Venezuela by the Bolivarian National Guard, the Colectivos Armed Groups, and the Bolivarian National Police because of his opposition to President Nicolás Maduro. He further alleges that he fears the same harm and mistreatment if he were to return to Venezuela. *See Ex. A: I-589, Application for Asylum and for Withholding of Removal*, pp. 5-6.

5. If Plaintiff were identified publicly in this action as having made these allegations against the government of his home country, he would face an even greater risk of persecution and risk of greater harm if he were to return.

6. Although parties must ordinarily proceed using their own names, “the circumstances of a case, particularly where litigants may suffer extreme distress or danger from

their participation in the lawsuit, may justify allowing a party to proceed under a pseudonym. *Doe v. Genesis Healthcare, et al.*, 535 F.Supp. 337, 338 (E.D.Pa. 2021). *See also Doe v. Provident Life and Acc. Ins. Co.*, 176 F.R.D. 464, 467–68 (E.D. Pa. 1997).

7. The factors weighing for and against the use of pseudonyms are as follows:

The factors which support the use of pseudonymous litigation are as follows: (1) the extent to which the identity of the litigant has been kept confidential; (2) the bases upon which disclosure is feared or sought to be avoided, and the substantiality of these bases; (3) the magnitude of the public interest in maintaining the confidentiality of the litigant’s identity; (4) whether, because of the purely legal nature of the issues presented or otherwise, there is an atypically weak public interest in knowing the litigant’s identities; (5) the undesirability of an outcome adverse to the pseudonymous party and attributable to his refusal to pursue the case at the price of being publicly identified; and (6) whether the party seeking to sue pseudonymously has illegitimate ulterior motives.

* * *

[T]he factors which militate against the use of a pseudonym are as follows: (1) the universal level of public interest in access to the identities of litigants; (2) whether, because of the subject matter of this litigation, the status of the litigant as a public figure, or otherwise, there is a particularly strong interest in knowing the litigant’s identities, beyond the public’s interest which is normally obtained; and (3) whether the opposition to pseudonym by counsel, the public, or the press is illegitimately motivated.

Doe v. Provident Life and Acc. Ins. Co., 176 F.R.D. 464, 467–68 (E.D. Pa. 1997). “[T]he decision whether to allow a plaintiff to proceed anonymously rests within the sound discretion of the court.”

Lozano v. City of Hazleton, 620 F.3d 170, 194–95 (3d Cir. 2010), *cert. granted, judgment vacated sub nom.* on other grounds, *City of Hazleton, Pa. v. Lozano*, 563 U.S. 1030, 131 S. Ct. 2958, 180 L. Ed. 2d 243 (2011).

8. There are several compelling factors weighing in favor of allowing Plaintiff to proceed under a pseudonym. First, disclosure of information from an asylum application outside

of those government offices involved in adjudicating the claim is generally prohibited by law. *See* 8 CFR § 208.6. Second, Plaintiff has a substantial interest in protecting his identity in light of the danger he already faces in returning to his home country and the likely increase danger he would face if the facts alleged in his asylum application became publicly known. Third, if Plaintiff were to forgo his claims to protect his identity, he would forfeit the opportunity to challenge his unlawful detention. And fourth, Plaintiff has no illegitimate ulterior motives for withholding his identity to the public, as he understands that his identity must be disclosed to Defendants.

9. On the other hand, the factors weighing against the use of a pseudonym are minimal. To the extent that the public has any interest in these proceedings it would be among those who are either strongly opposed to the detention of an asylum-seeker who has been living in the U.S. for the last three years, or those in favor of stricter or more aggressive enforcement of immigration laws. In neither case would the public have a legitimate interest in Plaintiff's identity.

10. Counsel for Plaintiff has provided Plaintiff's full name and Alien Registration Number to the Office of the United States Attorney's Office for the Eastern District of Pennsylvania.

WHEREFORE, Plaintiff respectfully request that the Court enter an order allowing him to proceed under a pseudonym.

Respectfully Submitted,

Dated: November 7, 2025

/s/ David S. Santee

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Defendants.

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ORDER

AND NOW, this ____ day of November 2025, upon consideration of Plaintiff's Motion for Leave to Proceed Using a Pseudonym, **IT IS HEREBY ORDERED** that said Motion is **GRANTED**.

IT IS FURTHER ORDERED that:

1. Plaintiff is permitted to proceed under the pseudonym "R.A.B."
2. All filings in this matter shall be redacted to remove any information that would identify Plaintiff.

It is so **ORDERED**.

BY THE COURT:

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, David S. Santee, hereby certify that a true and correct copy of the foregoing motion, together with the Proposed Order, was electronically filed with the Court on November 7, 2025, and is available for viewing and downloading from the ECF system by all counsel of record.

Dated: November 7, 2025

/s/ David S. Santee _____

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