

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

H.E.T.R.,

Petitioner,

- against -

LUIS SOTO, in his official capacity as Director of
Delaney Hall Detention Facility;

JOHN TSOUKARIS, in his official capacity as
Field Office Director of Newark, Immigration and
Customs Enforcement;

TODD M. LYONS, in his official capacity as
Senior Official Performing the Duties of the
Director, Immigration and Customs Enforcement;

KRISTI NOEM, in her official capacity as
Secretary of Department of Homeland Security;

PAMELA BONDI, in her official capacity as U.S.
Attorney General,

Respondents.

Civil Action No. 25-cv-19035

**PETITIONER'S MEMORANDUM OF LAW IN SUPPORT OF
HIS MOTION FOR LEAVE TO PROCEED USING INITIALS AND MOTION TO
SEAL EXCERPTS OF MEDICAL RECORDS**

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Attorneys for Petitioner H.E.T.R.

Petitioner hereby moves this Court to permit Petitioner to proceed anonymously in this case by means of the initials reflected in the caption of this motion and to seal the excerpts of his medical records attached at Exhibit G. Petitioner makes this request because this litigation involves information of a private and sensitive nature, the disclosure of which would risk harm to Petitioner.

BACKGROUND

Petitioner is a long-term resident of Brooklyn, New York with no criminal history. Ex. B, Decl. of Hannah Rosner ¶¶ 2, 12. On October 16, 2025, several agents stopped and seized Petitioner on his way to work without probable cause and in violation of Petitioner’s constitutional rights. Ex. A, Pet’s Decl. ¶¶ 7-10. These agents later identified themselves to be officers of the U.S. Immigration and Customs Enforcement (“ICE”) of the Department of Homeland Security (“DHS”). *Id.* ¶ 12. Petitioner was subsequently arrested and has been unlawfully detained at the Delaney Hall Detention Facility (“Delaney Hall”) in Newark, New Jersey since that day. *Id.* ¶ 18.

Contemporaneously with this motion, Petitioner files a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, alleging violations of the Fourth and the Fifth Amendments of the United States Constitution and the Immigration and Nationality Act of 1952.

Petitioner submits this motion to safeguard his privacy interests in highly sensitive and personal information, and to protect himself from the physical and mental harm that could result from disclosure of his identity. Petitioner’s interest in proceeding anonymously and sealing his medical records outweighs the public’s interest in disclosure and any prejudice to Respondents. Petitioner will disclose his identity to Respondents’ counsel.

Under the applicable standards used by courts within this jurisdiction and for the reasons below, Petitioner respectfully requests leave to proceed anonymously.

MOTION FOR LEAVE TO PROCEED USING INITIALS: ARGUMENT

I. Legal Standard

Federal Rule of Civil Procedure 10(a) requires that all parties identify themselves in pleadings. Fed. R. Civ. P. 10(a). However, this Court has recognized that a party may proceed anonymously under exceptional circumstances. *See, e.g., Strike 3 Holdings v. Doe*, 2025 U.S. Dist. LEXIS 142063, at *4 (D.N.J. July 24, 2025).

The Third Circuit adopts a nine-factor balancing test to evaluate whether a party should be permitted to proceed anonymously. *Doe v. Megless*, 654 F.3d 404, 408 (3d Cir. 2011). The six factors weighing in favor of anonymity included:

- i. the extent to which the identity of the litigant has been kept confidential;
- ii. the bases upon which disclosure is feared or sought to be avoided, and the substantiality of these bases;
- iii. the magnitude of the public interest in maintaining the confidentiality of the litigant's identity;
- iv. 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;
- v. 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
- vi. whether the party seeking to sue pseudonymously has illegitimate ulterior motives.

Id. at 409. The three factors weighing against anonymity included:

- vii. the universal level of public interest in access to the identities of litigants;
- viii. 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

- ix. whether the opposition to pseudonym by counsel, the public, or the press is illegitimately motivated.

Id.

Applying these factors, courts should determine whether Petitioner “presented a reasonable fear of severe harm meriting an exception to ‘the public’s common law right of access to judicial proceedings’” on a fact-specific basis. *Doe v. Coll. of N.J.*, 997 F.3d 489, 495 (3d Cir. 2021). Petitioner is deserving of this relief. Here, the relevant *Megless* factors favor granting Petitioner’s request for anonymity.

II. The Six *Megless* Factors in Favor of Anonymity Strongly Support Petitioner’s Motion.

The first *Megless* factor favoring anonymity requires the Court to examine the extent to which Petitioner’s anonymity has been maintained. *Megless*, 654 F.3d at 407, 410. If a party’s identity has remained confidential and the party makes substantial efforts to maintain anonymity, this factor favors anonymity. *Strike 3 Holdings*, 2025 U.S. Dist. LEXIS 142063, at *6. Here, Petitioner has never publicly disclosed his identity in connection with this matter. Records of removal proceedings are not generally available to, or accessible by, the public. Only parties to the proceedings or their representatives may access the immigration court’s physical file; non-parties seeking to do so must file a Freedom of Information Act (“FOIA”) request, and any disclosures are limited by statute and regulation. *See* Executive Office for Immigration Review, *Immigration Court Practice Manual*, Chapters 1.5(c); 12.2(d)(i), <https://www.justice.gov/eoir/reference-materials/ic> (last visited Aug. 18, 2025); 8 C.F.R. § 1208.6 (providing that “[i]nformation contained in or pertaining to any application for . . . asylum, withholding of removal

under [the Immigration and Nationality Act], or protection under regulations issued pursuant to the Convention Against Torture[]” may not be disclosed “without the written consent of the applicant,” except in carefully limited exceptions). Petitioner will also endeavor to maintain his anonymity throughout the proceedings. Therefore, this factor favors anonymity.

The second *Megless* factor examines the substantiality of Petitioner’s fear of public disclosure. *Megless*, 654 F.3d at 410. Federal courts have recognized that “immigration matters are treated with sensitivity under the Federal Rules of Civil Procedure.” *Doe v. Weintraub*, 2023 U.S. Dist. LEXIS 205147 (E.D.P.A. Nov. 16, 2023) (citing *R.F.M. v. Nielsen*, 365 F. Supp. 3d 350, 371 (S.D.N.Y. 2019)). Petitioner’s personal and private information is at the center of this case. The disclosure of his identity “would be an invasion of privacy” and subjects him to “harassment and ostracization far outweighing that of the public interest in [Petitioner]’s identity.” *Doe v. Noem*, 2025 U.S. Dist. LEXIS 110190 (E.D.P.A. May 20, 2025). Within the past months, hate crimes against perceived migrants have surged significantly.¹ Petitioner, one member of this vulnerable group, bears significant risks of being victim to harassment or attacks if his personal information were made public. Petitioner’s removal proceedings are in a preliminary stage, and fear-based relief is likely to be filed. Therefore, maintaining his anonymity is important to protect his identity and limit exposure that could put him at risk if he were removed. Notably, Petitioner used to take antidepressants

¹ See, e.g., April Xu, *Hate Crimes Against Migrants Surge in Manhattan Last Year, Even as Overall Numbers Fall*, DOCUMENTED (Mar. 14, 2025), <https://documentedny.com/2025/03/14/hate-crime-new-york-manhattan-immigrants-latino-black>; Meg Anderson, *Tackles, Projectiles and Gunfire: Many Fear ICE Tactics Are Growing More Violent*, NPR (Oct. 13, 2025), <https://www.npr.org/2025/10/13/nx-s1-5566785/ice-dhs-immigration-tactics-more-violent>.

and anxiety medication before he was in detention. His mental health conditions have worsened and he has not been afforded proper healthcare in detention. Disclosing his identity would cause further harm to his mental health. Therefore, this factor favors anonymity.

The third *Megless* factor requires the Court to determine whether, “if this litigant is forced to reveal his or her name, [] other similarly situated litigants [will] be deterred from litigating claims that the public would like to have litigated.” *Megless*, 654 F.3d at 410. Here, Petitioner was one of the many who have been subject to a nationwide crackdown on alleged noncitizens by government officials using impermissible tactics such as racial profiling.² Moreover, fear-based relief is likely to be filed in Petitioner’s removal proceedings. Without the ability to sue anonymously, other similarly situated victims may be discouraged from pursuing lawsuits, especially those who would likely face reprisals if their identities were made public (e.g., asylum seekers). Therefore, this factor favors anonymity.

The fourth *Megless* factor considers “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.” *Megless*, 654 F.3d at 409. When a party raises a constitutional challenge to a statute as it applies generally to a class of people, rather than how the statute applies to each litigant based on the facts and circumstances, this factor

² See, e.g., Conor Wight, *Son Films as Father Is Detained by Masked ICE Agents in Northfield*, CBS NEWS (Nov. 13, 2025), <https://www.cbsnews.com/minnesota/news/video-of-ice-detaining-a-northfield-minnesota-man>; José Olivares, *US Immigration Officers Ordered to Arrest More People Even Without Warrants*, GUARDIAN (June 4, 2025), <https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests>; Kevin Vesey, *U.S. Citizen Claims Civil Rights Were Violated During ICE Traffic Stop in Westbury*, NEWS12 (June 12, 2025), <https://hudsonvalley.news12.com/u-s-citizen-claims-civil-rights-were-violated-during-ice-traffic-stop-in>.

favors anonymity. *L.A. v. Hoffman*, 2015 U.S. Dist. LEXIS 94564, at *3 (D.N.J. July 21, 2015). Conversely, when a claim is predominantly fact dependent, this factor weighs against anonymity. *Doe v. Rider Univ.*, 2018 U.S. Dist. LEXIS 133146, at *6 (D.N.J. Aug. 7, 2018). Here, the right to have a bond hearing under IIRIRA is a purely legal, contentious issue that has been actively litigated across the country. The deposition of this legal issue applies to and will impact many individuals subject to immigration enforcement. Therefore, this factor favors anonymity.

The fifth *Megless* factor considers whether the litigant potentially will sacrifice a potentially valid claim simply to preserve their anonymity. *Megless*, 654 F.3d at 410. The Third Circuit recognized that the public is harmed when alleged abuses of power by public officials go unchallenged because plaintiffs fear litigating publicly. *Id.* Here, requiring Petitioner to disclose his identity “would undermine the very purpose of this action” as the government officials’ unlawful invasion of his privacy and personal information is a significant part of his legal claim. *Doe (C.M.) v. Red Roof Inns, Inc.*, 2025 U.S. Dist. LEXIS 219802, at *12 (D.N.J. Nov. 5, 2025) (citing *Doe v. Oshrin*, 299 F.R.D. 100, 104 (D.N.J. May 28, 2014)). Therefore, this factor favors anonymity.

The sixth *Megless* factor considers whether Petitioner has any illegal or ulterior motive in his desire to hide his name. *Megless*, 654 F.3d at 411. Here, there is no such allegation or evidence that Petitioner has any such motive. Accordingly, this factor has no bearing on the determination of this matter.

III. The Three *Megless* Factors Against Anonymity Do Not Undermine Petitioner’s Motion.

The seventh *Megless* factor considers whether there is a “universal level of public interest in access to” the litigants’ identities. *Id.* at 409. This public interest exists in all

litigation, but it “does not outweigh the strength of the factors in favor of Petitioner’s use of a pseudonym.” *Doe v. Hartford Life & Accident Ins. Co.*, 237 F.R.D. 545, 551 (D.N.J. July 14, 2006). Petitioner “challenges the constitutional, statutory, or regulatory validity of government activity,” which “further weighs in favor of granting anonymity.” *MM v. Mayorkas*, 2024 U.S. Dist. LEXIS 76678, at *5 (S.D.N.Y. Apr. 25, 2024). In such cases, Petitioner’s “interest in proceeding anonymously is considered particularly strong” because he “represents a minority interest (and may be subject to stigmatization), and there is arguably a public interest in a vindication of his rights.” *Plaintiffs # 1-21 v. Cnty. of Suffolk*, 138 F. Supp. 3d 264, 274 (E.D.N.Y. 2015). Nor do such challenges implicate reputational concerns that arise during litigation between private parties. *See Doe v. Skyline Automobiles Inc.*, 375 F. Supp. 3d 401, 406 (S.D.N.Y. 2019) (explaining that suits against the government “involve no injury to the Government’s reputation”).

The eighth *Megless* factor considers whether there is a particularly strong interest in knowing the litigants’ identities because they are public figures or otherwise. *Megless*, 654 F.3d at 409. Here, the subject matter of this case is common, and Petitioner is not a public figure. *See Doe v. New Jersey*, 2024 U.S. Dist. LEXIS 213850, at *4 (D.N.J. Nov. 25, 2024). The issues do not turn on his specific identity, and “the public may continue to follow the proceedings without knowing [Petitioner]’s identity.” *Smith v. United States Off. of Pers. Mgmt.*, U.S. Dist. LEXIS 203893, at *4-5 (E.D. Pa. Jan. 21, 2014). Further, “the public will maintain access to the docket and any resolution of [Petitioner’s] legal claims.” *Doe v. Unum Life Ins. Co. of Am.*, 2014 U.S. Dist. LEXIS 54821, at *6 (E.D. Pa. Apr. 18, 2014). Therefore, there is no heightened public interest in disclosing Petitioner’s identity.

The ninth *Megless* factor considers whether the opposition to anonymity is illegitimately motivated. *Megless*, 654 F.3d at 409. Here, no one has submitted opposition to Petitioner’s motion to proceed anonymously. Therefore, this factor has no bearing on this Court’s analysis. Further, Respondents are not prejudiced by allowing Petitioner to protect his identity. In deciding whether defendants are prejudiced, courts “look at the damage to a defendant’s reputation caused by the anonymous proceeding, the difficulties in discovery, as well as at the fundamental fairness of proceeding in this manner.” *EW v. N.Y. Blood Ctr.*, 213 F.R.D. 108, 112 (E.D.N.Y. 2003). As mentioned above, the government’s reputation is not at stake, and any discovery concerns are ameliorated by the fact that Petitioner will share his identity with Respondents. Thus, allowing Petitioner to proceed anonymously will not impair Respondents’ ability to litigate this case. *Id.* at 111.

MOTION TO SEAL MEDICAL RECORDS: ARGUMENT

Although “[t]here is a strong presumption in favor of public access to judicial proceedings and records,” courts in this district have consistently recognized that ““medical records, which may contain intimate facts of a personal nature, are well within the ambit of materials entitled to privacy protection”” sufficient to overcome that presumption. *Prall v. Ricci*, 2014 WL 12803521, at *1 (D.N.J. Mar. 13, 2014) (quoting *United States v. Westinghouse Elec. Corp.*, 638 F.2d 570, 577 (3d Cir. 1980).

Local Civil Rule 5.3 provides that “[a]ny motion papers” included with a Motion to Seal “shall include . . . [a] declaration . . . based on personal knowledge . . . substantially in the form suggested by Appendix U” of the local civil rules and certain additional information regarding the materials that are the subject of the Motion to Seal. N.J. R. Civ. P. 5.3(c)(3). The undersigned has submitted such a declaration with the

required information as Exhibit 1 to this Motion. Because the Third Circuit has “recognized the important privacy interest in one’s medical records” and that “the right to privacy outweighs the public’s right of access to [such medical] materials filed in litigation,” Petitioner respectfully submits that the Motion to Seal the excerpts of his medical records provided at Exhibit G should be granted. *Everett v. Nort*, 547 F. App’x 117, 122 n. 9 (3d Cir. 2013).

CONCLUSION

For the foregoing reasons, the *Megless* factors weigh heavily in favor of allowing Petitioner to proceed anonymously. In addition, “the disclosure of [Petitioner’s] medical history . . . [is] a clearly defined serious injury” that supports sealing medical records. *Harris v. Nielsen*, 2010 WL 2521434, at *4 (D.N.J. June 15, 2010). Petitioner therefore respectfully requests that the Court permit him to proceed anonymously by means of the initials reflected in the caption of this motion and to seal the excerpts of his medical records provided at Exhibit G.

Dated: New York, New York
December 29, 2025

Respectfully Submitted,

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Exhibit 1

Material	Basis for Sealing	Clearly Defined and Serious Injury that Would Result if the Relief is Not Granted	Why a Less Restrictive Alternative to the Relief Sought is Not Available	Party in Opposition to Sealing, if any, and Basis
Exhibit G – Excerpts of Petitioner’s Delaney Hall Medical Records	Excerpts of medical records. <i>See supra</i> at 9-10.	Disclosure of medical history. <i>See Harris v. Nielsen</i> , 2010 WL 2521434, at *4 (D.N.J. June 15, 2010).	Exhibit consists solely of medical record excerpts.	N/A

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 29, 2025.

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