

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

U.H.A., K.A., H.D., D. Doe, M. Doe,
on behalf of themselves and others
similarly situated, *and* **THE
ADVOCATES FOR HUMAN
RIGHTS,**

Plaintiff-Petitioner and Plaintiffs,

v.

PAMELA BONDI, in her official
capacity as Attorney General of the
United States, *et al.,*

Defendants-Respondents.

Case No.: 0:26-cv-417-JRT-DLM

**MEMORANDUM IN SUPPORT OF LAW DORK'S EXPEDITED MOTION TO
INTERVENE AND TO REQUEST GREATER PUBLIC ACCESS**

INTRODUCTION AND BACKGROUND

As the Chief Judge of this Court recently noted, Immigration and Customs Enforcement (ICE) has violated more court orders in January 2026 alone “than some federal agencies have violated in their entire existence.” *T.R. v. Noem*, No. 0:26-cv-107-PJS-DLM, Dkt. No. 10 at 2–3 (D. Minn. Jan. 18, 2026). Against the backdrop of some of the most aggressive immigration enforcement operations in this country’s history, the public’s interest in monitoring the federal government’s ongoing disregard for the rule of law cannot be overstated.

But despite the significant public interest in observing what is happening in Minnesota federal courts in real time, public access to court proceedings is not as robust as it could be. In this case, most of the docket is inaccessible to members of the press and public. Remote public access to live proceedings is limited, available only to credentialed members of the media and only for virtual proceedings. Because of these limitations, interested members of the press and public can only meaningfully access these proceedings by visiting the courthouse in person. And just Monday night, the Court permitted the future filing of presumptively public documents under seal, adding a new layer of secrecy to these proceedings.

Law Dork, an independent legal news outlet that provides legal coverage and analysis to an audience of over 300,000 followers, seeks to intervene for the limited purpose of protecting the public’s right of access to court records and proceedings. Declaration of Chris Geidner (“Geidner Decl.”) ¶ 1. Law Dork’s founder and publisher, Chris Geidner, generates Law Dork’s coverage by reviewing court filings and attending court hearings. *Id.*

¶ 2. Mr. Geidner is located in Washington, DC and relies on remote access to case dockets and proceedings. *Id.* ¶ 2–3. When there are limitations on public access, he is unable to fulfill Law Dork’s aims to timely inform the public of the developments of cases of public interest. *See id.* ¶ 6.

Through this expedited motion, Law Dork seeks three things.¹ First, Law Dork seeks to obtain public access to the docket in this case, which is currently restricted pursuant to Federal Rule of Civil Procedure 5.2(c). Second, Law Dork requests that the Court make available a public access line for all future proceedings. Third, Law Dork requests that the Court only temporarily seal the documents that Defendants have been instructed to file under seal, particularly the ICE rescission memorandum regarding 8 U.S.C. § 1159, which is unlikely to contain sensitive information that warrants sealing.

Expedited review is justified where, as here, the public’s right of access is implicated. As courts have recognized, “a necessary corollary to the presumption is that once found to be appropriate, access should be immediate and contemporaneous.” *Grove Fresh Distributors, Inc. v. Everfresh Juice Co.*, 24 F.3d 893, 897 (7th Cir. 1994) (citing *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539 (1976)). The Court has the discretion to increase transparency so that the press and public have contemporaneous access to this fast-moving case of significant public interest, and it should exercise it promptly.

¹ Counsel for Law Dork conferred with counsel for the Parties prior to filing this motion. Plaintiffs support Law Dork’s requests. Defendants take no position on any of the requests, and state they would defer taking a position on the sealing request until this motion was filed.

ARGUMENT

I. Law Dork Should Be Allowed to Intervene.

This Court should permit Law Dork to intervene to request more robust public access to these proceedings. Law Dork provides over eighty thousand subscribers and the public at large with up-to-date reporting and analysis on the U.S. legal system. Geidner Decl. ¶ 1. It often produces coverage in real time by tracking docket activity and its creator, Chris Geidner, often attends court hearings remotely in cases of significant public interest. *Id.* ¶ 1

Permissive intervention under Federal Rule of Civil Procedure 24(b) is the “appropriate procedural vehicle for non-parties seeking access to” civil proceedings. *Flynt v. Lombardi*, 782 F.3d 963, 967 (8th Cir. 2015). “Normally, parties seeking permissive intervention pursuant to Rule 24(b) must show: (1) an independent ground for jurisdiction, (2) timeliness of the motion, and (3) that the applicant’s claim or defense and the main action have a question of law or fact in common.” *Id.* at 966. But when a non-party seeks to intervene simply to protect the public’s right of access to proceedings in which there is a “public[] interest,” Rule 24(b)’s requirements are less onerous—neither an independent ground for jurisdiction nor a common nexus are required. *Id.* at 967 (cleaned up). The only relevant inquiry is timeliness. *Id.*

Law Dork’s motion is timely. Timeliness is “determined from all the circumstances.” *NAACP v. New York*, 413 U.S. 345, 366 (1973). Even a motion to intervene filed “after the underlying dispute between the parties has long been settled”—over a year later—can be timely. *Flynt*, 782 F.3d at 966 n.2 (quoting *Pansy v. Borough of Stroudsburg*,

23 F.3d 772, 779 (3d Cir. 1994)). Law Dork certainly did not wait that long: it filed this Motion twelve days after this Court's Order Granting Plaintiffs' Motion for a Temporary Restraining Order, and less than a week after Plaintiffs moved for a finding of contempt. Dkt. Nos. 41, 69. For that reason, the Court should permit Law Dork to intervene for the limited purpose of requesting greater public access.

II. The Court Should Grant Law Dork's Motion to Lift Remote Access Restrictions on the Docket and Make a Public Access Line Available.

Law Dork moves to protect one of the most "indispensable attribute[s]" of the U.S. legal system: open access to judicial records and court proceedings. *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 569 (1980); *Va. Dept. of State Police v. Wash. Post*, 386 F.3d 567, 580 (4th Cir. 2004) ("[P]roceedings in civil cases are traditionally open, and 'in some civil cases the public interest in access . . . may be as strong as, or stronger than, in most criminal cases.'" (citation omitted). Because "courts are where government power is contested, defined, and ultimately actualized . . . [p]ublic access to courts aids in legitimizing the exercise of all governmental powers." David S. Ardia, *Court Transparency and the First Amendment*, 38 *Cardozo L. Rev.* 835, 906 (2017); see *Miller v. U.S. Dep't of State*, 779 F.2d 1378, 1390 (8th Cir. 1985) ("There is considerable public value in any disclosure which adds significantly to the fund of information which citizens may use in making political choices.") Particularly now, when Defendants are testing the bounds of federal executive power, openness is critical to ensuring that "the constitutionally protected 'discussion of governmental affairs' is an informed one." *Globe Newspaper Co. v. Superior Ct. for Norfolk Cnty.*, 457 U.S. 596, 604 (1982); see *Richmond Newspapers*, 448 U.S. at

572 (“People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.”)

But the right of access means little to the press and public if it is not timely. *Grove Fresh Distributors*, 24 F.3d at 897; see *Int’l News Serv. v. Associated Press*, 248 U.S. 215, 235 (1918) (“The peculiar value of news is in the spreading of it while it is fresh.”) *abrogated on other grounds by Erie R.R. Co. v. Tompkins*, 304 U.S. 64. In this case, real-time access has not been as robust as it could be. The docket restrictions automatically triggered by Rule 5.2(c) have impeded the public, and Law Dork, from monitoring the federal government’s controversial immigration enforcement actions in Minnesota, including Operation PARRIS and Operation Metro Surge. See *Tincher v. Noem*, No. 25-cv-4669 (KMM/DTS), 2026 WL 125375, at *1 (D. Minn. Jan. 16, 2026) (detailing the “unprecedented” history of Operation Metro Surge). The government’s enforcement surge, and its refusal to obey dozens of court orders, has been the subject of significant public interest. Ed White, *Conservative Judge in Minnesota Tries to Keep Trump Administration in Check During Crackdown*, Associated Press (Jan. 29, 2026), <https://apnews.com/article/minnesota-judge-schiltz-immigration-dba9ee031a23602ba2f6404262496ea5>.

Recognizing the significant public interest in cases involving immigration enforcement, district courts across the country have repeatedly exercised their discretion to lift the Rule’s access limitations. See, e.g., *Kordia v. Noem*, No. 3:25-cv-1072, Dkt. No. 47 (N.D. Tex. June 2, 2025); *Mahdawi v. Trump*, No. 2:25-cv-389, Dkt. No. 73 (D. Vt. May 23, 2025); *Khalil v. Joyce*, No. 1:25-cv-1935, Dkt. No. 29 (S.D.N.Y. Mar. 12, 2025).

Law Dork respectfully requests that the Court do so here, where Plaintiffs' privacy interests are already well-protected and Plaintiffs support Law Dork's request. *See* Dkt. No. 30, 31 (granting motions to proceed under pseudonym and entering protective order).

The Court may also promote greater public access by making a public access line available for all future virtual or in-person proceedings.² Making a line available is supported by the public policies that animate the right of access to court proceedings and is consistent with national trends increasing remote access to our courts. *See* Judicial Conference Policy § 420(b), <https://perma.cc/7NSP-7H78> (adopting rule allowing district courts to freely provide the public with audio access to court proceedings); *see also J.G.G. v. Trump*, No. 1:25-CV-00766, unnumbered docket entry (D.D.C. Jan. 29, 2026) (providing public access line for in-person proceedings); *Chicago Headline Club v. Noem*, No. 1:25-cv-12173, Dkt. No. 330 (N.D. Ill. Jan. 14, 2026) (providing public access line); *Neguse v. U.S. Immigr. & Customs Enf't*, No. 1:25-cv-02463 (D.D.C. Jan. 13, 2026) (same); *Oregon v. Trump*, No. 3:25-cv-01756, Dkt. No. 119 (D. Ore. Oct. 28, 2025) (providing public access line for in-person trial). The Court should take advantage of the technological means at its disposal to promote the public's ability to monitor this case.

² Mr. Geidner is presently able to access virtual proceedings as a member of the media credentialed by this court. He makes the request to extend public access beyond members of the media on behalf of his readership, who often tune in to live proceedings in other cases of significant public interest that offer public access lines.

III. The Court Should Not Seal Documents Unless There Are Compelling Reasons Justifying Secrecy.

Just on Monday, this Court denied Defendants' request to dissolve the temporary restraining order. Dkt. No. 91. In its Order, the Court noted that Defendants have alleged that a 2010 policy regarding detention of refugees has been rescinded. *Id.* at 10, n.10 (citing U.S. Immigr. & Customs Enf't, *Memorandum on Detention of Refugees Admitted Under INA § 207 Who Have Failed to Adjust to Lawful Permanent Resident Status* at 2 (May 10, 2010)). The Court ordered Defendants to file "the ICE rescission memorandum regarding 8 U.S.C. § 1159, documents related to Defendants' re-vetting and screening process, and documents related to Operation PARRIS" under seal by February 12, 2026. *Id.* at 19-20.

Law Dork respectfully requests that the Court promptly consider whether these documents, which are presumptively public court records, should remain sealed. *See IDT Corp. v. eBay*, 709 F.3d 1220, 1223 (8th Cir. 2013) (noting that the right of access attaches to pleadings in civil litigation other than discovery motions). Where the right of access attaches, it can only be overcome if there are "compelling reasons" for sealing the documents. *Flynt v. Lombardi*, 885 F.3d 508, 511 (8th Cir. 2018) (citing *In re Neal*, 461 F.3d 1048, 1053 (8th Cir. 2006)). But the press and public cannot examine—and object to—the basis for infringing on their rights if there is nothing on the public record explaining what the compelling reasons for sealing are.³ Here, where the information contained in the

³ Law Dork requests the future opportunity to be heard on whether any of these documents should be sealed, particularly with regard to the ICE rescission memorandum, which is unlikely to contain sensitive information that warrants sealing. Such memoranda are commonly filed publicly. *See e.g. Neguse v. ICE*. *See* Case No. 1:25-cv-2463-JMC, Dkt. No. 55-1 (D.D.C. Feb. 9, 2026).

sealed documents will be both of significant public interest and central to the Court's determination of whether to order permanent relief, transparency should be favored. *See IDT Corp.*, 709 F.3d at 1224 (“[T]he weight to be given the presumption of access must be governed by the role of the material at issue in the exercise of Article III judicial power and resultant value of such information to those monitoring the federal courts.”). To facilitate that transparency, the Court should order that Defendants file a formal motion requesting continued sealing consistent with Local Rule 5.6(e).

CONCLUSION

Law Dork is mindful of the pressing demands on this Court's time but respectfully requests that the Court promptly consider and grant his motion, which Plaintiffs support. All eyes are on Minnesota, and this Court should exercise its discretion to widen the public's window into what is happening inside the courtroom.

Dated: February 10, 2026

Respectfully submitted,

/s/ Adam Hansen

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CERTIFICATE OF COMPLIANCE WITH LR 7.1

This document complies with the word limit of LR 7.1(f) because, excluding the parts exempted by the rule, this brief contains 2,128 words. This document complies with the typeface and type-style requirements of LR 7.1(h) because it has been prepared using a 13-point proportionally spaced font that uses serifs, and it is set in a plain, roman style, excepting italics occasionally used for emphasis.

Dated: February 10, 2026

/s/ Adam Hansen
Counsel for Law Dork