

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

O.R.M.M.,

Petitioner,

v.

Mary De ANDA-YBARRA, in her official
capacity as El Paso Field Office Director for U.S.
Immigration and Customs Enforcement, et. al.,

Respondents.

Case No. EP-26-CV-00094-DB

PETITIONER'S MOTION FOR LEAVE TO PROCEED UNDER PSEUDONYM

Comes now Petitioner, O.R.M.M., seeking leave to proceed under a pseudonym.¹ O.R.M.M. is the pseudonym for the Petitioner, who seeks habeas corpus relief under the Administrative Procedure Act and the United States Constitution. As discussed herein, O.R.M.M.'s interest in privacy outweighs the public's interest in open civil litigation because the harm to him exceeds the likely harm from concealment.

Statement of Facts

O.R.M.M. is a citizen of Honduras and


h. In 2017, an immigration judge granted him deferral of removal under the Convention Against Torture after determining that O.R.M.M. is more likely

¹ Under separate cover, via electronic mail, or as the Court sees fit, counsel for O.R.M.M. will disclose his name to the Court and to Respondents' counsel.

than not to be tortured if returned to Honduras. 8 C.F.R. § 1208.17. He was subsequently released on an Order of Supervision (“OSUP”). However, in October 2025, Customs and Border Patrol (“CBP”) officials swarmed O.R.M.M. outside of his home in Chicago, arrested, and detained him, despite his continued compliance with his OSUP. On January 20, 2026, O.R.M.M. filed a petition for a writ of habeas corpus with this Court, challenging ICE’s revocation of his OSUP without prior notice or opportunity to be heard. Dkt. 1.

Argument

While Federal Rule of Civil Procedure 10(a) generally requires that a complaint must state the names of all parties, the Fifth Circuit has long recognized the right of individuals to proceed under a pseudonym if certain conditions are met. *See Doe v. Stegall*, 653 F.2d 180 (5th Cir. 1981). The Fifth Circuit has held that the “normal practice of disclosing the parties’ identities yields ‘to a policy of protecting privacy in a very private matter.’” *id.* (quoting *S. Methodist Univ. Ass’n of Women Law Students v. Wynne & Jaffe*, 599 F.2d 707, 713 (5th Cir. 1979)) (“SMU”) (internal citation omitted).

Under Fifth Circuit precedent, there is “no hard and fast rule for courts to follow when deciding whether to allow a party to proceed under a fictitious name.” *Stegall*, 653 F.2d at 185. Rather, the Court must decide whether the considerations calling for the maintenance of a party’s privacy outweigh the presumption of openness in judicial proceedings. *Id.* at 186; *see also Doe v. Beaumont Indep. Sch. Dist.*, 172 F.R.D. 215, 216 (E.D. Tex. 1997). The Court considers the following factors when determining whether to permit a party to proceed under a pseudonym: (1) whether the party seeking anonymity is suing to challenge governmental activity; (2) whether prosecution of the suit compels the party to disclose information of the utmost intimacy; and (3) whether the party is compelled to admit his intention to engage in illegal conduct, thereby risking criminal prosecution. *See Stegall*, 653 F.2d at 185.

Here, Petitioner satisfies the first two factors, which is sufficient to warrant proceeding pseudonymously. *See e.g., Doe v. El Paso City Hosp. Dist.*, No. EP-13-CV-00406-DCG, 2015 WL 1507840, at *2 (W.D. Tex. Apr. 1, 2015). As to the first factor, the Respondents are government officials sued in their official capacities. Courts have consistently acknowledged that pseudonyms are appropriate where a plaintiff challenges government action. *See Stegall*, 653 F.2d at 185; *SMU*, 599 F.2d at 713 (noting that the majority of cases allowing use of pseudonyms involved challenges to government, not private, action); *Doe v. Sante Fe Indep. Sch. Dist.*, 933 F. Supp. 647, 651 (S.D. Tex. 1996). Petitioners need not be attempting “to have a law or regulation declared invalid” in order to satisfy this portion of the standard. *El Paso City Hosp. Dist.*, 2015 WL 1507840, at *3 (citing *Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004)).

The second factor also weighs in Petitioner’s favor. Petitioner is a survivor of [REDACTED] that [REDACTED]. [REDACTED]. When he turned 18, O.R.M.M. fled to the United States in search of safety. In 2017, an immigration judge granted O.R.M.M. deferral of removal under the CAT, recognizing [REDACTED]. [REDACTED]. Public disclosure of Petitioner’s name and [REDACTED] would reveal extremely sensitive information and could result in [REDACTED].

The potential harm to O.R.M.M. if his identity is released weighs strongly in favor of anonymity. *John Does 1-4 v. Snyder*, 2012 WL 1344412, at *2 (E.D. Mich. Apr. 18, 2012) (granting a motion to proceed anonymously where plaintiff [REDACTED] allege the exposure of their identities would result in “the danger of physical harm from possible retaliation and harassment”); *Doe v. City of Detroit*, 2018 WL 3434345, at *2 (E.D. Mich. July 17, 2018) (in

which the Court allowed plaintiff to proceed pseudonymously where plaintiff alleged “specific instances of harm” and feared “copycats” who may continue to harm her); *Friendly House v. Whiting*, No. 2:10-cv-1061-SRB, at ECF No. 212 (D. Ariz. June 21, 2010) (allowing individual with lawful presence to proceed anonymously due to concerns of revealing immigration status information).

Finally, allowing Petitioner to proceed under a pseudonym will not prejudice Respondents. Petitioner’s counsel will inform Respondents and the Court of Petitioner’s identity for purposes of this litigation, meaning that a grant of anonymity will not hinder either Respondents’ internal procedures or their ability to litigate this case. *See Doe v. Mitchell*, 2020 WL 6882601 (S.D. Ohio Nov. 24, 2020) (holding that informing defense counsel of plaintiff’s identity removed risk of prejudice).

CONCLUSION

For the reasons set forth above, O.R.M.M. respectfully requests that this Court allow him to proceed under a pseudonym.

Dated: January 22, 2026

Respectfully submitted,

s/ Colleen Cowgill

Colleen Cowgill

NATIONAL IMMIGRANT JUSTICE CENTER

111 W. Jackson St., Suite 800

Chicago, IL 60604

(312) 235-4774

CCowgill@immigrantjustice.org

CERTIFICATE OF SERVICE

I, Colleen Cowgill, hereby certify that on January 22, 2026, I filed the foregoing with the Clerk of Court using the CM/ECF system, which sent notice of filing to all parties receiving electronic notice.

s/ Colleen Cowgill
Attorney for Petitioner