

1 **I. INTRODUCTION**

2 Petitioner, a noncitizen with an I-589 pending based on his fear of returning
3
4 to his native country, respectfully moves for an order allowing him to proceed
5 using his initials in this matter and for entry of a protective order permitting him
6 to redact identifying information to protect his identity. He brings a Habeas
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8 Corpus action seeking to compel Respondents to release him from unlawful
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10 detention.

11 Given the risk to Petitioner and his family of harassment and retaliation, he
12 respectfully requests leave to proceed pseudonymously. Petitioner will disclose
13 his identity to the government counsel who appears in this case, and provide
14 complete, unredacted copies of any document requested. However, public
15 disclosure of his identity is neither necessary nor warranted.
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17 Fed.R.Civ.P. 26(c) permits the court to “make any order which justice
18 requires to protect the party or person from annoyance, embarrassment,
19 oppression, or undue burden or expense” upon motion by a party or a person
20 from whom discovery is sought. The party seeking a protective order must show
21 good cause by demonstrating a particular need for the protection sought.
22 *Beckman Indus, Inc. v. Int’l Ins. Co*, 966 F.2d 470, 476 (9th Cir. 1992). The trial
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24 court has “broad discretion...to decide when a protective order is appropriate
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1 and what degree of protection is required.” *Seattle Times Co. v. Rhinehart*, 467
2 U.S. 20, 36 (1984).

3 Although there is a general preference for disclosure of the identity of
4 litigants, the Ninth Circuit permits a party to proceed by pseudonym where it “is
5 necessary...to protect a person from harassment, injury, ridicule, or personal
6 embarrassment.” *United States v. Doe*, 655 F2d 920, 922 at n.1 (9th Cir. 1981).

7 The Court recognizes three classes of cases where anonymity is justified: 1)
8 Where identification creates a risk of retaliatory physical or mental harm; 2) to
9 preserve the privacy in a matter of highly personal or sensitive nature; or 3)
10 where absent anonymity, the party would be compelled to admit his or her
11 intention to engage in criminal conduct and risk prosecution. *Id.*

12 In this matter, a protective order and permission to proceed pseudonymously
13 is appropriate.

14 **II. STATEMENT OF FACTS**

15 The following facts are supported by the habeas petition and exhibits attached
16 thereto. Petitioner is a native and citizen of India with an I-589 pending. His
17 case presents sensitive facts around political activities and persecution suffered
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1 by Petitioner. The U.S. State Department recognizes that the government of
2 India participates in “transnational repression.”¹

3 **III. ARGUMENT**

4 The Ninth Circuit has held that where the use of a pseudonym is used to shield
5 the party from retaliation, the district court should evaluate the severity of the
6 threatened harm; the reasonableness of the anonymous party's fears; and the
7 anonymous party's vulnerability to such retaliation. *Advanced Textile Corp.*, 214
8 *F.3d at 1068* (citations omitted). “The court must also determine the precise
9 prejudice at each stage of the proceedings to the opposing party, and whether
10 proceedings may be structured so as to mitigate that prejudice ... [as well as] decide
11 whether the public's interest in the case would be best served by requiring that the
12 litigants reveal their identities.” *Id.* at 1068-69.

13 **A. IDENTIFICATION OF PETITIONER CREATES A RISK OF**
14 **RETALIATORY HARM.**

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18 Petitioner faces a reasonable fear of retaliatory harm. Federal law and
19 regulations already recognize that public disclosure of an asylum seeker's identity
20 places them at risk of retaliation. The disclosure of the identity of asylum seekers
21 and asylees without their consent is prohibited, recognizing that such people or
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26 ¹ U.S. Department of State, 2023 Country Reports on Human Rights Practices, India.
https://www.state.gov/wp-content/uploads/2024/04/5282672_INDIA-2023-HUMAN-RIGHTS-REPORT.pdf

1 their family members may face harm if an asylee's name is disclosed. § 208.6; *cf.*
2 Fed. R. Civ. P. 5.2(c) (limiting remote access to case files in actions involving
3 "immigration benefits or detention"). Indeed, U.S. Citizenship and Immigration
4 Services (USCIS) recognizes that public disclosure of asylum-related information
5 may "subject the claimant to retaliatory measures by government authorities or
6 non-state actors if the claimant is repatriated or endanger the security of the
7 claimant's family members who may still be residing in the country of origin."
8 USCIS Asylum Division Fact Sheet: Federal Regulations Protecting the
9 Confidentiality of Asylum Applicants, October 18, 2012.
10 [https://www.uscis.gov/sites/default/files/document/fact-sheets/Asylum-
11 ConfidentialityFactSheet.pdf](https://www.uscis.gov/sites/default/files/document/fact-sheets/Asylum-ConfidentialityFactSheet.pdf) See also, *See Doe v. Becerra*, No. 2:25-cv-00647-
12 DJC-DMC, 2025 WL 691664, at *7 (E.D. Cal. Mar. 3, 2025) ("Given Petitioner is
13 still at risk of removal should his asylum application be denied, he is also acutely
14 vulnerable to retaliation.").

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19 Petitioner reasonably fears that the public disclosure of his identity subjects him
20 and his family to potential retaliatory harm, making a protective order appropriate.

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22 **B. THERE IS NO RISK OF PREJUDICE TO RESPONDENTS.**

23 This lawsuit is an action seeking to compel Respondents to release petitioner
24 from unlawful detention. As other courts have found, where the plaintiff's identity
25 is not itself a material fact in the lawsuit, allowing a plaintiff to proceed
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1 anonymously causes no prejudice. *See Sealed Plaintiff v. Sealed Defendant #1*,
2 537 F.3d 185, 190 (2d Cir. 2008) (citing *Doe v. Del Rio*, 241 F.R.D. 2d 154, 157
3 (S.D.N.Y. 2006) (“[B]ecause of the purely legal nature of the issues presented or
4 otherwise, there is an atypically weak public interest in knowing the litigant’s
5 identities.”)). Moreover, Petitioner will promptly provide Respondents’ counsel
6 with his identity. Allowing Petitioner to proceed under pseudonyms will not
7 unfairly prejudice Respondents.
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9 C. CONCLUSION

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11 Petitioner does not seek to prevent Respondents from learning the identity of
12 the Petitioner to enable Respondents to investigate the validity of the claims and
13 standing to seek injunctive relief. Petitioner has no objection to providing his legal
14 name to counsel for Respondents and the Court if the motion is granted and can
15 provide any unredacted document under seal as required. Petitioner respectfully
16 asks this Court for leave to proceed under a pseudonym and to permit redaction of
17 documents to protect his identity from public disclosure, and for a protective order
18 limiting disclosure of their identities to counsel for Respondents. In sum, Petitioner
19 moves for:
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- 22 1) Permission to proceed pseudonymously with respect to the public;
- 23 2) An order requiring parties to redact any names or information potentially
24 identifying or revealing information that could identify plaintiff or his
25 family, or filing such documents under seal;
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- 1 3) An order limiting the sharing by Respondents' counsel of any information
2 about Plaintiff's identity or related personal information beyond what is
3 reasonably necessary for the litigation or to comply with the Court's orders;
4 4) An order prohibiting the use of the information for any purpose outside of
5 the litigation.

6 Date: January 14, 2026

7 Respectfully submitted,

8 /s/ Cara Jobson

9 _____
10 Cara Jobson
11 Wiley & Jobson

12 /s/ Joye Wiley

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