

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

D.W.,

Petitioner,

v.

Judith ALMODOVAR, *et al.*,

Respondents.

Case No. 1:26-cv-00760 (JLR)

**PETITIONER'S MEMORANDUM OF LAW IN SUPPORT OF HIS
UNOPPOSED MOTION FOR LEAVE TO PROCEED USING INITIALS
ONLY AND TO REDACT PETITIONER'S ALIEN REGISTRATION NUMBER**

Petitioner D.W. respectfully moves the Court for leave to proceed in his habeas corpus action using his initials of his name, including any alias, and to redact certain other identifying information—specifically, his alien registration number—from any documents in the record.

D.W. makes this request because this litigation involves information of a private and sensitive nature. D.W. has disclosed his identity to Respondents' counsel and is amenable to disclosing his identity to the Court if it wishes. Respondents take no position on the motion.

STATEMENT OF RELEVANT FACTS

Immigration authorities unexpectedly and abruptly detained D.W. at 26 Federal Plaza in New York, New York during his interview for his lawful permanent residency application under the Liberian Refugee Immigration Fairness Act. Over 14 years previously, ICE had released D.W. from detention on an Order of Supervision.

He is currently detained at 26 Federal Plaza in New York, New York. Through his habeas corpus petition, D.W. alleges that Respondents' actions violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the Immigration and Nationality Act and implementing regulations, and the *Accardi* doctrine, which obligates administrative agencies to follow their own rules, procedures, and instructions.

In support of his habeas claims, Petitioner has submitted a detailed declaration of his attorney and social worker. *See* Declaration of Margaret Garrett ("Garrett Decl."), ECF No. 1-1; Declaration of Sofia Stein-Montalvo ("Stein-Montalvo Decl."), submitted as Exhibit E to the Garrett Decl., ECF No. 1-6. His attorney's and social worker's declarations refer to his immigration history, explaining that he entered the United States as a refugee from Liberia as a young child. *Id.* The declarations also reference Petitioner's mental health symptoms and past treatment. *Id.* Petitioner respectfully requests that the Court allow him to proceed in this action using his initials only and redact his alien registration number.

ARGUMENT

District courts have discretion to make exceptions to the Federal Rules of Civil Procedure Rule 10(a) requirement that the title of a complaint must name all parties. *See, e.g., EW v. New York Blood Ctr.*, 213 F.R.D. 108, 110 (E.D.N.Y. 2003); *Moe v. Dinkins*, 533 F. Supp. 623, 627 (S.D.N.Y. 1981), *aff'd*, 669 F.2d 67 (2d Cir. 1982). In the Second Circuit, "when determining whether a plaintiff may be allowed to maintain an action under a pseudonym, the plaintiff's interest in anonymity must be balanced against both the public interest in disclosure and any prejudice to the

defendant.” *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 189 (2d Cir. 2008).

The Second Circuit has identified ten non-exhaustive factors to be considered:

- (1) whether the litigation involves matters that are highly sensitive and of a personal nature;
- (2) whether identification poses a risk of retaliatory physical or mental harm to the party seeking to proceed anonymously or even more critically, to innocent non-parties;
- (3) whether identification presents other harms and the likely severity of those harms, including whether the injury litigated against would be incurred as a result of the disclosure of the plaintiff's identity;
- (4) whether the plaintiff is particularly vulnerable to the possible harms of disclosure, particularly in light of his age;
- (5) whether the suit is challenging the actions of the government or that of private parties;
- (6) whether the defendant is prejudiced by allowing the plaintiff to press his claims anonymously, whether the nature of that prejudice (if any) differs at any particular stage of the litigation, and whether any prejudice can be mitigated by the district court;
- (7) whether the plaintiff's identity has thus far been kept confidential;
- (8) whether the public's interest in the litigation is furthered by requiring the plaintiff to disclose his identity;
- (9) whether, because of the purely legal nature of the issues presented or otherwise, there is an atypically weak public interest in knowing the litigants' identities; and
- (10) whether there are any alternative mechanisms for protecting the confidentiality of the plaintiff.

Sealed Plaintiff, 537 F.3d at 189–190 (internal citations, quotations, and alterations omitted).

The *Sealed Plaintiff* factors weigh in favor of protecting Petitioner's privacy through use of initials.¹ First, this litigation "involves matters that are highly sensitive and of a personal nature." *Sealed Plaintiff*, 537 F.3d at 190. Petitioner entered the United States as a refugee fleeing persecution in his home country of Liberia. *See generally* 8 U.S.C. § 1101(a)(42). Because the essence of persecution is that there are people who intend to cause real harm to the individual seeking protection, noncitizens pursuing such claims "fall[] within a particularly vulnerable class of migrants for whom confidentiality about the nature and existence of their claims is particularly important." *Kiakombua v. McAleenan*, No. 19-cv-1872-KBJ Memorandum and Order, ECF No. 2, at 5 (D.D.C. Jul. 3, 2019) (granting motion for asylum-seekers to proceed under pseudonym); *see also U.H.A. v. Bondi*, No. 26-cv-00417-JRT-DLM, ECF Nos. 10, 31 (D. Minn. January 22, 2026) (granting motions for refugees to proceed pseudonymously). Moreover, the petition discusses sensitive medical information related to D.W.'s mental health conditions and prior hospitalizations, and information about a person's illnesses invokes a high privacy interest weighing against disclosure. *See United States v. Sattar*, 471 F.Supp.2d 380, 387 (S.D.N.Y. 2006). This further supports D.W.'s request to proceed using initials.

Second, Petitioner challenges his immigration detention at the hands of federal government officials. Because this is not a suit between private parties, this factor weighs in Petitioner's favor. *See Roe v. Does 1-11*, No. 20-cv-3788-MKB-SJB, 2020 WL 6152174, at *3 (E.D.N.Y. Oct. 14, 2020) (finding "[a] suit between private parties

¹ Petitioner does not argue that factors 2, 3, 4, and 10 apply to his request.

counsels against allowing a party to proceed under a pseudonym because “[p]rivate civil suits create strong interests in open proceedings given that such suits implicate legal and social norms.” (citing *Doe v. Solera Cap. LLC*, No. 18-cv-1769 (ER), 2019 WL 5485210, at *1 (S.D.N.Y. Oct. 25, 2019); see also *Doe v. Skyline Automobiles Inc.*, 375 F. Supp. 3d 401 (S.D.N.Y. 2019) (finding suits against the government “involve no injury to the Government’s reputation” whereas “suits against private parties may cause damage to their good names and reputations” and thus courts are disinclined to allow plaintiffs to proceed anonymously against private parties) (internal citation omitted).

Third, Respondents’ ability to defend this action is not impaired by permitting Petitioner to proceed using initials. To determine if a party will be prejudiced by anonymity, 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, 111 (E.D.N.Y. 2003). Here, the government’s reputation is not at stake and as previously mentioned, Petitioner is willing to disclose identifying information to the Court and Respondents. Moreover, the federal government shares Petitioner’s interest in ensuring that confidential information from his removal case is not disseminated.

Fourth, D.W.’s immigration counsel has sought to keep D.W.’s identity and underlying legal claims confidential, consistent with federal regulations and agency practice that allow for such confidentiality. Though immigration proceedings are generally open to the public, an immigration judge may, in his or her discretion, close

proceedings in limited circumstances. *See* 8 C.F.R. §§ 1240.10, 1003.27(b). 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 request, and any disclosures are limited by statute and regulation. *See* Executive Office of Immigration Review, Immigration Court Practice Manual Chapters 1.6(c); 12(d)(i). The U.S. Citizenship and Immigration Services (“USCIS”) within the U.S. Department of Homeland Security similarly restricts access to information contained in a noncitizen’s file. *See* USCIS Policy Manual, Chapter 7, Privacy and Confidentiality.

Finally, the public interest is not substantially impaired by allowing Petitioner to proceed using his initials. The claims in this petition—that D.W.’s detention contravenes the government’s constitutional, statutory, and regulatory obligations—are primarily of a legal nature, meaning that there is “an atypically weak public interest in knowing the litigants’ identities.” *See Doe v. Skyline Automobiles Inc.*, 375 F. Supp. 3d 401, 408 (S.D.N.Y. 2018) (quoting *Sealed Plaintiff*, 537 F.3d at 190).

CONCLUSION

For the reasons set forth above, this Court should grant Petitioner’s application and permit him to proceed using only his initials and to redact his alien registration number, subject to such future review as may be appropriate.

Dated: February 3, 2026
New York, NY

Respectfully submitted,

/s/ Natalie Maust

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