

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

**JOHN DOE**

Petitioner

v.

**SCARLET GRANT**, Warden, Cimarron Correctional Facility; **ROBERT CERNA**, Acting Field Office Director of Dallas Field Office, U.S. Immigration and Customs Enforcement; **KRISTI NOEM**, Secretary of the U.S. Department of Homeland Security; and **PAMELA BONDI**, Attorney General of the United States, in their official capacities

Respondents.

Case No. \_\_\_\_\_

**PETITION FOR WRIT  
OF HABEAS CORPUS  
(28 U.S.C. § 2241)**

**EMERGENCY MOTION TO PROCEED UNDER PSEUDONYM**

Petitioner John Doe, by and through undersigned counsel, respectfully moves this Court for leave to proceed under a pseudonym in this action. This Motion is an emergency because Petitioner's health is declining in detention. In support of this Motion, Petitioner states as follows:

**I. INTRODUCTION**

Petitioner is a civil immigration detainee currently held in the custody of U.S. Immigration and Customs Enforcement. This habeas action challenges the legality and constitutionality of Petitioner's continued detention and seeks emergency relief based on prolonged detention and serious medical vulnerability.

Petitioner requests leave to proceed under a pseudonym to protect highly sensitive personal and medical information that is central to this action. As discussed below, Petitioner suffers from serious neurological and immunological medical conditions, including a documented history of a

cerebral aneurysm and HIV-positive status, which are directly implicated in his claims. Public disclosure of Petitioner's identity on the public docket would expose him to a substantial risk of harm, stigma, and retaliation while providing no meaningful benefit to the public or prejudice to Respondents.

## II. LEGAL STANDARD

Federal Rule of Civil Procedure 10(a) generally requires that parties be named in the complaint. However, courts have discretion to permit a party to proceed under a pseudonym in appropriate circumstances.

In the Tenth Circuit, courts apply a balancing test weighing:

1. The plaintiff's interest in privacy,
2. The risk of harm from disclosure,
3. The public interest in open judicial proceedings, and
4. Any prejudice to the opposing party.

*Femedeer v. Haun*, 227 F.3d 1244, 1246–47 (10th Cir. 2000).

The Tenth Circuit has also recognized that proceeding under a pseudonym is appropriate where disclosure of a litigant's identity would expose the individual to social stigma, discrimination, or other personal harm. *A.L.A. v. West Valley City*, 26 F.3d 989, 993–94 (10th Cir. 1994) (holding that anonymity may be warranted where identification would risk "social stigma" and personal harm and emphasizing the need to balance privacy interests against the public's right of access).

Courts routinely permit pseudonymous filings where a litigant seeks to protect sensitive medical information, including diagnoses that carry a risk of stigma or discrimination.

### III. ARGUMENT

#### ***A. Petitioner Has a Compelling Privacy Interest in His Identity***

Petitioner's habeas petition necessarily includes detailed discussion of his serious medical conditions, including:

- A documented cerebral aneurysm, with associated neurological symptoms and risk of stroke; and
- HIV-positive status, requiring continuous medical treatment and monitoring.

These medical facts are highly personal, sensitive, and private. Courts have consistently recognized that HIV status and serious neurological conditions warrant heightened privacy protection. Public disclosure of Petitioner's identity in connection with these conditions would constitute a significant invasion of privacy and could subject Petitioner to stigma and discrimination.

Courts in the Tenth Circuit have specifically acknowledged that litigants may proceed anonymously where disclosure of their identity would subject them to stigma or personal harm. In *A.L.A. v. West Valley City*, the Tenth Circuit explained that anonymity may be appropriate where identification would expose a party to "social stigma" or other adverse consequences. 26 F.3d at 993–94. Petitioner's HIV-positive status and serious neurological condition present precisely the type of sensitive medical circumstances that justify protection from public disclosure, particularly where those conditions are central to the claims asserted.

#### ***B. Disclosure of Petitioner's Identity Creates a Substantial Risk of Harm***

Petitioner is currently detained in a civil immigration detention facility. Public disclosure of his identity and medical vulnerabilities creates a real and substantial risk of harm, including:

- Harassment or retaliation within the detention environment;
- Increased vulnerability due to disclosure of immunological and neurological conditions;

- Psychological harm and stigma associated with public identification as HIV-positive.

These risks are particularly acute in custodial settings, where detainees have limited ability to protect themselves or control the dissemination of sensitive personal information.

***C. Proceeding Under a Pseudonym Will Not Prejudice Respondents***

Allowing Petitioner to proceed under a pseudonym will not prejudice Respondents in any way. Respondents will be provided with Petitioner's true name, A-Number, detention location, and all identifying information necessary to litigate this matter, either through counsel or under seal.

This request affects only the public caption and public docket; it does not impair Respondents' ability to respond to or defend against Petitioner's claims.

***D. The Public Interest Is Fully Preserved***

The public interest in transparency is not undermined by allowing Petitioner to proceed under a pseudonym. The legal and constitutional issues presented—civil immigration detention, due process, and access to adequate medical care—will be litigated openly and transparently. Only Petitioner's name will be withheld from public view.

Courts routinely find that the public interest is satisfied where proceedings remain open and substantive filings are publicly accessible, even if a party's identity is protected.

**IV. NARROWLY TAILORED RELIEF**

Petitioner seeks narrowly tailored relief. He does not request that the case be sealed or that public access to filings be restricted beyond the use of a pseudonym. Petitioner seeks only leave to proceed as "John Doe," with his true identity disclosed to Respondents and the Court under seal.

This limited request appropriately balances Petitioner's privacy and safety interests with the public's right of access.

**V. CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that the Court grant this Motion and permit Petitioner to proceed under the pseudonym “John Doe” in all public filings and case captions.

Included in this filing are:

- (1) SEALED Notice of Real Party in Interest
- (2) Petitioner’s Civil Cover Sheet
- (3) Petitioner’s Habeas Petition
- (4) Motion to SEAL Documents
- (5) Petitioner’s Exhibits (Under SEAL)

Respectfully submitted,

*s/Melissa M. Henry*

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