UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Civil Action No. 26-cv-00925

A.T.,

Petitioner-Plaintiff,

v.

JUAN BALTAZAR, Warden, Aurora ICE Processing Center,
GEORGE VALDEZ, Acting Field Office Director, U.S. Immigration and Customs Enforcement,

MARKWAYNE MULLEN, Acting Secretary of U.S. Department of Homeland Security,
TODD LYONS, Acting Director of Immigration and Customs Enforcement,
PAMELA BONDI, U.S. Attorney General, U.S. Department of Justice,
In their official capacities,

Respondents-Defendants.

PETITIONER'S UNOPPOSED MOTION TO RESTRICT PUBLIC ACCESS

Pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Rule 7.2, Petitioner-Plaintiff Ms. A.T. ("Ms. A.T."), submits this motion to restrict or redact public access to ECF. No. 1-3: Declaration Ms. A.T.; the Humanitarian Letter by Drs. Regan Denny and Carolina Gutierrez; Forensic Competency Evaluations by Dr. Bryan Rojas-Araúz; and the Post-Release Plan by Katherine Valentin, LMSW, submitted in support of Ms. A.T.'s Petition for Habeas Corpus. This Motion requests a **Level 1 restriction**. D.C.COLO.LCivR 7.2(b). Ms. A.T. complied with Local Rule 7.1, conferring with

Respondents' counsel on March 6, 2026. That same day, Respondents' counsel indicated that they do not oppose Ms. A.T.'s Motion to Restrict.

ARGUMENT

Ms. A.T. demonstrates that restriction is warranted and the Court should grant her Motion.

The public's right to access court records "is not absolute." *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978); *United States v. Hickey*, 767 F.2d 705, 708 (10th Cir. 1985) ("[A] court in its discretion, may seal documents if the public's right of access is outweighed by competing interests") (citations and quotations omitted)). There are a "number of . . . traditional exceptions to the general rule of access." *Hickey*, 767 F.2d at 708. For example, public access "has been denied where court files might have become a vehicle for improper purposes." *See id.* (quoting *Nixon*, 435 U.S. at 598). Another example includes a party's interest in restricting public access to their personal, private medical information. *Dillard*, 795 F.3d at 1205–06 (10th Cir. 2015); *Eugene S. v. Horizon Blue Cross Blue Shield of New Jersey*, 663 F.3d 1124, 1136 (10th Cir. 2011) (restricting the public's access to private medical records); *Russell v. Lanier*, 404 Fed.Appx. 288, 289 n. 2 (10th Cir. 2010) (acknowledging the "sensitive nature" of medical records and granting the moving party's request to keep the records sealed).

To prevail on a motion to restrict, "[t]he party seeking to overcome the presumption [of access] bears the burden of showing some significant interest that outweighs the presumption." *Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir. 2007) (citations and quotations omitted). A movant seeking to overcome the presumption and restrict documents from public access must "(1) identify the document or the proceeding for which

restriction is sought; (2) address the interest to be protected and why such interest outweighs the presumption of public access; (3) identify a clearly defined and serious injury that would result if access is not restricted; (4) explain why no alternative to restriction is practicable or why only restriction will adequately protect the interest in question; and (5) identify the level of restriction sought." *Slivka v. Young Men's Christian Association of Pikes Peak Region*, 390 F.Supp.3d 1283, 1288 (D. Colo. July 11, 2019) (citing D.C. COLO.LCivR 7.2(c)).

Here, Ms. A.T. respectfully seeks restriction of public access to: 1) Declaration of A.T.; 2) the Humanitarian Letter by Drs. Regan Denny and Carolina Cutierrez.; 3) Forensic Competency Evaluations by Dr. Bryan Rojas-Araúz; and 4) the Post-Release Plan by Katherine Valentin, LMSW, (ECF No. 1-3), submitted in support of Ms. A.T.'s Petition for Habeas Corpus (ECF No. 1).

Restriction of these documents is warranted because all three discuss private and sensitive health information. Each document describes physical and mental health symptoms, medication taken, and Ms. A.T.'s psychological status in high levels of detail. Public thus implicates significant privacy interests.

Moreover, the Competency Evaluation and Post-Release Plan contain detailed personal and identifying information, including names of third parties and specific residential addresses. Given Ms. A.T.'s history of being trafficked, public disclosure of these records could compromise her safety and privacy interests, in ways that the use of pseudonym alone would not adequately mitigate. Ms. A.T.'s competing interests outweigh the public's right to access the information contained in ECF No. 1-3.

There are no alternatives other than restricting access or redaction because Ms. A.T.'s Petition for Habeas Corpus and her Motion for a Temporary Restraining Order ("TRO") (ECF Nos. 1, 2) both include arguments that rely on the evidence that is sensitive and subject to restriction. Requiring Ms. A.T. to redact ECF No. 1-3 is impracticable because the Court's review of this information is necessary to adjudicate portions of her habeas petition and TRO. Thus, ECF No. 1-3 should be restricted in its entirety from public view and instead remain accessible only to the Court and parties in the litigation under Level 1 restriction. D.C.COLO.LCivR 7.2(b).

CONCLUSION

Based on the foregoing, Ms. A.T. respectfully requests that the Court grant this Motion and restrict public access to ECF No. 1-3.

Dated: March 6, 2026

/s/ Shira Hereld
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Pro Bono Counsel for Petitioner-Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, pursuant to Fed. R. Civ. P. 5, which will send notification of such filing to the following recipients by email:

Kevin.Traskos@usdoj.gov

/s/ Shira Hereld
Shira N. Hereld
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