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 FOR LEAVE TO PROCEED UNDER PSEUDONYM

Pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Rule 7.2, Petitioner Ms. A.T. ("Ms. A.T.") moves for the Court to proceed in the above-captioned case under her initials ("A.T") as a pseudonym, and requests that all public filings and references to her in this litigation, past and present and including exhibits, use her initials. On March 6, 2026 Ms. A.T. sought Respondents' position on this motion, and they do not oppose.

Ms. A.T. requests this Court grant anonymity because the Petition and declaration contain highly sensitive and personal information about her immigration status, history of trafficking, and mental and physical health status. Ms. A.T. would also face persecution from her former traffickers if she were identified through these records. Further, Respondents-Defendants ("Respondents") will not be prejudiced in their ability to litigate the constitutionality of the detention, and the public's interest in knowing the identity of Ms. A.T., which is currently unknown to the public, is minimal. Ms. A.T. is willing to provide the Court with her name, under seal. Thus, this Court should protect the Petitioner's safety and liberty interests and grant this Motion.

LEGAL STANDARD

Federal Rule of Civil Procedure 10(a) requires that the complaint "name all the parties." *See also* Fed. R. Civ. P. 17(a) ("An action must be prosecuted in the name of the real party in interest."). In the Tenth Circuit, however, litigants are permitted to proceed anonymously under three independent circumstances: (1) cases involving matters of a highly sensitive and personal nature; (2) where there is a real danger of physical harm; or (3) where the injury litigated against would be incurred as a result of disclosure. *See Femedeer v. Haun*, 227 F.3d 1244, 1246 (10th Cir. 2000).

ARGUMENT

I. ANONYMITY IS WARRANTED UNDER THE *FEMEDEER* STANDARD

Here, the first two *Femedeer* factors are present and justify granting Ms. A.T.'s anonymity here. Ms. A.T.'s filings contain highly sensitive and personal information about her immigration status, her mental and physical health, and her details about her history of violence and trafficking. She realistically fears retaliation from any individuals able to access her case, particularly her former traffickers who, to her knowledge, keep track of her immigration case. She fears that her traffickers could put not only her but her children's safety at risk if they learn about her habeas case.

The balance of equities favor proceeding under pseudonym, as enhanced privacy protections do not prejudice the Respondents in their ability to litigate the legality of her continued detention. The public's interest in knowing Ms. A.T.'s identity is minimal, whereas Ms. A.T.'s interest in protecting her anonymity is profound. Ms. A.T. is willing to reveal her identity to the Court, if necessary.

a. Pseudonyms Are Necessary to Protect Petitioner's Highly Sensitive and Personal Information.

The Tenth Circuit recognizes that a party may proceed under pseudonym if the case is of a "highly sensitive and personal nature." *Femedeer*, 227 F.3d at 1246. Ms. A.T. fled her home country after five years of captivity and sex trafficking. See ECF No. 1, Pet. for Writ of Habeas Corpus. In the United States, she was labor trafficked, and, to the best of Ms. A.T.'s current knowledge, both her former traffickers track her immigration case. *Id.*

Federal courts, including in the Tenth Circuit, consistently find that asylum seekers and others pursuing fear-based immigration protections often present claims so sensitive

that public identification would cause serious harm. *See, e.g.*, *Doe v. U.S. Immigr. & Customs Enf't*, No. 1:23-CV-00971-MLG-JMR, 2024 WL 4389461, at *2–3 (D.N.M. Oct. 3, 2024); *G.P. v. Garland*, No. 21-2002, 2023 WL 4536070, at *1 & n.1 (1st Cir. July 13, 2023); *Roe v. Mayorkas*, No. 22-cv-10808-ADB, 2023 WL 3466327, at *1, *4 n.1 (D. Mass. May 12, 2023); *Doe v. Smith*, No. CV 17-11231-LTS, 2017 WL 6509344, at *1 & n.1 (D. Mass. Dec. 19, 2017); *J.R. v. Barr*, 975 F.3d 778, 781 (9th Cir. 2020); *W.G.A. v. Sessions*, 900 F.3d 957, 960 n.1 (7th Cir. 2018); *Doe v. Holder*, 736 F.3d 871, 872 n.1 (9th Cir. 2013); *Doe v. U.S. Citizenship & Immigr. Servs.*, No. 1:21-cv-00576, 2021 WL 1907562, at *4 (E.D. Cal. May 12, 2021); *Ms. Q. v. U.S. Imm. & Customs Enf't*, No. 1:18-cv-02409, 2018 WL 10050939, at *3 (D.D.C. Oct. 24, 2018); *A.B.T. v. U.S. Citizenship & Immig. Servs.*, No. 2:11-cv-02108-RAJ, 2012 WL 2995064, at *3–4 (W.D. Wash. July 20, 2012).

The same is true here. Petitioner is seeking protection against removal on fear-based grounds to Honduras. Public disclosure of her identity would expose her to further harm from her former trafficker and the Honduran government, to which she has reasonable grounds to believe her trafficker has connections. Disclosure would also expose her to harm or retaliation from her trafficker in the United States and could place her children at risk of retaliation and harm.

The filings in this case also contain private and sensitive information regarding past trauma Ms. A.T. has suffered, as well as details about her medical diagnoses, symptoms, and treatment.

b. Pseudonyms Are Necessary Because Ms. A.T. Likely Faces Retaliatory Harm.

This case also satisfies the second prong for pseudonymity under *Femedeer*. Ms. A.T. faces a real danger of physical harm if named in court records. 227 F.3d at 1246.

Courts in this District have granted similar relief where plaintiffs faced credible threats of violence or retaliation if publicly identified. *See Does I–V v. Rodriguez*, No. 06-cv-00805, 2007 WL 684114, at *2 (D. Colo. Mar. 2, 2007) (allowing anonymity for immigrant laborers who risked retaliation by their employer); *see also D.B.U. v. Trump*, 781 F. Supp. 3d 1158 (D. Colo. 2025); *L.G. v. Choate*, 744 F. Supp. 3d 1172 (D. Colo. 2024). Courts have also acknowledged that the risk of harm to third parties may independently support anonymity. *See Sealed Plaintiff v. Sealed Defendant,* 537 F.3d 185, 190 (2d Cir. 2008); *International Refugee Assistance Project v. Trump,* No. 17-0361, 2017 WL 818255, at *2 (D. Md. Mar. 1, 2017) (noting risk of retaliation to relatives abroad as valid basis for pseudonymity); *Advanced Textile Corp., 214 F.3d at 1063–71.*

As described *supra*, Ms. A.T. faces risk of retaliatory harm from either or both of her traffickers if her identity were publicized. Public identification would also expose Ms. A.T.'s children in the United States and Honduras to danger or harm at the hands of her former traffickers. Ms. A.T.'s remaining family in Honduras may also be targeted for retaliation by her former trafficker.

In sum, Ms. A.T. and her family face a real and immediate risk of physical harm in both the United States and abroad, if her identity were to be revealed. These are precisely the kinds of exceptional circumstances the Tenth Circuit has recognized as justifying pseudonymity. *Femedeer,* 227 F.3d at 1246.

II. THE BALANCE OF EQUITIES FAVORS ANONYMITY

As courts in this District have recognized, the key inquiry in determining whether to permit pseudonymous litigation is whether a plaintiff's privacy interest outweighs the public's general right of access. "[T]he ultimate test for permitting a plaintiff to proceed

anonymously is whether the plaintiff has a substantial privacy right which outweighs the customary and constitutionally-embedded presumption of openness in judicial proceedings." *Roe v. Catholic Health Initiatives Colorado*, No. 11–cv–02179, 2012 WL 12840, at *5 (D. Colo. Jan. 4, 2012). Here, Ms. A.T.'s substantial privacy interests, including the highly personal nature of her immigration status and the substantial risk of harm should her identity be disclosed, far outweighs any minimal public interest in knowing her identity.

The government, by contrast, would suffer no prejudice. Ms. A.T. is willing to provide her identity to the government, subject to protection against retaliation, and she will continue to cooperate with the Court as needed. *See Does I–V*, 2007 WL 684114, at *2 (finding no prejudice where plaintiffs disclosed their identities to the government and participated in discovery). Moreover, courts routinely permit pseudonymous filings in suits against the government, recognizing that unlike private parties, government defendants are not vulnerable to reputational or economic harm simply by being named in litigation. *See Int'l Refugee Assistance Project*, 2017 WL 818255, at *3 ("Courts are more likely to permit plaintiffs to proceed under pseudonym when they are pursuing a claim against the government [because] although the mere filing of a lawsuit against a private party may cause the defendant reputational and economic harm, such that fairness requires the identification of the plaintiffs, the government is not vulnerable to similar reputational harm."); *see also EW v. New York Blood Ctr.*, 213 F.R.D. 108, 111 (E.D.N.Y. 2003) (noting that "[w]hen a plaintiff challenges governmental activity, for example, anonymity is more likely to be granted").

The public's interest in knowing Ms. A.T.'s identity is minimal. The public interest in this case centers on the legality of the government's enforcement practices, not on the identities of the individuals raising the challenge. *See Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068–69 (9th Cir. 2000) ("Party anonymity does not obstruct the public's view of the issues joined or the court's performance in resolving them."). Although the *issues* in this lawsuit are a matter of significant public concern because they involve government entities and actors, the *identities* of the Petitioner will add little to the public understanding of the case that is based purely on questions of law—i.e., the lawfulness of indefinite detention by Respondents. *See Doe No. 2 v. Kolko*, 242 F.R.D. 193, 195 (E.D.N.Y. 2006) ("[W]hether the defendants are governmental entities is significant because a challenge to governmental policy ordinarily implicates a public interest and the government has less of a concern with protecting its reputation than a private individual.").

Taken together, the equities strongly support pseudonymity. Ms. A.T. is not asking this Court to seal all proceedings; she seeks only the limited and temporary protection of proceeding under pseudonym to avoid compounding the very harms she seeks to redress.

CONCLUSION

Ms. A.T. therefore respectfully requests that the Court grant leave for her to proceed under a pseudonym in all prior and current filings.

Dated: March 6, 2026

Respectfully submitted,

/s/ Shira Hereld
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Pro Bono Counsel for Petitioner

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 Hereld
ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK