

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Doe v. Andrews

Doe v. Andrews · No. 1:25-cv-00506-SAB-HC · Decided June 26, 2025

OPINION

(HC) Doe v. Andrews

PER CURIAM.

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UNITED STATES DISTRICT COURT

9

EASTERN DISTRICT OF CALIFORNIA

10 11 JOHN DOE, Case No. 1:25-cv-00506-SAB-HC 12 Petitioner, ORDER GRANTING
PETITIONER’S

MOTION FOR LEAVE TO PROCEED

13 v.

UNDER PSEUDONYM AND GRANTING

14 TONYA ANDREWS, et al., REQUEST TO SEAL DOCUMENTS

15 Respondents. (ECF Nos. 2, 4) 16 17 Petitioner, represented by counsel, is a federal
immigration detainee proceeding with a 18 petition for writ of habeas corpus pursuant to 28
U.S.C. § 2241. 19 I.

20 BACKGROUND

21 On April 29, 2025, Petitioner filed a petition for writ of habeas corpus along with a 22 motion
for leave to proceed under pseudonym. (ECF Nos. 1, 2.) On April 30, 2025, Petitioner 23 filed a
notice of a request to seal any documents that would reveal his identity or the underlying 24 basis
of his fear-based claim to protect himself and his family members from harm. (ECF No. 4.) 25 On
May 20, 2025, Respondents filed a motion to dismiss and strike unlawfully named 26
respondents, an opposition to Petitioner’s motion to proceed under pseudonym, and a statement 27
of nonopposition to sealing documents. (ECF No. 11.) On June 2, 2025, Petitioner filed a reply 1
II.

2 LEGAL STANDARDS

3 A. Pseudonymous Filings

4 Rule 10 of the Federal Rules of Civil Procedure requires that every complaint must
5 include the name of all parties. Fed. R. Civ. P. 10(a). Rule 17 further provides that “[a]n action 6
must be prosecuted in the name of the real party in interest.” Fed. R. Civ. P. 17(a)(1). 7 The
normal presumption is that the parties will use their real names, which is “loosely 8 related” to the

public's right to open courts and the rights of individuals to confront their 9 accusers. *Doe v. Kamehameha Schools*, 596 F.3d 1036, 1042 (9th Cir. 2010). However, courts 10 have allowed a party to proceed in anonymity where special circumstances justify the secrecy. 11 Does I thru XXIII v. *Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000). In the Ninth 12 Circuit, a party may proceed with the use of a pseudonym "in the 'unusual case' when 13 nondisclosure of the party's identity 'is necessary . . . to protect a person from harassment, 14 injury, ridicule or personal embarrassment.'" *Advanced Textile Corp.*, 214 F.3d at 1067–68 15 (alteration in original) (quoting *United States v. Doe*, 655 F.2d 920, 922 n.1 (9th Cir. 1981)). The 16 Ninth Circuit has held that "a party may preserve his or her anonymity in judicial proceedings in 17 special circumstances when the party's need for anonymity outweighs prejudice to the opposing 18 party and the public's interest in knowing the party's identity." *Advanced Textile Corp.*, 214 19 F.3d at 1068. 20 Courts have generally allowed a party to proceed with anonymity in three circumstances: 21 (1) "when identification creates a risk of retaliatory physical or mental harm"; (2) "when 22 anonymity is necessary 'to preserve privacy in a matter of sensitive and highly personal nature'"; 23 and (3) "when the anonymous party is 'compelled to admit [his or her] intention to engage in 24 illegal conduct, thereby risking criminal prosecution[.]'" *Advanced Textile Corp.*, 214 F.3d at 25 1068 (first alteration in original) (internal citations omitted). 26 "To determine whether to allow a party to proceed anonymously when the opposing party 27 has objected, a district court must balance five factors: '(1) the severity of the threatened harm, 1 vulnerability to such retaliation,' (4) the prejudice to the opposing party, and (5) the public 2 interest.'" *Kamakana Schools*, 596 F.3d at 1042 (alteration in original) (quoting *Advanced 3 Textile Corp.*, 214 F.3d at 1068). 4 B. Request to Seal Filings 5 Pursuant to the Local Rules of the United States District Court, Eastern District of 6 California, documents may only be sealed by written order of the Court upon the showing 7 required by applicable law. L.R. 141(a). Courts have long recognized a "general right to inspect 8 and copy public records and documents, including judicial records and documents." *Kamakana 9 v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner 10 Commc'ns, Inc.*, 435 U.S. 589, 597 & n. 7 (1978)). Nevertheless, this access to judicial records 11 is not absolute. *Kamakana*, 447 F.3d at 1172. Courts recognize a category of documents that is 12 not subject to the right of public access because the documents have "traditionally been kept 13 secret for important policy reasons." *Times Mirror Co. v. United States*, 873 F.2d 1210, 1219 14 (9th Cir. 1989); *Kamakana*, 447 F.3d at 1179 ("Our case law has identified two categories of 15 documents that fall in this category: grand jury transcripts and warrant materials in the midst of a 16 pre-indictment investigation."). "Unless a particular court record is one 'traditionally kept 17 secret,' a 'strong presumption in favor of access' is the starting point." *Kamakana*, 447 F.3d at 18 1179 (quoting *Foltz v. State Farm Mutual Automobile Insurance Co.*, 331 F.3d 1122, 1135 (9th 19 Cir. 2003)).

20 Accordingly, the Court begins with the presumption that compelling reasons must be 21 shown

to seal documents not traditionally kept secret. See, e.g., *Kamakana*, 447 F.3d at 1179. It is clear that where the documents sought to be sealed are a dispositive pleading, such as a motion for summary judgment, or are attached to such motion, the strong presumption in favor of access fully applies because “the resolution of a dispute on the merits . . . is at the heart of the interest ensuring the ‘public’s understanding of the judicial process and of significant public events.’” *Kamakana*, 447 F.3d at 1179 (citations omitted). The Ninth Circuit previously drew a clear distinction between dispositive and non-dispositive motions in determining whether compelling reasons attached to dispositive motions differently from records attached to non-dispositive motions.” *Kamakana*, 447 F.3d at 1179 (“Those who seek to maintain the secrecy of documents attached to dispositive motions must meet the high threshold of showing that ‘compelling reasons’ support secrecy [whereas a] ‘good cause’ showing under Rule 26(c) will suffice to keep sealed records attached to non-dispositive motions.” (quoting *Foltz*, 331 F.3d at 1135)). The Ninth Circuit has clarified “that public access to filed motions and their attachments does not merely depend on whether the motion is technically ‘dispositive.’ Rather, public access will turn on whether the motion is more than tangentially related to the merits of a case.” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016) (footnote omitted). Therefore, compelling reasons must be shown to seal a motion that is more than tangentially related to the merits of the case, or records attached thereto. *Id.* III.

DISCUSSION

A. Pseudonym and Sealing Here, Petitioner requests to be permitted to use a pseudonym and that all documents revealing his identity or relating to his Convention Against Torture (“CAT”) claim be sealed to protect Petitioner and his family members from harm. (ECF Nos. 2, 4.) As a basis for these requests, Petitioner has stated a concern for his own safety if he were to return to his country of origin and for his family members residing in his home country. The Court has also reviewed the declaration of counsel Lydia Sinkus in support of Petitioner’s petition for writ of habeas corpus, and the supporting documents attached thereto, which provide additional information in support of these proffered reasons. Respondents oppose Petitioner’s request to use a pseudonym, arguing that Petitioner’s CAT claim “is merely a claim proffered in immigration court” Petitioner “is merely a convicted drug trafficker” whose “underlying federal criminal proceedings were public,” and Petitioner “has failed to establish anonymity is necessary in the United States.” (ECF No. 11 at 2.) Respondents do not state that they would suffer any prejudice if Petitioner were allowed to “[R]etaliatio[n] from a foreign government is recognized by the Ninth Circuit and other district courts as a sufficient basis to proceed anonymously.” *Poozesh v. Pompeo*, No. 1:19-cv- 3 01466-LJO-SKO, 2019 WL 6052363, at *2 (E.D. Cal. Nov. 15, 2019) (considering possible retaliation by the Chinese government against Chinese national plaintiffs residing in Saipan and their family members residing in China as supporting the use of pseudonyms (citing *Does I thru XXIII*, 214 F.3d at 1063)); *International Refugee Assistance Project v. Trump*, No. TDC-17- 7 0361, 2017 WL 818255, at *2–

3 (D. Md. Mar. 1, 2017) (“Potential retaliatory physical or mental 8 harm against individuals in another country can form the basis for permitting plaintiffs to use 9 pseudonyms.”). Courts have granted motions to file pseudonymously based on CAT claims and 10 the petitioners’ fears of persecution and retaliation should their identities be revealed. See, e.g., 11 *Doe v. Becerra*, 732 F. Supp. 3d 1071, 1091 (N.D. Cal. 2024) (“Given the circumstances of Mr. 12 Doe’s petition and his allegations that he will face torture or death if he returns to Mexico, the 13 Court previously granted Mr. Doe’s motions to proceed under pseudonym[.]”); *E.O.P. v. 14 Andrews*, No. 1:25-cv-00721-SKO (HC), 2025 WL 1735396, at *1 (E.D. Cal. June 23, 2025); 15 *Doe v. Wofford*, No. 1:24-cv-00943-EPG-HC, 2025 WL 1305859, at *4 (E.D. Cal. May 6, 16 2025); *A.E. v. Andrews*, No. 1:25-cv-00107-KES-SKO (HC), 2025 WL 871334, at *1 (E.D. Cal. 17 Mar. 19, 2025).

18 Although Respondents characterize Petitioner’s “sole proffered reason for anonymity” as 19 “merely a claim proffered in immigration court,” (ECF No. 11 at 1), an immigration judge has 20 granted Petitioner’s application for deferral of removal pursuant to CAT based on a 21 determination that Petitioner is more likely than not to face torture by or with the acquiescence of 22 a government official if removed to his country of origin. Respondents have not attempted to— 23 and cannot—argue that they would suffer any prejudice if Petitioner were allowed to proceed 24 under pseudonym given Petitioner’s identity is known to the Court and Respondents. 25 Based on the Court’s review of the severity of the harm, the reasonableness of the 26 Petitioner’s proffered fears, Petitioner’s vulnerability to retaliation, the lack of prejudice to 27 Respondents, and the public interest, the Court finds that the need for anonymity in this case 1 same reasons, and given Respondents’ statement of nonopposition to sealing, the Court finds 2 Petitioner has demonstrated compelling reasons that outweigh the general history of access and 3 the public policies favoring disclosure and grants Petitioner’s request to seal documents that 4 would reveal his identity or the underlying basis of his fear-based claim. See *Kamakana*, 447 5 F.3d at 1178–79. 6 B. Motion to Dismiss 7 Respondent also has moved to dismiss and strike unlawfully named respondents, arguing 8 that the facility administrator for the Golden State Annex is the sole lawful party opponent. (ECF

9 No. 11 at 3.) Petitioner contends that the motion “failed to comply with local court rules, as it is 10 not a properly noticed motion” and “requests the Court deny the motion as non-compliant with 11 the Court rules.” (ECF No. 122 at 5.) 12 Given that it appears a hearing on the motion to dismiss and strike unlawfully named 13 respondents is not necessary, the Court will excuse Respondent’s failure to properly notice the 14 motion this time. The Court will direct Petitioner to file a response to the motion, and 15 Respondent may file a reply. 16 IV.

17 ORDER

18 Based on the Court’s review of the severity of the harm, the reasonableness of 19 Petitioner’s fears, Petitioner’s vulnerability to retaliation, the lack of prejudice to Respondents, 20 and the public interest, the Court finds that the need for anonymity in this case outweighs 21

countervailing considerations. 22 Accordingly, IT IS HEREBY ORDERED that: 23 1. Petitioner's motion for leave to proceed under pseudonym (ECF No. 2) is GRANTED; 24 2. Petitioner's request to seal (ECF No. 4) is GRANTED; 25 3. Petitioner shall email future filings that are covered by this order due to their disclosure 26 of Petitioner's identity or the underlying facts and claim to fear-based protection, to 27 ApprovedSealed@caed.uscourts.gov for filing under seal in compliance with Local Rule 1 4. Respondents shall continue to be bound by 8 C.F.R. § 208.6(b) and shall file future 2 filings covered by this order under seal in compliance with Local Rule 141; 3 5. Within fourteen (14) days of the date of this order, Petitioner shall file an opposition or 4 statement of nonopposition to Respondent's motion to dismiss and strike unlawfully 5 named respondents (ECF No. 11); and 6 6. Any reply to an opposition shall be filed within seven (7) days after the opposition has 7 been filed in CM/ECF. 8

9 IT IS SO ORDERED. OF. a Se

10 | Dated: _ June 26, 2025 □

STANLEY A. BOONE

11 United States Magistrate Judge 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28