

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Doe v. Wofford

Doe v. Wofford · No. 1:24-cv-00943-EPG-HC · Decided May 6, 2025

SUMMARY

The United States District Court for the Eastern District of California grants a federal immigration detainee’s motion to proceed under a pseudonym. The court denies respondents’ motion to dismiss, holding that *Demore v. Kim* does not foreclose an as-applied substantive due process challenge to prolonged detention under 8 U.S.C. § 1226(c). The court directs respondents to file an answer addressing the merits and sets a briefing schedule.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 6, 2025
DOCKET	1:24-cv-00943-EPG-HC
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, a federal immigration detainee proceeding under 28 U.S.C. § 2241, moved to proceed under a pseudonym. Respondents moved to dismiss his substantive due process challenge to prolonged detention under 8 U.S.C. § 1226(c). The court granted the pseudonym motion, denied the motion to dismiss, and ordered respondents to answer and produce relevant records.
STANDARD OF REVIEW	On a motion to dismiss, the court considered whether the petition stated a legally cognizable as-applied substantive due process challenge and whether <i>Demore v. Kim</i> foreclosed such relief. The court did not adjudicate the ultimate merits of the detention claim.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	John Doe v. Minga Wofford, et al.

TOPICS

immigration detention

federal habeas corpus

substantive due process

removal proceedings

civil procedure

PRACTICE AREAS

immigration

habeas corpus

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether Petitioner should be permitted to proceed under a pseudonym because the need for anonymity outweighed prejudice to respondents and the public interest.
2. Whether *Demore v. Kim* forecloses an as-applied substantive due process challenge to prolonged detention under 8 U.S.C. § 1226(c).
3. Whether the petition stated a cognizable claim that continued detention under § 1226(c) had become punitive and therefore unconstitutional.

HOLDINGS

1. Petitioner may proceed under a pseudonym because the circumstances of his case, including alleged risks of torture or death upon return to Mexico, mental-health concerns, and risks associated with disclosure of sensitive criminal-history information, outweighed the opposing party's identified interests and the public interest in disclosure.
2. *Demore v. Kim* does not foreclose an as-applied constitutional challenge alleging that detention under § 1226(c) has become punitive through excessive prolongation.
3. The petition should not be dismissed on the ground that Petitioner pursued applications and appeals challenging removal; pursuing legitimate defenses does not categorically eliminate a constitutional claim that detention has become unreasonable.

KEY QUOTATIONS

“Demore does not directly address the issue presented here: whether § 1226(c) as applied to Petitioner is punitive and thus unconstitutional.” (Discussion § II.B)

“A due process violation occurs when detention becomes punitive rather than regulatory, meaning there is no regulatory purpose that can rationally be assigned to the detention or the detention appears excessive in relation to its regulatory purpose.” (Discussion § II.B)

FACTUAL BACKGROUND

Petitioner is a Mexican citizen who has lived in the United States since age eight and became a lawful permanent resident in 2000. After serving a prison sentence for California convictions involving lewd acts upon a child and child endangerment, he was released on parole in March 2020 and detained by ICE in June 2021 under 8 U.S.C. § 1226(c). His removal proceedings and challenges to removal and detention remained ongoing, and he had been denied bond after hearings before an immigration judge. He alleged that the duration and circumstances of his detention had become punitive and violated substantive due process.

PROCEDURAL HISTORY

Petitioner was detained by ICE during removal proceedings and was denied bond after multiple administrative and judicial proceedings. He filed this § 2241 petition in the Eastern District of California on August 14, 2024, challenging his prolonged detention on substantive due process grounds. Respondents moved to dismiss, arguing principally that *Demore v. Kim* foreclosed the claim. The court denied dismissal without resolving the merits and set a briefing and record-production schedule.

DISPOSITION

other

CASES CITED

- Does I thru XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1067-68 (9th Cir. 2000)
- United States v. Doe, 655 F.2d 920, 922 n.1 (9th Cir. 1981)
- Doe v. Kamehameha Sch./Bernice Pauahi Bishop Est., 596 F.3d 1036, 1042 (9th Cir. 2010)
- Doe v. Becerra, No. 23-cv-02382-DMR, 2023 WL 5672192 (N.D. Cal. Sept. 1, 2023)
- L.M. v. Garland, No. 23-241, 2024 WL 1696365 (9th Cir. Apr. 19, 2024)
- Doe v. Becerra, 732 F. Supp. 3d 1071 (N.D. Cal. 2024)
- Doe v. Garland, 109 F.4th 1188, 1199 (9th Cir. 2024)
- Demore v. Kim, 538 U.S. 510 (2003)
- Prieto-Romero v. Clark, 534 F.3d 1053, 1057, 1062 (9th Cir. 2008)
- Zadvydas v. Davis, 533 U.S. 678, 684-86, 689, 694, 701 (2001)
- Martinez v. Clark, 36 F.4th 1219, 1223 (9th Cir. 2022)
- United States v. Quintero, 995 F.3d 1044, 1051 (9th Cir. 2021)
- United States v. Salerno, 481 U.S. 739, 746-47 & n.4 (1987)
- United States v. Torres, United States v. Torres, 995 F.3d 695, 708-10 (9th Cir. 2021)
- United States v. Gelfuso, 838 F.2d 358, 359-60 (9th Cir. 1988)
- Wong Wing v. United States, 163 U.S. 228, 238 (1896)
- Gonzalez v. Bonnar, No. 18-cv-05321-JSC, 2019 WL 330906 (N.D. Cal. Jan. 25, 2019)
- Rodriguez v. Nielsen, No. 18-CV-04187-TSH, 2019 WL 7491555 (N.D. Cal. Jan. 7, 2019)
- Black v. Decker, 103 F.4th 133, 149 n.22 (2d Cir. 2024)
- Liban M.J. v. Secretary of Department of Homeland Security, 367 F. Supp. 3d 959, 965 (D. Minn. 2019)
- Hernandez v. Decker, No. 18-CV-5026 (ALC), 2018 WL 3579108 (S.D.N.Y. July 25, 2018)
- Aroldo Rodriguez Diaz v. Merrick Garland, Rodriguez Diaz v. Garland, 53 F.4th 1189, 1208 (9th Cir. 2022)
- Doe v. Becerra, 723 F. Supp. 3d 688, 692 (N.D. Cal. 2024)
- Henriquez, 2022 WL 2132919, at *5

