UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

B.S.,

Petitioner,

v.

LEONARD ODDO, in his official capacity as Warden of Moshannon Valley Processing Center; **CAMMILLA WAMSLEY**, in her official capacity as Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations Philadelphia Field Office; **KRISTI NOEM**, in her official capacity as Secretary of the Department of Homeland Security; **PAM BONDI**, in his official capacity as Attorney General of the United States; **and THE GEO GROUP**,

Respondents.

Civil Action No.
3:25-cv-00211 B.S. v. ODDO et al

PETITIONER'S MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR LEAVE TO PROCEED UNDER PSEUDONYM

INTRODUCTION

Petitioner B.S. ("Petitioner") moves for permission to proceed under pseudonym in the above-captioned case. The named Petitioner is challenging his detention in immigration custody, which includes detailed information about his physical health, trauma and persecution he experienced in India, and his multiple mental health conditions including Post-Traumatic Stress Disorder, Major Depressive Disorder and Panic Disorder.

Petitioner asks this Court to grant anonymity because the Petition contains, and subsequent filings will contain, highly sensitive and personal information about his immigration status and personal history. Furthermore, Respondents will not be prejudiced in their ability to litigate the constitutionality of Petitioner's detention, and the public's interest in knowing the identity of the Petitioner, which is currently unknown to the public, is minimal. Petitioner is willing to provide Respondents and the Court with his name. Thus, this Court should protect the Petitioner's safety and liberty interests and grant the Motion.

LEGAL STANDARD

Federal Rule of Civil Procedure 10(a) requires that the complaint "name all the parties." But the Third Circuit has long recognized that a party to a civil action "may use a pseudonym when the circumstances of the case justify it." *Doe v. Provident Life and Acc. Ins. Co.*, 176 F.R.D. 464, 466 (E.D. Pa. 1997). Where a litigant's reasonable fear of severe harm outweighs the public's interest in "open litigation" the district court should permit a petitioner to use a pseudonym. *Doe v. Megless*, 654 F.3d 404, 409 (3d Cir. 2011). The Third Circuit balances nine, "non-exhaustive" factors to determine if a litigant's interest in proceeding anonymously outweighs "the traditional rule of openness," *id.* at 409-10: six factors weighing in favor of granting anonymity and three factors weighing against anonymity. The factors in favor of anonymity include:

(1) the extent to which the identity of the litigant has been kept confidential;

(2) the bases upon which disclosure is feared or sought to be avoided, and the substantiality of these bases;

(3) the magnitude of the public interest in maintaining the confidentiality of the litigant's identity;

(4) whether, because of the purely legal nature of the issues presented or otherwise, there is an atypically weak public interest in knowing the litigant's identities;

(5) the undesirability of an outcome adverse to the pseudonymous party and attributable to his refusal to pursue the case at the price of being publicly identified; and

(6) whether the party seeking to sue pseudonymously has illegitimate ulterior motives.

Id. (citing *Provident Life*, 176 F.R.D. at 467). These six factors are to be weighed against three additional factors that disfavor anonymity and instead favor the traditional rule of openness, including:

(1) the public's interest in access to the identities of the litigants;

(2) whether there is a strong interest in knowing a litigant's identity because of the litigation's subject matter, the status of the litigant as a public figure, or for other related reasons; and

(3) whether the opposition to the use of a pseudonym by counsel, the public, or the press is illegitimately motivated.

Id. Granting leave to proceed anonymously does not require that all factors support anonymity, only that the factors in favor of anonymity outweigh the factors against it. *See, e.g.*, *Doe. V. Unum Life Ins. Co. of America*, No. 13–6900, 2014 WL 1599919, at *2 (E.D. Pa. Apr. 18, 2014); *Freedom From Religion*, 2013 WL 2296075, at *2. The decision to allow a plaintiff to proceed pseudonymously rests with the sound discretion of the district court. *Id.*

ARGUMENT

This Court should grant Petitioner the leave to proceed by pseudonym to protect Petitioner's safety and privacy interests, as his Petition contains intimate details about his physical

and mental health, the facts supporting his claim for fear-based immigration relief, and the retaliation he faced for objecting to his treatment in immigration detention.

The Third Circuit allows litigants to proceed anonymously when they "ha[ve] a reasonable fear of severe harm that outweighs the public's interest in open litigation." *Megless*, 654 F.3d at 404. Courts have applied the *Megless* balancing test and have found parties entitled to anonymity in situations that are analogous to Petitioner's circumstance. *See, e.g.*, *Lozano v. City of Hazleton*, 620 F.3d 170, 194 (3d Cir. 2010), *cert. granted, judgment vacated on other grounds sub nom. City of Hazleton, Pa. v. Lozano*, 563 U.S. 1030 (2011) (affirming district court's decision to allow plaintiffs without lawful immigration status to proceed under a pseudonym); *A.L. v. Oddo*, 761 F. Supp. 3d 822, 824 n.1 (W.D. Pa. 2025) (noncitizen bringing a habeas action challenging his detention was permitted to proceed under a pseudonym); *Doe v. Pa. Dep't of Corr.*, 585 F.Supp.3d 797 (W.D. Pa 2022) (allowing plaintiff in a civil rights case to proceed anonymously to protect their identity as a non-binary incarcerated person); *Freedom From Religion Found., Inc. v. Connellsville Area School Dist.*, No. 2:12–cv–1406, 2013 WL 2296075 (W.D. Pa May 24, 2014) (allowing plaintiffs to proceed anonymously where they received threats of violence related to their lawsuit); *Provident Life*, 178 F.R.D. at 468 (permitting plaintiff's use of pseudonym to prevent revealing her psychiatric disorder). Here, as detailed below, all nine factors support granting Petitioner leave to proceed anonymously.

A. Petitioner Satisfies All Six Factors in Favor of Granting Anonymity.

1. Petitioner's identity has not been kept confidential through no fault of his own.

ICE unlawfully disclosed Petitioner's personal and confidential information, including his asylum application and the Immigration Judge's decision on his asylum claim, to the Nassau County District Attorney's Office. The Nassau County District Attorney's Office subsequently

filed a portion of these records—including the Immigration Judge's asylum decision—in a publicly accessible state court file in Nassau County court.

This ICE disclosure was a clear breach of 8 C.F.R. § 1208.6, which imposes a duty on ICE and other immigration agencies to maintain the confidentiality of asylum applications and related records. ICE knowingly violated the regulations when they shared records addressing Petitioner's fear-based claims, identifying his and his family member's political opinions, and highlighting how [redacted] ICE not only violated the law, but it also placed Petitioner and his family members at increased risk of harm, persecution, and torture.

ICE's unlawful disclosure of his personal information should not be held against Petitioner, nor should it be a basis on which his identity and personal information are further disclosed while he litigates the claims presented in this habeas petition.

2. These proceedings will require Petitioner to disclose sensitive personal information that, if not anonymized, would expose him to needless stigmatization, exacerbate his mental illness, and endanger his life and safety.

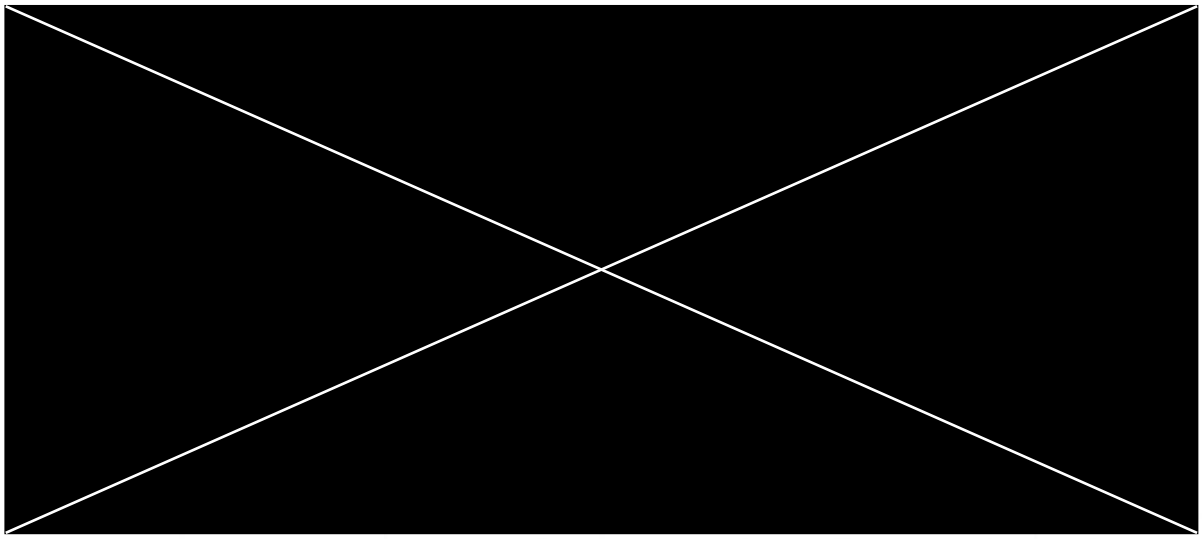
Second, Petitioner fears that disclosure of his identity would pose an acute threat to his safety, wellbeing, and mental health. *Provident Life*, 176 F.R.D. at 467. The second factor is "the bases upon which disclosure is feared or sought to be avoided, and the substantiality of these bases." *Megless*, 654 F.3d at 410. A plaintiff must show both (1) a fear of severe harm, and (2) that the fear of severe harm is reasonable." *Doe v. Middlesex County, New Jersey*, 2021 WL 130480, at *2 (D.N.J. Jan. 14, 2021). This can include "fear of increased embarrassment, humiliation and emotional distress" where a lawsuit involves highly sensitive and stigmatized personal circumstances such as sexual abuse, psychiatric conditions, or sexual orientation. *Doe v. Evans*, 202 F.R.D. 173, 176 (E.D. Pa. 2001); *see also Provident Life*, 176 F.R.D. at 468 (finding that

concerns about the "significant stigma associated with being identified as suffering from a mental illness" was sufficient to justify anonymity); *Hartford Life*, 237 F.R.D. at 550 (granting motion to proceed anonymously because "a risk of stigmatization is possible if Plaintiff comes out as a bipolar sufferer"). Furthermore, courts favor anonymity where disclosure of intimate personal details may exacerbate or "aggravate" an individual's mental illness. *Doe v. United Behavioral Health*, No. 10–5192, 2010 WL 5173206 at *3 (E.D. Pa. Dec. 10, 2010) (granting motion to proceed anonymously where Petitioner expressed concern that "disclosure of her identity and history of mental illness would cause additional anxiety and stress and would aggravate her illness"); *see also Hartford Life*, 237 F.R.D. at 550.

Here, Petitioner's Petition contains details about his multiple mental health conditions, including Post Traumatic Stress Disorder, Major Depressive Disorder and Panic Disorder. Not only does the Petition detail these diagnoses, but it also details two psychological evaluations of him that are attached as exhibits to the Petition. *See* (Ex. B, Psychological Evaluation of Dr. Karen A. Cort, Ph.D., dated May 2, 2025 ("Dr. Cort Eval."); Ex. C, Psychiatric Evaluation by Dr. Simarpreet Kaur dated Mar. 14, 2022 ("Dr. Kaur Eval.")). These evaluations discusse Petitioner's trauma, substance use and medical and psychiatric history. Disclosure of this information carries serious social stigma and would impact his ability to find work and maintain personal relationships if made public. *See Unum Life*, 2014 WL 599919, at *2 (granting motion to proceed anonymously where plaintiff feared the stigma of mental illness and losing her job). Additionally, the stress of having his trauma and the details of his mental health disorders made public will cause Petitioner additional stress and anxiety that would likely exacerbate his mental health conditions.

In addition, Petitioner has applied for fear-based relief and faces a serious risk of persecution if his identity is further linked to his application for relief. Where a party can show that proceeding under their public identity may expose them to severe harm, and that fear of severe harm is reasonable, the court should permit a petitioner to proceed anonymously. *Doe v. Middlesex County, New Jersey*, 2021 WL 130480, at *2 (D.N.J. Jan. 14, 2021).

Petitioner fears deportation to India because he would be persecuted due to [redacted]



interrogated by police, who have inquired about his whereabouts. His fears of persecution, detention and torture if he is deported to India have been exacerbated by ICE unlawfully sharing his asylum documents. Having his identity further publicly linked to the asylum claim through this habeas Petition would significantly elevate the risk to Petitioner.

Petitioner further fears having his identity connected to this habeas petition because of the retaliation he has suffered for complaining of mistreatment while in DHS custody. These instances of retaliation have included placement in solitary confinement, transfers, deprivation of medical care and lack of access to religious items. He fears that this retaliation would escalate if his identity was linked to this Petition.

Petitioner's fear is reasonable and courts in the Third Circuit have granted motions to proceed anonymously where parties have feared for their physical safety, as well as where they faced substantially lesser threats. *See, e.g.*, *Freedom from Religion Found.*, 2013 WL 2296075, at *2–3 (granting motion to proceed anonymously where plaintiffs faced "threats of violence and ostracism").

This case is most analogous to *Jane W. v. Thomas*, where the court applied the *Megless* balancing test to conclude that due to justified fears of reprisals by their former persecutors in Liberia, plaintiffs were entitled to proceed anonymously. 560 F. Supp.3d 855 n.1 (E.D. Pa 2021). Like the plaintiffs in *Jane W.*, Petitioner faces threats to his life and physical well-being substantially greater than the possibility of stigma or ostracism that courts have found sufficient to grant leave to proceed anonymously. *See also Doe v. Gonzales*, 484 F.3d 445, 446 (7th Cir. 2007) (allowing petitioner to file under a pseudonym given his fear of death if returned to El Salvador); *Does I thru XXII v. Advanced Textile Corp.*, 214 F.3d 1058, 1071 (9th Cir. 2000) (reasonable fears of arrest, detention, and torture are sufficient to allow a litigant to proceed under a pseudonym).

3. The public interest supports maintaining Petitioner's confidentiality

Third, there is a substantial public interest in maintaining the confidentiality of Petitioner's name. This factor supports anonymity if, "other[s] similarly situated [would] be deterred from litigating claims that the public would like to have litigated" if they could not proceed pseudonymously. *Megless*, 654 F.3d at 410. Here, there is a strong public interest in protecting the privacy of petitioners who are challenging their prolonged detention while pursuing fear-based claims so that these petitioners are not discouraged from asserting their claims. Indeed, there is a "public interest in preserving the courage to sue." *Delaware Valley Aesthetics, PLLC v. Doe 1*, 2021 WL 2681286, at *2 (E.D. Pa. June 30, 2021).

4. There is an atypically weak public interest in knowing Petitioner's identity because the issues are primarily legal.

Fourth, the nature of the issues presented in this case, namely the constitutionality of Petitioner's prolonged detention and whether his detention violates the Rehabilitation Act and the Administrative Procedure Act, are primarily legal. While a highly fact-dependent case weighs against anonymity, *see Doe v. Cty. of Lehigh*, anonymity is favored when the case involves issues purely of law. No. 5:20-cv-03089, 2020 WL 7319544, at *4 (E.D. Pa. Dec. 11, 2020); *Freedom From Religion Found.*, 2013 WL 2296075, at *3. Here, Petitioner's use of pseudonyms "will not interfere with the public's right or ability to follow the proceedings." *Provident Life*, 176 F.R.D. at 468. Further even if the issue of the constitutionality of an individual's prolonged immigration detention is an issue of public interest, that interest is based on the legal issues in the case and not the identity of Petitioner. *See Evans*, 2020 F.R.D. at 176 ("Although the public certainly has an interest in the issues [the] complaint raises, protecting [Petitioner's] identity will not impede the public's ability to follow the proceedings").

5. Denying Petitioner leave to proceed anonymously may lead him or other petitioners to "sacrifice" their claims.

Fifth, denying Petitioner leave to proceed anonymously may lead him or other petitioners to "sacrifice" their claims and never receive a determination on the merits for fear of their safety or sensitive information being made public. *See Megless*, 654 F.3d at 410 (directing courts to consider whether a litigant will "potentially sacrifice a potentially valid claim simply to preserve their anonymity").

6. Petitioner does not have any "illegitimate ulterior motive" in seeking anonymity.

Sixth, Petitioner does not have any "illegitimate ulterior motive" for proceeding anonymously. *Megless*, 654 F.3d at 410. Petitioner seeks only to protect his mental health and safety while pursuing a challenge to his unconstitutional prolonged detention by Respondents.

B. No Factors Weigh Against Granting Petitioner Anonymity.

1. The level of public interest in knowing Petitioner's identity is weak.

First, the general public interest in knowing the identity of Petitioner is weak in this case, where the issues do not turn on the specific identity of Petitioner, and "the public may continue to follow the proceedings without knowing Plaintiff's identity." *Smith v. U.S. Off. Pers. Mgmt.*, NO. 2:13-cv-5235, 2014 WL 12768838, at *2 (E.D. Pa. Jan. 21, 2014). Further, "the public will maintain access to the docket and any resolution of [Plaintiffs'] legal claims." *Unum Life*, 2014 WL 1599919, at *2.

2. Petitioner is not a public figure.

Second, Petitioner is not a public figure and there is no reason to believe that the public would have an interest in his identity. *See Doe v. Univ. of Scranton*, No. 3:19cv1486, 2020 WL 1244368, at *3 (M.D. Pa. Mar. 16, 2020) ("We find no evidence of a widespread, much less universal, public interest in the identity of the plaintiff," a gay man suing a university). In the Third Circuit, there is a principle that public interest in disclosure "is heightened because Defendants are public officials and government bodies." *Megless*, 654 F.3d at 411. However, while Respondents are government officials, which may attract public interest, no party has requested that the Court seal this case, which means the public will still be able to follow the proceedings if Petitioner's motion is granted. *See Doe v. Pa. Dep't of Corr.*, No. 4:19-CV-01584, 2019 WL 5683437, at *3 (M.D. Pa. Nov. 1, 2019) (citing *Lior Jacob Strahilevitz, Pseudonymous Litigation*, 77 U. CHI. L.

REV. 1239, 1246–47 (2010) (explaining why pseudonymous litigation does not meaningfully harm the public's ability to monitor the courts when the case involves obscure litigants)).

3. There is no known opposition to Petitioner's proceeding in pseudonym.

Finally, Respondents should not oppose Petitioner's proceeding under pseudonym because Petitioner's identity has already been disclosed to Respondents. Given the lack of public interest in Petitioner's identity and the clear risks to Petitioner's mental health, physical safety and that of his family members, there is no other possible opposition to Petitioner's proceeding under pseudonym.

CONCLUSION

Given the level of detail provided in the Petition about Petitioner, and his genuine fears about his safety and mental health as a result of broad disclosure, Petitioner respectfully requests that the Court grant leave to file the Petition under pseudonym "B.S." and redact references to his identity in remaining exhibits and all other subsequent filings, orders, and opinions that implicate Petitioner's safety and privacy interests.

Dated: July 13, 2025
New York, New York

Respectfully Submitted,

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