

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 25-cv-02712-DDD-SBP

JOHN DOE,

Petitioner,

v.

PAM BONDI, U.S. Attorney General,
SIRCE E. OWEN, Director, Executive Office for Immigration Review,
KRISTI NOEM, Secretary, U.S. Department of Homeland Security,
TODD M. LYONS, Director, U.S. Immigration and Customs Enforcement,
ROBERT GUADIAN, Denver Field Office Director, U.S. Immigration
and Customs Enforcement,
DAWN CEJA, Warden of Denver Contract Detention Facility,

Respondents.

**RESPONSE TO PETITIONER'S MOTION TO
PROCEED UNDER PSEUDONYM**

Respondents hereby respond to Petitioner's Motion for Leave to File Under Pseudonym (ECF No. 2). In his Motion, Petitioner seeks to proceed in this litigation as "John Doe," alleging that such anonymity is necessary "to prevent retaliation from the Nicaraguan government against himself, if he were removed, [REDACTED] [REDACTED]" *Id.* at 2. Respondents do not oppose Petitioner's request to proceed without disclosing his name. However, in order to properly balance the public's interest with Petitioner's privacy concerns, the case should name Petitioner by his initials rather than John Doe.

BACKGROUND

Here, Petitioner seeks to proceed in this case as John Doe “based on the serious risk of retaliatory harm [REDACTED] that could result from the public disclosure of his name.” ECF No. 2 at 2. He alleges that “even a combination of [his] initials with details of the facts of this case could easily lead to him being publicly identified.” *Id.* at 4.

Petitioner does not elaborate on this allegation or otherwise explain why his initials and circumstances are so unique that they would reveal his identity and subject him to harm.

ARGUMENT

The Court should protect Petitioner’s identify by permitting him to proceed by using his initials. If Petitioner is permitted to do so, and given other safeguards for his identity, an order permitting him to proceed under a pseudonym is not warranted.

“‘Lawsuits are public events’ and ‘there is no legal right in parties to be allowed anonymity.’” *Luo v. Wang*, 71 F.4th 1289, 1296 (10th Cir. 2023) (quoting *M.M. v. Zavaras*, 139 F.3d 798, 803 (10th Cir. 1998) (cleaned up)). “Federal Rule of Civil Procedure 10(a) requires the names of all parties to appear in the caption of a complaint, and the title of all other pleadings must name the first party on each side.” *Id.*; see also *Femedeer v. Haun*, 227 F.3d 1244, 1246 (10th Cir. 2000) (observing that the public has a strong interest in in access to legal proceedings).

Nevertheless, “[f]ederal courts traditionally have recognized that in some cases the general presumption of open trials—including identification of parties and

witnesses by their real names—should yield in deference to sufficiently pressing needs for a party or witness anonymity.” *Zavaras*, 139 F.3d at 803 (internal quotation marks omitted). “A plaintiff should be permitted to proceed anonymously only in those exceptional cases involving matters of a highly sensitive and personal nature, real dangers of physical harm, or where the injury litigated against would be incurred as a result of the disclosure of the plaintiff’s identity.” *Id.* (internal quotation marks omitted). But “the need for party anonymity must outweigh the presumption of openness.” *Luo*, 71 F.4th at 1296 (quoting *Zavaras*, 139 F.3d at 803 (cleaned up)); *cf.* D.C.COLO.LCivR 7.2(c) (recognizing the “presumption of public access” to court records and that parties seeking restriction must show that “no alternative to restriction is practicable”).

The Federal Rules of Civil Procedure already recognize approaches to address special concerns of sensitivity as to a party’s identity. Rule 5.2, for example, requires a reference in a filed document to a minor’s name to use “the minor’s initials.” See Fed. R. Civ. P. 5.2(a)(3). And Rule 5.2(c) provides that in immigration cases, like here, there are significant limitations on remote access to electronic files. See Fed. R. Civ. P. 5.2(c). Only “parties and their attorneys may have remote electronic access to any part of the case file, including the administrative record.” *Id.* Rule 5.2(c) reflects the drafter’s recognition that immigration actions “are entitled to special treatment due to the prevalence of sensitive information....” 2007 Adv. Comm. Notes to Fed. R. Civ. P. 5.2(c).

Finally, numerous noncitizen parties in Petitioner’s position—claiming potential future harm from a foreign actor—have proceeded under initials. See, e.g., *D.B.U. v.*

Trump, No. 1:25-CV-01163-CNS, 2025 WL 1101149, at *1 (D. Colo. Apr. 14, 2025); *J.M.H. v. Freden*, No. 24-CV-875-LJV, 2025 WL 81919, at *4 (W.D.N.Y. Jan. 13, 2025); *Y.M. v. Wofford*, No. 1:25-CV-01063-SKO (HC), 2025 WL 2468884, at *1 (E.D. Cal. Aug. 27, 2025).

Under these standards, the Court should permit Petitioner to proceed by his initials, rather than John Doe. That approach appropriately balances his privacy interest, Respondents' interests, and the public's interest. As noted above, the public has a strong interest in access to legal proceedings, and the Federal Rules of Civil Procedure, by default, require the names of all parties to appear in the caption of the complaint. The protection of proceeding under his initials helps to address Petitioner's concerns regarding foreign actors accessing the records here. It affords him the same special protection given to minors, permitting them to be named only by their initials. See Fed. R. Civ. P. 5.2(a)(3). The limited electronic access to this immigration case further protects Petitioner's identity.

In contrast, Petitioner has not shown that permitting him to proceed as "John Doe" is warranted. It is not the least restrictive approach that can be taken to protect Petitioner's identity. It also risks creating confusion for lawyers and courts because when cases proceed under a John Doe, it is difficult for lawyers and judges to identify specific cases, keep track of which is which, locate precedent, and determine whether a party has brought prior litigation.

In sum, as explained above, the Court should deny Petitioner's request to proceed as "John Doe," but permit him to proceed by his initials instead.

Dated: September 12, 2025

PETER MCNEILLY
United States Attorney

s/ Logan Brown

Logan Brown

Assistant United States Attorney
1801 California Street, Suite 1600
Denver, Colorado 80202
Telephone: (303) 454-0100
Fax: (303) 454-0411
Logan.Brown@usdoj.gov
Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2025, I electronically filed the foregoing with the Clerk of Court using the ECF system, which will send notice to the following persons:

Johnny Sinodis
Jsine@vblaw.com
Counsel for Petitioner

s/ Logan Brown
U.S. Attorney's Office