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10 N. Y. V. D.

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 N. Y. V. D.,

14 Petitioner-Plaintiff,

15 v.

16 Ernesto SANTACRUZ, Jr., Acting Field
17 Office Director of Los Angeles Office of
18 Detention and Removal, U.S. Immigrations
19 and Customs Enforcement; U.S. Department
20 of Homeland Security; Todd M. LYONS,
21 Acting Director, Immigration and Customs
22 Enforcement, U.S. Department of Homeland
23 Security; Kristi NOEM, in them Official
24 Capacity, Secretary, U.S. Department of
25 Homeland Security; Pam BONDI, in them
26 Official Capacity, Attorney General of the
27 United States; and Fereti SEMAIA, Facility
28 Administrator at Adelanto ICE Processing
Center, Adelanto, California;

Respondents-Defendants.

Case No. 5:25-cv-03404-WLH-SP

**PETITIONER-PLAINTIFF'S
AMENDED
ADMINISTRATIVE MOTION
TO PERMIT HER TO
PROCEED UNDER
PSEUDONYM (CORRECTED)¹**

Challenge to Unlawful
Incarceration Under Color of
Immigration Detention Statutes

¹ This corrected motion reflects the correct Respondent, Ernesto Santacruz, Jr.
Administrative Motion to Permit Plaintiff to Proceed Under Pseudonym
Case No. 5:25-cv-03404-WLH-SP

1 **I. INTRODUCTION**

2 Petitioner-Plaintiff N. Y. V. D. (“N.Y.V.D.” or “Petitioner”) seeks to proceed
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4 under pseudonym in her habeas petition to protect her identity from public
5 disclosure, prevent future potential harm, harassment, and persecution from the
6
7 Nicaraguan government. On December 16, 2025, N.Y.V.D. filed her initial Motion
8 to Proceed Under Pseudonym, because she is an asylum applicant who fled
9
10 Nicaragua, and feared that public disclosure of her identity through her instant
11 habeas petition (and related federal relief) may result in future harm and
12 mistreatment by the Nicaraguan Government and non-government agents. Dkt. 4.
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14 On January 5, 2026, the Honorable Judge Wesley L. Hsu denied N.Y.V.D.’s Motion,
15 determining that N.Y.V.D. failed to include any affidavit/declaration or other
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17 evidence to support her motion and to disclose her motion. Dkt. 17. Judge Hsu
18 ordered N.Y.V.D. to amend her habeas petition to include her true name or amend
19
20 her motion to proceed under pseudonym on or before January 23, 2026. *Id.*

21 N.Y.V.D. hereby files her amended motion to proceed under a pseudonym.
22
23 She has no objection to the Court or Respondents being aware of her identity, and
24
25 she has already provided her identity to counsel for Respondents. She fears that, as
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27 discussed below, should her identity, whereabouts, and the fact that she is an asylum
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29 applicant be publicly disclosed, the Nicaraguan government and non-government
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31 actors will persecute, retaliate against, and endanger her in the United States and in

1 Nicaragua in the event that she is deported in the future. Further, she fears that the
2 Nicaraguan government and non-government actors will also persecute and retaliate
3 against her family in Nicaragua.
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5 **II. STATEMENT OF RELEVANT FACTS AND BACKGROUND**

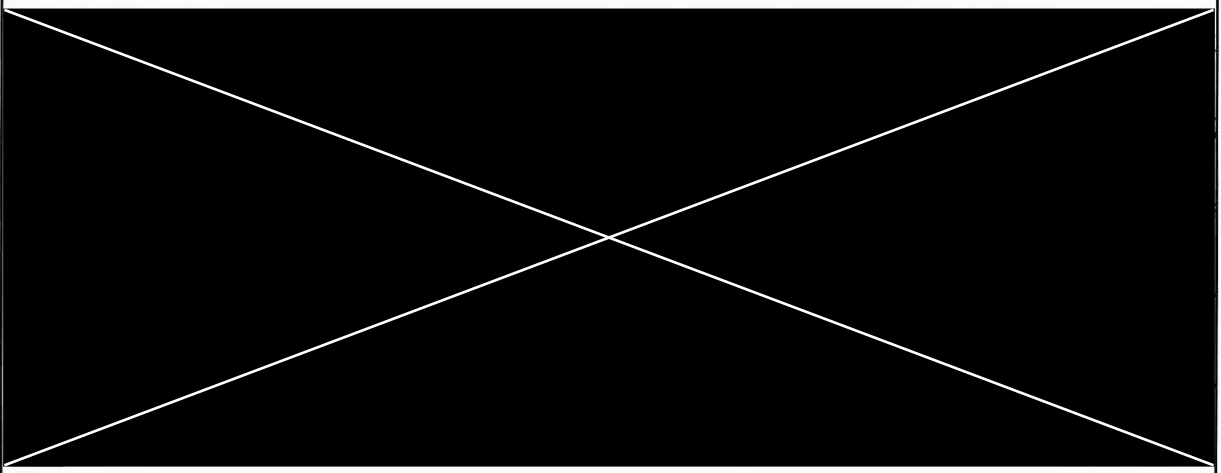
6 N.Y.V.D., a citizen and national of Nicaragua, fled Nicaragua to the United
7 States due to persecution she suffered on account of [REDACTED]
8
9

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED] See Declaration of Zachary
18 Nightingale (“ZN Decl.”).

19 On or about November 19, 2022, N.Y.V.D. entered the United States without
20 inspection and presented herself to the U.S. Department of Homeland Security
21 (“DHS”). Dkt. 1-1; Dkt. 11, Order Re: Ex Parte Application for Temporary
22 Restraining Order (“TRO Order”), at 2. DHS paroled N.Y.V.D. into the United
23 States under Immigration and Nationality Act (INA) § 212(d)(5) and ordered her to
24 report with the U.S. Immigration and Customs Enforcement (“ICE”). *Id.*
25
26

27 N.Y.V.D. has attempted to apply for asylum protection multiple times in the
28

1 United States based on her fear of persecution in her home country. Because DHS
2 never filed a Notice to Appear for N.Y.V.D., no removal proceedings were initiated.
3
4 *Id.* Thus, in 2023, N.Y.V.D. filed Form I-589, Application for Asylum, Withholding
5 of Removal, and Protection Under the Convention Against Torture (CAT) with the
6 U.S. Citizenship and Immigration Services (“USCIS”). *Id.* Sometime after entering
7 the United States, N.Y.V.D.’s family informed her that 



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18 On November 24, 2025, ICE officials arrested N.Y.V.D. while she attended
19 her routine check-in at the San Francisco ICE Office. Dkt. 1-1; TRO Order. ICE
20 transferred her to the Adelanto ICE Processing Center. *Id.* On November 26, 2025,
21 two days after her re-arrest, USCIS dismissed N.Y.V.D.’s Form I-589 on
22 jurisdictional grounds, stating that she was placed in expedited removal. *Id.*
23
24

25 Although N.Y.V.D. believes it was unlawful for the government to have
26 placed her in expedited removal proceedings, she nonetheless persisted in expressing
27 her fear of return and desire to seek legal protection. *Id.* While she was in detention,
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1 N.Y.V.D. expressed a fear of return to Nicaragua. *Id.* On December 10, 2025,
2 N.Y.V.D. underwent a Credible Fear Interview (“CFI”) with a USCIS officer. *Id.*
3
4 The officer conducting her CFI repeatedly interrupted her during the interview and
5 did not allow her to discuss some of the most vital aspects of her claim—including
6
7 that [REDACTED]

8 [REDACTED] *Id.*; Dkt. 1, at 4. On
9
10 December 12, 2025, USCIS issued a negative fear determination. *Id.* On December
11 23, 2025, an Immigration Judge reviewed and affirmed USCIS’ negative fear
12 determination and ordered N.Y.V.D. deported. *See* Dkt. 14, Petitioner’s Reply to
13 Respondent’s Response; Dkt. 18, at 2, 7.

15 On December 15, 2025, undersigned Counsel contacted Respondents’
16 Counsel Mr. Daniel Beck (“Mr. Beck”), to discuss the N.Y.V.D.’s matter and stated
17 the reasons for the petition and motion. Dkt. 2-2. Undersigned Counsel disclosed
18 N.Y.V.D.’s full name and A-number and has continued to disclose this information
19
20 in all subsequent correspondence with Respondents’ counsel.

22 **III. ARGUMENT**

23 24 **A. N.Y.V.D. SHOULD BE PERMITTED TO PROCEED UNDER** 25 **PSEUDONYM**

26 Federal courts, including the Ninth Circuit, “have permitted parties to proceed
27 anonymously when special circumstances justify secrecy.” *Does I thru XXIII v.*
28

1 *Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000). “In this circuit, we
2 allow parties to use pseudonyms in the ‘unusual case’ when nondisclosure of the
3 party’s identity ‘is necessary ... to protect a person from harassment, injury, ridicule
4 or personal embarrassment.’” *Id.* at 1067-68 (quoting *United States v. Doe*, 655 F.2d
5 920, 922 n.1 (9th Cir. 1981)). “[A] party may preserve his or her anonymity in
6 judicial proceedings in special circumstances when the party’s need for anonymity
7 outweighs prejudice to the opposing party and the public’s interest in knowing the
8 party’s identity.” *Advanced Textile Corp.*, 214 F.3d at 1068; *see also Santa Fe Indep.*
9 *Sch. Dist. v. Doe*, 530 U.S. 290, 294 n.1 (2000) (allowing the plaintiffs “to litigate
10 anonymously to protect them from intimidation or harassment”).

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15 Courts have granted motions to file pseudonymously based on the petitioners’
16 fears of persecution and retaliation should their identities be revealed. *See, e.g.,*
17 *Poozesh v. Pompeo*, No. 1:19-CV-01466-LJO-SKO, 2019 WL 6052363, at *2 (E.D.
18 Cal. Nov. 15, 2019) (“retaliation from a foreign government is recognized by the
19 Ninth Circuit and other district courts as a sufficient basis to proceed
20 anonymously.”); *Int’l Refugee Assistance Project v. Trump*, 2017 WL 818255, at
21 *2-3 (D. Md. Mar. 1, 2017) (“Potential retaliatory physical or mental harm against
22 individuals in another country can form the basis for permitting plaintiffs to use
23 pseudonyms.”); *Doe v. Becerra*, 732 F. Supp. 3d 1071, 1091 (N.D. Cal.
24 2024) (“Given the circumstances of Mr. Doe’s petition and his allegations that he
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1 will face torture or death if he returns to Mexico, the Court previously granted Mr.
2 Doe's motions to proceed under pseudonym[.]"); *E.O.P. v. Andrews*, No. 1:25-cv-
3 00721-SKO (HC), 2025 WL 1735396, at *1 (E.D. Cal. June 23, 2025); *Doe v.*
4 *Wofford*, No. 1:24-cv-00943-EPG-HC, 2025 WL 1305859, at *4 (E.D. Cal. May 6,
5 2025); *A.E. v. Andrews*, No. 1:25-cv-00107-KES-SKO (HC), 2025 WL 871334, at
6 *1 (E.D. Cal. Mar. 19, 2025); *H.J.G.G. v. Wofford*, No. 1:25-CV-01718-JLT-EPG-
7 HC, 2025 WL 3761803, at *2 (E.D. Cal. Dec. 30, 2025).

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11 A district court must balance five factors to determine whether to allow a party
12 to proceed anonymously when the opposing party has objected: "(1) the severity of
13 the threatened harm, (2) the reasonableness of the anonymous party's fears, ... (3)
14 the anonymous party's vulnerability to such retaliation, (4) the prejudice to the
15 opposing party, and (5) the public interest." *Jane Doe 1, et al. v. David Kochmanski,*
16 *et al. Additional Party Names: City of Southgate, Jane Doe 2*, No. CV 25-9087-
17 MWF (AJRX), 2025 WL 3691940, at *1 (C.D. Cal. Nov. 20, 2025) (quoting *Doe v.*
18 *Kamehameha Sch./Bernice Pauahi Bishop Est.*, 596 F.3d 1036, 1042 (9th Cir.
19 2010)).²
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25 ² Where the defendant is either a government entity or official, courts routinely count
26 the public interest factor as weighing in favor of leave to proceed under a
27 pseudonym. *See, e.g., E.W. v. N.Y. Blood. Ctr.*, 213 F.R.D. 108, 111 (E.D.N.Y. 2003)
28 ("[W]here a plaintiff attacks governmental activity...the plaintiff's interest in
proceeding anonymously is considered particularly strong."). This is because the
plaintiff "presumably represents a minority interest (and may be subject to

1 At the outset, Respondents have not filed an opposition to the Motion nor have
2 they objected to N.Y.V.D.'s request to proceed anonymously. Dkt. 17, at 1. In
3 addition, proceeding under a pseudonym does not prejudice to Respondents because
4 they have known her identity, which undersigned Counsel disclosed, prior to and
5 throughout the entirety of the instant proceedings. In addition, N.Y.V.D. has fully
6 disclosed their identity to Respondents in the course of her asylum request and
7 throughout her check-ins with ICE. DHS is already fully aware of her immigration
8 history and has full access to information about the identity of Petitioner, and all
9 documents relating to her identity and asylum claim. Thus, the fourth factor is met.
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11 As to the other factors, this Court should find that on balance, N.Y.V.D. has
12 a critical need for anonymity to protect her safety and privacy, as well as her
13 family's. As set forth herein and in the accompanying petition and motion for
14 temporary restraining order, N.Y.V.D. is a native and citizen of Nicaragua who (1)
15 was targeted by the Nicaraguan government for persecution, (2) whose family was
16 also similarly targeted, (3) who shares an identifiable name with her family—
17 including with [REDACTED]
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26 stigmatization), and there is arguably a public interest in a vindication of his rights,"
27 while "the government is viewed as having a less significant interest in protecting
28 its reputation from damaging allegations than the ordinary individual defendant." *Id.*
The public interest therefore weighs in favor of allowing N.Y.V.D. to proceed under
pseudonym.

1 [REDACTED] (4) her name and identity are already flagged by the Nicaraguan
2 government as someone who fled the country, and (5) remains at risk of harm in
3 Nicaragua and is in the process of re-applying for asylum given her fear. *See* ZN
4 Decl.; *see also* Dkts. 1, 1-1. N.Y.V.D. therefore moved to proceed under her initials
5 because disclosing her identity publicly places her at risk of persecution.
6 Specifically, she filed her asylum application based on harm and persecution she
7 experienced in Nicaragua because of [REDACTED]
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14 [REDACTED] *Id.* Further, the harm that led her to flee and apply for asylum is highly
15 personal, traumatic, and includes discussion of her fear of future persecution and
16 torture, including sexual violence, as [REDACTED] *Id.*
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18 Therefore, this Court should find that the severity and threatened harm, and
19 the reasonableness of N.Y.V.D.'s fears, warrant proceeding under pseudonym.
20

21 **IV. CONCLUSION**

22 For the foregoing reasons, N.Y.V.D. asks that the Court grant her amended
23 motion to allow her to proceed using a pseudonym. These measures are necessary to
24 protect her given her ongoing concerns of harm from the Nicaraguan government.
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1 Dated: January 23, 2026

Respectfully submitted,

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3 /s/Zachary Nightingale
4 Zachary Nightingale
5 Attorney for Petitioner-Plaintiff
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