

1 NATALIA VIEIRA SANTANNA,
2 CA BAR NO. 337502
3 MI BAR NO. P76443
4 SANTANNA LAW OFFICES
5 PO BOX 7528, OAKLAND, CA, 94601
6 (510) 922-0154 (TELEPHONE)
7 (510) 903-4211 (FACSIMILE)
8 NATALIA@SANTANNALAW.COM (EMAIL)
9 ATTORNEY FOR PETITIONER-PLAINTIFF

10
11 UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF
13 CALIFORNIA
14

15 O.A.M.R.,
16 Petitioner-Plaintiff,

17
18 v.
19

20 Minga WOFFORD, Field Office Director, Mesa
21 Verde, Office of Detention and Removal, U.S.
22 Immigrations and Customs Enforcement; U.S.
23 Department of Homeland Security;
24

25 Sergio ALBARRAN, Acting Field Office Director
26 of the San Francisco Immigration and Customs
27 Enforcement Office
28

Todd M. LYONS, Acting Director, Immigration
and Customs Enforcement, U.S. Department of
Homeland Security;

Kristi NOEM, in her Official Capacity, Secretary,
U.S. Department of Homeland Security; and

Pam BONDI, in her Official Capacity, Attorney
General of the United States;

Respondents-Defendants.

Case No.

**MOTION TO PROCEED VIA
PSEUDONYM**

I. INTRODUCTION

O.A.M.R respectfully moves for an order allowing him to proceed using his initials in this matter and for entry of a protective order protecting his identity. O.A.M.R is a citizen from El Salvador. He brings this Habeas Corpus action seeking to compel Defendants to release him from unlawful detention.

Given the risk to O.A.M.R and his family of harassment and retaliation, O.A.M.R respectfully requests leave to proceed pseudonymously. O.A.M.R will disclose his identity to the government counsel who appears in this case. However, public disclosure of his identity is neither necessary nor warranted. O.A.M.R should not be required to expose himself to retaliation, public vitriol, or further harm to vindicate his legal rights.

II. ARGUMENT

The law is well-settled that parties to litigation may proceed using a pseudonym with leave of the court. *See, e.g., Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 294 (2000) (noting that the district court had permitted the plaintiffs “to litigate anonymously to protect them from intimidation or harassment”). In the Ninth Circuit, courts “allow parties to use pseudonyms in the ‘unusual case’ when nondisclosure of the party’s identity ‘is necessary ... to protect a person from harassment, injury, ridicule or personal embarrassment.’” *Jane Roes 1-2 v. SFBSC Mgmt., LLC*, 77 F. Supp. 3d 990, 993 (N.D. Cal. 2015) (quoting *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067–68 (9th Cir.2000)).

To determine whether proceeding anonymously is appropriate, “a district court must balance the need for anonymity against the general presumption that parties’ identities are public information and the risk of unfairness to the opposing party.” *Does I thru XXIII*, 214 F.3d at 1068. Accordingly, “a district court must balance five factors: (1) the severity of the threatened harm, (2) the reasonableness of the anonymous party’s fears, . . . (3) the anonymous party’s vulnerability to such retaliation, (4) the prejudice to the opposing party.

1 and (5) the public interest. *Doe v. Kamehameha Sch./Bernice Pauahi Bishop Est.*, 596 F.3d 1036, 1042 (9th
2 Cir. 2010) (alteration in original) (quoting *Does I thru XXIII*, 214 F.3d at 1068).

3 In this case, the factors weigh in favor of granting O.A.M.R.'s motion.

4 **1. The Litigation Concerns Information of a Sensitive and Highly Personal Nature.**

5 O.A.M.R. currently has a pending Form I-918, Petition for U Nonimmigrant Status, which was filed on
6 October 1, 2018. On June 23, 2023, U.S. Citizenship and Immigration Services issued a Bona Fide
7 Determination Notice in connection with this petition, confirming that the application was found to be bona
8 fide and is currently under review. He also intends to file an asylum petition. Additionally, litigation may
9 require disclosure of O.A.M.R.'s private mental and physical health information. Such health information is
10 highly personal, and disclosure of such information could lead to stigma and further harm for O.A.M.R. *See,*
11 *e.g., J.J. v. Olympia Sch. Dist.*, No. C16-5060 BHS, 2016 WL 3597784, at *2 (W.D. Wash. July 5, 2016)
12 (permitting plaintiff to proceed under initials in light of probable embarrassment, social stigma, and
13 significant psychological harm); *Doe v. Penzato*, No. CV10-5154 MEJ, 2011 WL 1833007, at *3 (N.D. Cal.
May 13, 2011) (allowing plaintiff to proceed anonymously where litigation involved "the emotional and
psychological impact of being a victim of human trafficking").

14 Moreover, the federal government prohibits disclosure of the identity of asylum seekers and asylees
15 without their consent, recognizing that such people or their family members may face harm if an asylee's
16 name is disclosed. *See* 8 C.F.R. § 208.6; *cf.* Fed. R. Civ. P. 5.2(c) (limiting remote access to case files in
17 cases actions involving "immigration benefits or detention"). Indeed, U.S. Citizenship and Immigration
18 Services (USCIS) has recognized that [p]ublic disclosure of asylum-related information may subject the
19 claimant to retaliatory measures by government authorities or non-state actors if the claimant is repatriated,
20 or endanger the security of the claimant's family members who may still be residing in the country of origin.
Moreover, public disclosure might, albeit in some limited circumstances, give rise to a plausible protection

claim where one would not otherwise exist by bringing an otherwise ineligible claimant to the attention of the government authority or non-state actor against which the claimant has made allegations of mistreatment. USCIS Asylum Division, Fact Sheet: Federal Regulations Protecting the Confidentiality of Asylum Applicants at 2 (Oct. 18, 2012), <https://www.uscis.gov/sites/default/files/document/factsheets/Asylum-ConfidentialityFactSheet.pdf>. This reality provides a second strong reason to allow Plaintiffs to proceed using their initials.

2. There Is No Risk of Prejudice to Defendants

This lawsuit is an action seeking to compel Defendants to release O.A.M.R from unlawful detention. As other courts have found, where the plaintiff's identity is not itself a material fact in the lawsuit, allowing a plaintiff to proceed anonymously causes no prejudice. *See Sealed Plaintiff v. Sealed Defendant #1*, 537 F.3d 185, 190 (2d Cir. 2008) (citing *Doe v. Del Rio*, 241 F.R.D. 2d 154, 157 (S.D.N.Y. 2006) (“[B]ecause of the purely legal nature of the issues presented or otherwise, there is an atypically weak public interest in knowing the litigant’s identities.”)). Moreover, when Defendants’ counsel appears in this case, O.A.M.R will promptly provide counsel with his identity. For this additional reason, allowing O.A.M.R to proceed under pseudonyms will not unfairly prejudice Defendants.

3. Allowing O.A.M.R to Proceed Under Pseudonyms is in Public Interest.

Where the defendant is either a government entity or official, courts routinely count the public interest factor as weighing in favor of leave to proceed under a pseudonym. *See, e.g., E.W. v. N.Y. Blood Ctr.*, 213 F.R.D. 108, 111 (E.D.N.Y. 2003) (“[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 stigmatization), and there is arguably a public interest in a vindication of his rights,” while “the government is viewed as having a less significant interest in protecting its reputation from damaging allegations than the ordinary individual

1 defendant.” *Id.* The ramifications of forcing O.A.M.R to reveal his identity publicly to pursue his claims
2 arising from government misconduct would be sweeping and would limit access to the courts for any citizen
3 with a legitimate fear of mistreatment or retaliation by the government. The public interest, therefore, weighs
4 in favor of allowing O.A.M.R to proceed using a pseudonym.

5 **III. CONCLUSION**

6 To require O.A.M.R to disclose his identity publicly risks further traumatizing O.A.M.R and puts him
7 and his family members at risk of harassment and persecution. Conversely, by pursuing this case under a
8 pseudonym, O.A.M.R will be able to vindicate his rights without precluding the Defendants from litigating
9 this case or detracting from the public’s ability to appreciate the issues at stake. O.A.M.R, therefore,
10 respectfully requests that this Court grant the Motion and enter O.A.M.R’s proposed protective order.

11 Respectfully submitted on this 21st day of December, 2025.

12 *By counsel,*

13 s/ Natalia Vieira Santanna

14 Natalia Vieira Santanna, Esq.

15 Attorney for the Plaintiff

16 Bar #P76443 (Michigan)/ Bar #337502 (California)

17 PO Box 7528

18 Phone: (510) 922-0154

19 Fax: (510) 903-4211

20 Email: natalia@santannalaw.com

CERTIFICATE OF SERVICE

I hereby certify that on 12/21/25 I electronically filed the foregoing document and accompanying proposed order with the Clerk of the Court using the CM/ECF system. I further certify that I will mail Defendant United States of America a copy of this document and the accompanying proposed order via certified, first-class mail.

Dated: 12/21/25

s/ Natalia Vieira Santanna

Natalia Vieira Santanna, Esq.

Attorney for the Plaintiff

PO Box 7528

Bar #P76443 (Michigan)/ Bar #337502 (California)

Phone: (510) 922-0154

Fax: (510) 903-4211

Email: natalia@santannalaw.com