

1 MORRISON & FOERSTER LLP
Eric M. Acker (CA Bar No. 135805)
2 *eacker@mof.com*
Krista S. deBoer (CA Bar No. 288842)
3 *kdeboer@mof.com*
12531 High Bluff Drive, Suite 200
4 San Diego, CA 92130-3588
Telephone: 858.720.5109
5 Facsimile: 858.720.5125

6 AMERICAN IMMIGRATION COUNCIL
Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL
11 RIGHTS
Baher Azmy* (NY Bar No. 2860740)
12 *bazmy@ccrjustice.org*
666 Broadway, 7th Floor
13 New York, NY 10012
Telephone: 212.614.6464
14 Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

15 *Additional Attorneys for Plaintiffs Listed*
16 *on Next Page*

** pro hac vice forthcoming*

17 **UNITED STATES DISTRICT COURT**
18 **SOUTHERN DISTRICT OF CALIFORNIA**

19
20 AL OTRO LADO, INC., *et al.*,

21 Plaintiffs,

22 v.

23 DONALD J. TRUMP, President of the
24 United States, in his official capacity, *et al.*,

25 Defendants.
26

Case No. 3:25-cv-01501-RBM-BLM

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION TO
PROCEED PSEUDONYMOUSLY**

Hon. Ruth Bermudez Montenegro
Hearing Date: July 28, 2025
Courtroom: 5B

**NO ORAL ARGUMENT UNLESS
ORDERED BY THE COURT**

1 MORRISON & FOERSTER LLP
Robert W. Manoso
2 (DC Bar No. 426323)
rmanoso@mofa.com
3 2100 L Street, NW, Suite 900
Washington, DC 20037
4 Telephone: 202.887.1555
5 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
Rebecca Cassler (DC Bar No. 90017398)
rcassler@immcouncil.org
7 Suchita Mathur (DC Bar No. 90013156)
smathur@immcouncil.org
8 PMB2026
9 2001 L Street, NW, Suite 500
Washington, DC 20036
10 Telephone: 202.507.7523
Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
RIGHTS
12 Angelo Guisado* (NY Bar No. 5182688)
aguisado@ccrjustice.org
13 Adina Marx-Arpadi
14 (NY Bar No 6019335)
amarxarpadi@ccrjustice.org
15 666 Broadway, 7th Floor
New York, NY 10012
16 Telephone: 212.614.6464
Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
REFUGEE STUDIES
Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on July 28, 2025, or as soon thereafter as the
3 matter may be heard in the United States District Court for the Southern District of
4 California, at the Edward J. Schwartz United States Courthouse, 221 W. Broadway,
5 San Diego, California 92101, Courtroom 5B, before the Honorable Ruth Bermudez-
6 Montenegro, Plaintiffs Maria Doe, Jessica Doe, Fernando Doe, Ali Doe, Eduardo
7 Doe, Jean Doe, Rous Doe, Diana Doe, Anahi Doe, and Dragon Doe (collectively,
8 “Individual Plaintiffs”), will and hereby do move for an Order granting Individual
9 Plaintiffs to pursue this action pseudonymously, and requiring Defendants to
10 maintain the confidentiality of Individual Plaintiffs’ identities in their public filings.

11 As set forth in the accompanying Memorandum of Points and Authorities,
12 Individual Plaintiffs are asylum seekers who ask to proceed anonymously because
13 the risk of harm to Individual Plaintiffs will be unnecessarily exacerbated if their
14 identities and present whereabouts are exposed in this litigation. This Motion is made
15 following the conference of counsel that took place on June 13, 2025.

16 In support of their Motion, Individual Plaintiffs rely on this Notice of Motion
17 and Motion, the accompanying Memorandum of Points and Authorities, and the
18 declarations of the Individual Plaintiffs attached to the Declaration of Eric M. Acker
19 filed in support of this motion.

20 Pursuant to Rule III.B of the Court’s Chambers Rules, the hearing date does
21 not indicate a date when appearances are necessary.

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Dated: June 25, 2025

Respectfully Submitted,

MORRISON & FOERSTER LLP

s/ Eric M. Acker

Attorney for Plaintiffs

Email: eacker@mofo.com

Eric M. Acker

Krista S. deBoer

Robert W. Manoso

CENTER FOR GENDER AND
REFUGEE STUDIES

Melissa Crow

Blaine Bookey

Robert Pauw

Peter Habib

CENTER FOR CONSTITUTIONAL
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DEMOCRACY FORWARD
FOUNDATION

Brian Netter

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Adnan Perwez

1 MORRISON & FOERSTER LLP
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Michelle Lapointe (DC Bar No. 90032063)
7 *mlapointe@immcouncil.org*
PMB2026
8 2001 L Street, NW, Suite 500
Washington, DC 20036
9 Telephone: 202.507.7523
Facsimile: 202.742.5619

10 CENTER FOR CONSTITUTIONAL
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Baher Azmy* (NY Bar No. 2860740)
12 *bazmy@ccrjustice.org*
666 Broadway, 7th Floor
13 New York, NY 10012
Telephone: 212.614.6464
14 Facsimile: 212.614.6499

CENTER FOR GENDER AND
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Melissa Crow
(DC Bar No. 453487)
crowmelissa@uclawsf.edu
1121 14th Street, NW, Suite 200
Washington, DC 20005
Telephone: 202.355.4471
Facsimile: 415.581.8824

DEMOCRACY FORWARD
FOUNDATION
Brian Netter (DC Bar No. 979362)
bnetter@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
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16 *on Next Page*

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**PLAINTIFFS' MEMORANDUM
OF POINTS AND AUTHORITIES
IN SUPPORT OF THEIR
MOTION TO PROCEED
PSEUDONYMOUSLY**

Hon. Ruth Bermudez Montenegro
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1 MORRISON & FOERSTER LLP
2 Robert W. Manoso
(DC Bar No. 426323)
3 *rmanoso@mofo.com*
2100 L Street, NW, Suite 900
4 Washington, DC 20037
Telephone: 202.887.1555
5 Facsimile: 202.887.0763

6 AMERICAN IMMIGRATION COUNCIL
7 Rebecca Cassler (DC Bar No. 90017398)
rcassler@immcouncil.org
8 Suchita Mathur (DC Bar No. 90013156)
smathur@immcouncil.org
9 PMB2026
2001 L Street, NW, Suite 500
10 Washington, DC 20036
Telephone: 202.507.7523
Facsimile: 202.742.5619

11 CENTER FOR CONSTITUTIONAL
12 RIGHTS
13 Angelo Guisado* (NY Bar No. 5182688)
aguisado@ccrjustice.org
14 Adina Marx-Arpadi
(NY Bar No 6019335)
amarxarpadi@ccrjustice.org
15 666 Broadway, 7th Floor
New York, NY 10012
16 Telephone: 212.614.6464
Facsimile: 212.614.6499

CENTER FOR GENDER AND
REFUGEE STUDIES
Blaine Bookey (CA Bar No. 267596)
bookeybl@uclawsf.edu
Peter Habib (CA Bar No. 359646)
habibpeter@uclawsf.edu
200 McAllister Street
San Francisco, CA 94102
Telephone: 415.565.4877
Facsimile: 415.581.8824

CENTER FOR GENDER AND
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Robert Pauw (WA Bar No. 13613)
rpauw@ghp-law.net
c/o GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Telephone: 206.682.1080
Facsimile: 206.689.2270

DEMOCRACY FORWARD
FOUNDATION
Sarah M. Rich (GA Bar No. 281985)
srich@democracyforward.org
Adnan Perwez (DC Bar No. 27532)
aperwez@democracyforward.org
P.O. Box 34553
Washington, DC 20043
Telephone: 202.448.9090
Facsimile: 202.796.4426

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1 **I. INTRODUCTION**

2 Plaintiffs Maria Doe, Jessica Doe, Fernando Doe, Ali Doe, Eduardo Doe,
3 Jean Doe, Rous Doe, Diana Doe, Anahi Doe, and Dragon Doe (collectively,
4 “Individual Plaintiffs”) move the Court for an Order permitting them to proceed
5 under pseudonyms and requiring Defendants to maintain the confidentiality of their
6 identities. Individual Plaintiffs so move because they have fled grave harm in their
7 home countries and hope to seek asylum in the United States. The risk of harm to
8 Individual Plaintiffs will be unnecessarily exacerbated if their identities and present
9 whereabouts are exposed in this litigation. Several other judges in the Southern
10 District of California have permitted asylum-seeking plaintiffs to proceed
11 pseudonymously, and the reasons for doing so apply with equal force here. *E.g.*,
12 Minute Entry and Order, *Al Otro Lado, Inc. v. Mayorkas*, No. 3:23-cv-01367-AGS-
13 BLM (S.D. Cal. Oct. 13, 2023), ECF No. 62 (“*AOL IP*”) (Judge Schopler); *Al Otro*
14 *Lado, Inc. v. Nielsen*, No. 17-cv-02366-BAS-KSC, 2017 WL 6541446 (S.D. Cal.
15 Dec. 20, 2017) (“*AOL P*”) (Chief Judge Bashant);¹ *E.A.R.R. v. U.S. Dep’t of*
16 *Homeland Sec.*, No. 20-cv-2146 TWR (BGS), 2021 WL 5177775 (S.D. Cal. Jan. 7,
17 2021) (Judge Robinson); *Ms. L. v. U.S. Immigr. & Customs Enf’t*, 331 F.R.D. 529
18 (S.D. Cal. 2018) (Judge Sabraw).

19 Because of the very nature of claims of persecution and corresponding fears of
20 physical harm, applicable federal regulations *require* that the identity of asylum
21 seekers be protected from public disclosure. 8 C.F.R. § 208.6(b) (“The confidentiality
22 of other records kept by DHS and the Executive Office for Immigration Review that
23 indicate that a specific [noncitizen] has applied for refugee admission, asylum . . .
24 shall also be protected from disclosure, except as permitted in this section.”). As a
25 result, courts regularly permit asylum seekers to proceed under pseudonyms,

26 _____
27 ¹The government did not oppose the Plaintiffs proceeding with pseudonyms in both
28 prior *AOL* cases. See Motion to Proceed Pseudonymously, *AOL II*, ECF No. 36; *AOL I*, 2017 WL 6541446, at *1. However, here, in a complete about-face, the government has informed Plaintiffs that it will oppose the motion without explanation for why it is refusing to comply with its own regulations. See 8 C.F.R. § 208.6.

1 particularly where, as here, they challenge government action and where the
2 government will face no prejudice should the plaintiffs’ identities be shielded from
3 public notice while they diligently pursue their right to seek protection from
4 persecution. *AOL I*, 2017 WL 6541446, at *8.

5 Based on the special circumstances of this case, the Individual Plaintiffs’ need
6 for privacy outweighs any minimal potential prejudice to others. Defendants will be
7 provided with the Individual Plaintiffs’ identifying information and will not suffer
8 any prejudice in defending against this action.² In addition, the public has an interest
9 in ensuring that Individual Plaintiffs’ legal challenge to Defendants’ alleged
10 misconduct proceeds. Forcing vulnerable plaintiffs to disclose their identities may
11 chill their willingness to pursue such claims. The balance of relevant factors thus
12 heavily favors permitting the Individual Plaintiffs to remain anonymous in
13 connection with public filings in this action.

14 **II. ARGUMENT**

15 Although the Federal Rules of Civil Procedure generally require complaints to
16 include the names of all parties, *see* Fed. R. Civ. P. 10(a), it is well established that
17 district courts have discretion to permit parties to proceed pseudonymously when
18 special circumstances justify anonymity. *See Does I thru XXIII v. Advanced Textile*
19 *Corp.*, 214 F.3d 1058, 1067–68 (9th Cir. 2000) (collecting cases); *Sealed Plaintiff v.*
20 *Sealed Defendant #1*, 537 F.3d 185, 189-90 (2d Cir. 2008) (collecting cases).

21 In the Ninth Circuit, appearing under a pseudonym is appropriate when
22 “nondisclosure of the party’s identity ‘is necessary . . . to protect a person from
23 harassment, injury, ridicule or personal embarrassment.’” *Advanced Textile*, 214 F.3d
24 at 1067–68 (quoting *United States v. Doe*, 655 F.2d 920, 922 n.1 (9th Cir. 1981));
25 *see also Doe v. Andrews*, No. 1:25-CV-00333-JLT-HBK (HC), 2025 WL 1531684,
26 at *1 (E.D. Cal. May 28, 2025) (“[C]ourts regularly grant leave to proceed under a
27 pseudonym in cases related to asylum proceedings.”). Courts should permit a party

28 ² This Court will also be provided with Individual Plaintiffs’ identities.

1 to proceed under a pseudonym “when the party’s need for anonymity outweighs
2 prejudice to the opposing party and the public’s interest in knowing the party’s
3 identity.” *Advanced Textile*, 214 F.3d at 1068. As explained below, Individual
4 Plaintiffs require protection from targeted violence, severe abuse, and death threats,
5 among other harms. At the same time, Defendants cannot show that they will be
6 prejudiced, or the public interest undermined, if the Individual Plaintiffs proceed
7 under pseudonyms.

8 **A. Pseudonyms Are Necessary to Protect the Individual Plaintiffs from**
9 **Grave Harm.**

10 Where plaintiffs fear harm based on the disclosure of personal information, the
11 Ninth Circuit has instructed trial courts to consider “(1) the severity of the threatened
12 harm; (2) the reasonableness of the anonymous party’s fears; and (3) the anonymous
13 party’s vulnerability to such retaliation.” *Id.* (citations omitted). These concerns are
14 particularly pronounced where, as here, the plaintiffs are asylum seekers who face
15 significant physical threats and, in some cases, death. *See A.B.T. v. U.S. Citizenship*
16 *& Immigration Servs.*, No. 2:11-cv-02108, 2012 WL 2995064, at *3 (W.D. Wash.
17 July 20, 2012) (permitting asylum seekers challenging government action to proceed
18 under pseudonyms because “the severity of threatened harm is great . . . [i]f . . .
19 plaintiffs may be persecuted, imprisoned under hostile conditions, tortured, or
20 killed.”); *see also Int’l Refugee Assistance Project v. Trump*, No. TDC-17-cv-0361,
21 2017 WL 818255, at **2-3 (D. Md. Mar. 1, 2017) (“Potential retaliatory physical or
22 mental harm against individuals in another country can form the basis for permitting
23 plaintiffs to use pseudonyms.”).

24 Numerous circuit courts have recognized the importance of confidentiality for
25 asylum applicants, allowing them to proceed with pseudonyms even through the
26 appeals process in their asylum cases. *See, e.g., Doe v. Gonzales*, 484 F.3d 445, 446
27 (7th Cir. 2007); *Doe v. INS, U.S. Dep’t of Justice*, 867 F.2d 285, 286 & n.1 (6th Cir.
28 1989). Indeed, in light of the distinct harm asylum seekers face if their identities are

1 exposed, courts recognize that a breach of confidentiality may itself create grounds
2 for asylum. *See, e.g., Anim v. Mukasey*, 535 F.3d 243, 256 (4th Cir. 2008) (remanding
3 asylum case to Board of Immigration Appeals so that the petitioner could present
4 new claims for asylum based upon the U.S. government’s breach of her
5 confidentiality); *see also Lin v. U.S. Dep’t of Justice*, 459 F.3d 255, 268 (2d Cir.
6 2006) (noting that violation of the confidentiality regulation may place an asylum
7 applicant in even greater peril).

8 Federal asylum regulations similarly protect the confidentiality of asylum
9 applicants, including confidentiality about the fact that the individual filed an asylum
10 application. *See* 8 C.F.R. §§ 208.6, 1208.6. DHS has acknowledged the importance
11 of these confidentiality regulations to the future safety of asylum applicants:

12 As DHS recognizes, the confidentiality regulations are of utmost
13 importance in protecting asylum applicants because the “regulations
14 safeguard information that, if disclosed publicly, could subject the
15 claimant to retaliatory measures by government authorities or non-state
actors in the event that the claimant is repatriated, or endanger the
security of the claimant’s family members who may still be residing in
the country of origin.”

16 *Anim*, 535 F.3d at 253 (quoting U.S. Customs & Immigration Servs. Asylum Div.,
17 U.S. Dep’t of Homeland Sec., *Fact Sheet: Federal Regulations Protecting the*
18 *Confidentiality of Asylum Applicants* (2005)).

19 In a similar challenge by asylum seekers to the practices of a U.S. immigration
20 agency, the Western District of Washington relied heavily on immigration
21 regulations to permit the asylum-seeking plaintiffs to proceed anonymously:

22 Asylum seekers have the right to keep confidential any information
23 contained in or pertaining to an asylum application that allows a third
24 party to link the identity of the applicant to: (1) the fact that the
25 applicant has applied for asylum; (2) specific facts or allegations
26 pertaining to the individual asylum claim contained in an asylum
27 application; or (3) facts or allegations that are sufficient to give rise to
28 a reasonable inference that the applicant has applied for asylum. 8
C.F.R. §§ 208.6, 1208.6 (2012). . . . If the court denied plaintiffs’
motion, the court would, in essence, be ordering plaintiffs and
Defendants to disclose plaintiffs’ identities to the public. Given the
clear mandate to protect asylum applicants and to prevent disclosure of
their identities to the general public, the court has grave concerns of the

1 role it would play in essentially requiring the parties to violate 8 C.F.R.
2 §§ 208.6, 1208.6.

3 *A.B.T.*, 2012 WL 2995064, at *5 (citation and footnote omitted). The same
4 considerations apply here and compel the same result.

5 The Individual Plaintiffs each have a reasonable fear of severe physical harm
6 that forms the basis of their claims for asylum, as attested to in their concurrently
7 filed declarations. *See* Ex. A, Maria Doe Decl. ¶¶ 7–9 (targeted violence by Mexican
8 police associated with cartel, including murder of her first husband and years-long
9 retaliation by cartel for participation in criminal case against assailants); Ex. I, Jessica
10 Doe Decl. ¶¶ 7–11 (sexual abuse, violence, and death threats by a powerful
11 Colombian gang and drug trafficking organization against Jessica and her family);
12 Ex. C, Fernando Doe Decl. ¶¶ 7–9 (crackdown by Maduro regime against Fernando
13 and fellow leaders of his opposition party); Ex. H, Ali Doe Decl. ¶¶ 6, 8 (fear of death
14 stemming from Hazara ethnicity and work for previous government); Ex. E, Eduardo
15 Doe ¶ 6 (threat of detention and death by Venezuelan police and military); Ex. D,
16 Jean Doe Decl. ¶¶ 7–8 (death threats from gang members who killed his father); Ex.
17 B, Rous Doe Decl. ¶¶ 7–8 (abuse by Venezuelan authorities based on sexual
18 orientation and perceived gender identity); Ex. J, Diana Doe ¶¶ 7–8 (death threats
19 from cartel that killed and dismembered her son after failure to comply with extortion
20 demands); Ex. G, Anahi Doe Decl. ¶ 6 (severe abuse based on identifying as a
21 transgender woman); Ex. F, Dragon Doe ¶ 7 (death threats by Revolutionary Armed
22 Forces of Colombia).³

23 The Individual Plaintiffs will remain at risk even after they are in the United
24 States, as it is possible that their asylum applications will be denied and they will be
25 returned to their home countries, where their persecutors remain. Several are fleeing
26 targeted violence from powerful cartels in Mexico. *See* Ex. A, Maria Doe Decl. ¶¶

27 _____
28 ³ All references to “Ex.” refer to the exhibits to the contemporaneously-filed
Declaration of Eric M. Acker in Support of Plaintiffs’ Motion for Class Certification
and Motion to Proceed Pseudonymously (“Acker Decl.”), ECF 33-2.

1 7–10; Ex. C, Fernando Doe Decl. ¶¶ 12, 16; Ex. E, Eduardo Doe Decl. ¶ 8; Ex. J,
2 Diana Doe Decl. ¶¶ 7–10; Ex. G, Anahi Doe Decl. ¶ 8. Another Individual Plaintiff
3 fled death threats from a gang in Colombia and was subsequently abducted by
4 members of an organized criminal organization in Mexico who abused her and
5 intended to sell her into sexual slavery. *See* Ex. I, Jessica Doe Decl. ¶ 14. The
6 Individual Plaintiffs’ interest in appearing anonymously in all public filings before
7 this Court is strong, as disclosing their identities would risk intensified exposure to
8 future persecution and possible death for them and their family members, who
9 continue to reside in Mexico. Further, three of the Individual Plaintiffs are parents
10 traveling with minor children, *see* Ex. I, Jessica Doe Decl. ¶¶ 5, 19; *see also* Ex. D,
11 Jean Doe Decl. ¶ 4; Ex. J, Diana Doe Decl. ¶ 5, whose vulnerability to threatened
12 harm is particularly significant. *See Advanced Textile*, 214 F.3d at 1068 (noting
13 specific need to protect child plaintiffs).

14 As in *AOL I*, all the Individual Plaintiffs fled their home countries because they
15 were persecuted or risked persecution if they remained. *AOL I*, 2017 WL 6541446,
16 at **3–4 (court in this District finding that the harms the asylum seeker-plaintiffs
17 identified “fall squarely within the types of harms that establish a need to proceed
18 pseudonymously”); *see also* Minute Entry and Order, *AOL II*, ECF No. 62. Thus, the
19 Individual Plaintiffs fall within a particularly vulnerable class of noncitizens, for
20 whom confidentiality about the nature of their cases is especially important. *See* U.N.
21 High Comm’r for Refugees, *Advisory Opinion on the Rules of*
22 *Confidentiality Regarding Asylum Information* 3 (March 31, 2005),
23 <http://www.refworld.org/pdfid/42b9190e4.pdf>; *see also id.* at 2 (“[P]rivacy and its
24 confidentiality requirements are especially important for an asylum-seeker, whose
25 claim inherently supposes a fear of persecution by the authorities of the country of
26 origin and whose situation can be jeopardized if protection of information is not
27 ensured.”); *id.* at 1 (“Effective measures need to be taken to ensure that information
28 concerning a person’s private life does not reach the hands of third parties that might

1 use such information for purposes incompatible with international human
2 rights law.”).

3 The Individual Plaintiffs should not be forced to choose between waiving their
4 right to potentially life-saving confidentiality and pursuing their right to seek asylum
5 in the United States; nor should the Court require the exposure of their identities in a
6 manner contrary to federal regulations. Therefore, the Individual Plaintiffs’ need for
7 protection from public exposure weighs heavily in favor of permitting them to
8 proceed under pseudonyms.

9 **B. Defendants Will Not Be Prejudiced if the Individual Plaintiffs Use**
10 **Pseudonyms in Publicly Filed Documents.**

11 Granting Individual Plaintiffs’ request for pseudonymity will not prejudice
12 Defendants’ “ability to litigate the case.” *Advanced Textile*, 214 F.3d at 1069. The
13 Individual Plaintiffs do not seek to withhold their identities from Defendants, but
14 only to protect themselves from public exposure that could lead to severe harm. The
15 parties will exchange identifying information concerning the Individual Plaintiffs
16 subject to certain confidentiality assurances. Because they will know the true
17 identities of the Individual Plaintiffs, Defendants “face no risk of prejudice.” *AOL I*,
18 2017 WL 6541446, at *6; *see also E.A.R.R.*, 2021 WL 5177775, at *1 (disclosure of
19 plaintiffs’ identities to defendants “reduces, if not eliminates, any prejudice to
20 Defendants”).

21 Further, the Individual Plaintiffs challenge government action, and
22 “challeng[es] [to] the constitutional, statutory or regulatory validity of government
23 activity . . . involve no injury to the [g]overnment’s ‘reputation.’” *S. Methodist Univ.*
24 *Ass’n of Women Law Students v. Wynne & Jaffe*, 599 F.2d 707, 713 (5th Cir. 1979);
25 *see also EW v. N.Y. Blood Ctr.*, 213 F.R.D. 108, 111 (E.D.N.Y. 2003) (“[T]he
26 government is viewed as having a less significant interest in protecting its reputation
27 from damaging allegations than the ordinary individual defendant.”). Defendants will
28 suffer no harm, nor will they face any barriers to mounting a defense to Plaintiffs’

1 claims, should the Individual Plaintiffs proceed under pseudonyms. The Individual
2 Plaintiffs’ need for protection thus significantly outweighs any potential prejudice to
3 Defendants.

4 **C. The Public Interest Weighs in Favor of Allowing the Individual**
5 **Plaintiffs to Challenge Government Action Pseudonymously.**

6 In contrast to the Individual Plaintiffs’ heightened interest in confidentiality,
7 the public’s interest in knowing the identities of the Individual Plaintiffs is minimal.
8 *See Asylum Seekers Trying to Assure Their Safety v. Johnson*, No. 23-cv-163, 2023
9 WL 417910, at *3 (D.D.C. Jan. 26, 2023) (finding that the public’s interest in asylum
10 seekers’ identities was “*de minimis*” relative to “the significant privacy interests of
11 the plaintiffs, who reasonably fear that proceeding under their real names will expose
12 them and their families to the risk of retaliatory harm, including retribution [from]
13 persecutors from whom they fled to the United States.”). While the issues that
14 Plaintiffs raise in this lawsuit are a matter of significant public concern, revealing the
15 identities of the Individual Plaintiffs will add little or nothing to the public’s
16 understanding of the lawfulness of the government’s alleged misconduct at issue in
17 this case. *See Advanced Textile*, 214 F.3d at 1068–69 (“[P]arty anonymity does not
18 obstruct the public’s view of the issues joined or the court’s performance in resolving
19 them.”) (quoting *Doe v. Stegall*, 653 F.2d 180, 185 (5th Cir. 1981)).

20 Moreover, “lawsuits that enforce statutes and constitutional rights generally
21 benefit the public.” *A.B.T.*, 2012 WL 2995064, at *6 (citing *Advanced Textile*, 214
22 F.3d at 1073). Thus, “[c]onsidering the severity of the retaliatory harm in this case,
23 forcing plaintiffs to disclose their identity would likely chill their willingness to
24 challenge statutory and constitutional violations” and contravene public policy. *Id.*;
25 *accord Advanced Textile*, 214 F.3d at 1069 (“We also conclude, based on the extreme
26 nature of the retaliation threatened against plaintiffs coupled with their highly
27 vulnerable status, that plaintiffs reasonably fear severe retaliation, and that this fear
28 outweighs the interests in favor of open judicial proceedings.”).

1 The public interest weighs in favor of granting the Individual Plaintiffs’ motion
2 to proceed under pseudonyms so that they may pursue their right to restore access to
3 the asylum system at ports of entry, as is required under U.S. law.

4 **III. CONCLUSION**

5 Because the balance of factors overwhelmingly favors permitting the
6 Individual Plaintiffs to proceed under pseudonyms, they respectfully request that this
7 Court grant this Motion.

8 Dated: June 25, 2025

Respectfully Submitted,
MORRISON & FOERSTER LLP

s/ Eric M. Acker

Attorney for Plaintiffs
Email: eacker@mofo.com
Eric M. Acker
Krista S. deBoer
Robert W. Manoso

CENTER FOR GENDER AND
REFUGEE STUDIES
Melissa Crow
Blaine Bookey
Robert Pauw
Peter Habib

CENTER FOR CONSTITUTIONAL
RIGHTS
Baher Azmy*
Angelo Guisado*
Adina Marx-Arpadi

AMERICAN IMMIGRATION
COUNCIL
Michelle Lapointe
Rebecca Cassler
Suchita Mathur

DEMOCRACY FORWARD
FOUNDATION
Brian Netter
Sarah M. Rich
Adnan Perwez

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