

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

Civil Action No. 1:25-cv-03183

REFUGIO RAMIREZ OVANDO, CAROLINE DIAS GONCALVES, J.S.T., and G.R.R.,  
and all those similarly situated,

Plaintiffs,

v.

KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security, TODD M. LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement, and ROBERT GUADIAN, in his official capacity as Director of the Denver Field Office of the U.S. Immigration and Customs Enforcement,

Defendants.

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**PLAINTIFFS J.S.T. and G.R.R.'S MOTION FOR LEAVE TO PROCEED UNDER  
PSEUDONYM<sup>1</sup>**

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Plaintiffs J.S.T. and G.R.R. move for permission to proceed pseudonymously in the above-captioned class action and request that all public filings and references to Plaintiffs in the litigation, including in exhibits, use only their initials.

Plaintiffs challenge the lawfulness of Immigration and Customs Enforcement (ICE) activity in Colorado. They do so in a time of intense public debate over immigration policy. Plaintiffs' filings will contain highly sensitive and personal information about their immigration status, families, living arrangements, health, and history. Given the subject of

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<sup>1</sup> **Certification Pursuant to D.C.Colo.LCivR. 7.1:** Plaintiffs' counsel conferred with Defendants about the relief requested herein by contacting Peter McNeilly and Kevin Traskos of the U.S. Attorneys' Office in the District of Colorado before filing this Motion. As of the filing of this Motion, Defendants did not take a position on the relief requested.

the action and the present climate, Plaintiffs J.S.T. and G.R.R. reasonably fear harm and retaliation if they are identified.<sup>2</sup> Protection of Plaintiffs J.S.T. and G.R.R.'s names will neither prejudice Defendants nor be contrary to the public interest.

Should this Motion be granted, Plaintiffs will provide their names to the Court and to Defendants' counsel, following the entry of an appropriate protective order.

## **I. LEGAL STANDARD**

The Rules of Civil Procedure generally require that a complaint "name all the parties." Fed. R. Civ. P. 10(a); see *also* Fed. R. Civ. P. 17(a). But that requirement gives way when equities favor protecting a party's identity. The Tenth Circuit recognizes several circumstances where a plaintiff's interest in privacy tempers the usual rule of open judicial proceedings, including (1) cases involving matters of a highly sensitive and personal nature; and (2) cases where there is a real danger of physical harm. *Femedeer v. Haun*, 227 F.3d 1244, 1246 (10th Cir. 2000). This case fits both conditions: the balance of interests favors permitting J.S.T. and G.R.R. to proceed under pseudonyms.

## **II. ARGUMENT**

The facts of this case favor allowing J.S.T. and G.R.R. to proceed under pseudonyms. First, this case contains highly sensitive and personal information about Plaintiffs' immigration status and personal histories. Second, Plaintiffs risk serious harm if their identities are publicly revealed. Finally, given the weighty privacy interests at stake and the minimal benefit to the public in knowing the full names of two of the four plaintiffs,

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<sup>2</sup> Plaintiffs Refugio Ramirez Ovando and Caroline Dias Gonclaves, whose information is already largely publicly available, do not seek to proceed under pseudonyms.

protecting Plaintiffs' identities is appropriate.

### **A. Pseudonyms Protect Plaintiffs' Highly Sensitive Personal Information**

The Tenth Circuit has recognized that anonymity is justified in matters of a “highly sensitive and personal nature.” *Femedeer*, 227 F.3d at 1246 (internal citation omitted). This case meets that standard. First, Plaintiffs must reveal details about their immigration status and histories to pursue their claims. Recognizing the highly private and sensitive nature of uncertain immigration status, federal courts regularly permit people like Plaintiffs to proceed under pseudonyms.<sup>3</sup> The Federal Rules even recognize the sensitivity of immigration status and require privacy restrictions in immigration cases. Fed. R. Civ. P. 5.2(c) (limiting CM/ECF access to parties in immigration cases).<sup>4</sup> Moreover, given the nature of the case, Plaintiffs' claims require discussion of sensitive personal details describing their ties to the community—where they live, work, and worship, and

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<sup>3</sup> *E.g.*, *M.A. v. U.S. Citizenship & Immigr. Serv.*, No. 1:24-cv-02040-JMC, 2024 WL 3757873 at \*2 (D. Md. Aug. 12, 2024) (“a plaintiff’s vulnerable immigration status may be properly considered ‘a matter of sensitive and highly personal nature’ warranting the use of a pseudonym”) (internal citation omitted); *Doe v. Hobson*, 300 F.R.D. 576, 578 (M.D. Ala. 2014); *Cent. Alabama Fair Hous. Ctr. v. Magee*, 835 F. Supp. 2d 1165, 1169 (M.D. Ala. 2011), *vacated on other grounds sub nom. Cent. Alabama Fair Hous. Ctr. v. Comm’r, Alabama Dep’t of Revenue*, No. 11-16114-CC, 2013 WL 2372302 (11th Cir. May 17, 2013). *See also Int’l Refugee Assistance Project v. Trump*, No. CV TDC-17-0361, 2017 WL 11725964, at \*2 (D. Md. Mar. 17, 2017); *Hisp. Int. Coal. of Ala. v. Governor of Ala.*, 691 F.3d 1236, 1247 n.8 (11th Cir. 2012); *R.F.M. v. Nielsen*, 365 F.Supp.3d 350, 370-72 (S.D.N.Y. 2019); *Lozano v. City of Hazelton*, 620 F.3d 170, 194-95 (3d Cir. 2010), *vacated on other grounds*, 563 U.S. 1030 (2011).

<sup>4</sup> *See also* Hon. Wm. Terrell Hodges, Chair, Comm. on Court Admin. & Case Mgmt. of the Jud. Conf. of the U.S., Privacy Concern Regarding Social Security and Immigration Opinions (May 1, 2018), <https://perma.cc/9X5Z-7QSA> (recommending judges not use litigants’ full names in immigration opinions).

information about the education, employment, and health history of their family members (including minor children).

Furthermore, federal courts across jurisdictions, including in the Tenth Circuit, recognize that asylum seekers and others pursuing fear-based immigration protections in particular present very sensitive claims where public identification could cause serious harm.<sup>5</sup> Here, Plaintiff J.S.T. is currently seeking fear-based relief in his immigration proceedings, including asylum, and protection under the Convention Against Torture. Ex. A, J.S.T. Decl. ¶¶ 23. His eligibility for this relief is based on his status as a gay man living with HIV, which places him at heightened risk of criminal penalties, persecution, and torture if returned to his home country. Ex. A, J.S.T. Decl. ¶¶ 7.<sup>6</sup> The community where J.S.T. lived is very hostile toward gay men and people known to be HIV-positive, as organized crime groups target them for violence while the government fails to take steps to protect them. Ex. A, J.S.T. Decl. ¶¶ 24. See also *Doe v. Goodyear Tire & Rubber Co.*,

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<sup>5</sup> See, e.g., *Doe v. U.S. Immigr. & Customs Enf't*, No. 1:23-CV-00971-MLG-JMR, 2024 WL 4389461, \*2–3 (D. N.M. Oct. 3, 2024); *J.R. v. Barr*, 975 F.3d 778, 781 (9th Cir. 2020); *W.G.A. v. Sessions*, 900 F.3d 957, 960 n.1 (7th Cir. 2018); *Doe v. Holder*, 736 F.3d 871, 872 n.1 (9th Cir. 2013); *Doe v. U.S. Citizenship & Immigr. Servs.*, No. 1:21-cv-00576, 2021 WL 1907562, at \*4 (E.D. Cal. May 12, 2021); *Ms. Q. v. U.S. Imm. & Customs Enf't*, No. 1:18-cv-02409, 2018 WL 10050939, at \*2–3 (D.D.C. Oct. 24, 2018); *A.B.T. v. U.S. Citizenship & Immig. Servs.*, No. 2:11-cv-02108-RAJ, 2012 WL 2995064, at \*3–5 (W.D. Wash. July 20, 2012).

<sup>6</sup> See, e.g., A. Linares, LGBTQ migrants face 'triple vulnerability' as a group in Mexico aims to help them, NBC News (June 19, 2024), <https://perma.cc/6H6N-HKTD>; U.S. Dep't of Homeland Sec'y, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics, <https://perma.cc/59ZP-Q7WK> (see, e.g., p. 44, noting in 2022, “there were 87 killing for individuals who identified as LGBTQI+” including a prominent “LGBTQI+ rights defender” murdered in J.S.T.’s home state of Guerrero).

No. 18-cv-2218, 2019 WL 13444832 (D. Colo. May 3, 2019) (holding that plaintiff from Kurdistan who aided the U.S. military in Iraq could proceed pseudonymously).

Given the highly sensitive nature of the information Plaintiffs J.S.T. and G.R.R. must disclose by pursuing this suit, this Court should permit them to proceed under pseudonyms, like numerous other litigants in the District of Colorado.<sup>7</sup> Because “revealing plaintiff[s]’ identity plainly will incur, and thus compound, the very harm [they] already allegedly ha[ve] suffered,” the Court should permit them to proceed pseudonymously. *Doe v. Willis*, No. 23-cv-2171, 2023 WL 6907100 (D. Colo. Sept. 22, 2023).

#### **B. Pseudonyms Are Necessary Because Participation in this Lawsuit Exposes Plaintiffs to a Heightened Risk of Retaliation**

This case also satisfies *Femedeer*’s second, independent basis for pseudonymity: a real danger of physical harm. 227 F.3d at 1246. First, this lawsuit is brought during a time of increased anti-immigrant sentiment and crime that could make Plaintiffs the targets of anti-immigrant vandalism or even violence. “[N]either the court nor the litigants undertake litigation in a vacuum,” and public hostility towards litigants in highly-charged cases justifies permitting certain civil rights plaintiffs to proceed under pseudonyms. *Does 1 through 11 v. Bd. of Regents of Univ. of Colo.*, No. 21-cv-02637, 2022 WL 43897, \*3

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<sup>7</sup> See e.g. *Doe v. Heil*, No. 08-02342, 2008 WL 4889550 (D. Colo. Nov. 13, 2008) (incarcerated person convicted of sex offense); *Roe v. Catholic Health Initiatives, Colo.*, No. 11-cv-02179, 2012 WL 12840 (D. Colo. Jan. 4, 2012) (employee whose private medical information was disclosed); *Doe v. Colo. State Univ.*, No. 24-cv-02076, 2024 WL 5077683 (D. Colo. Dec. 10, 2024) (student accused of sexual misconduct); *Doe v. Regis Univ.*, No. 21-cv-00580, 2021 WL 5329934 (D. Colo. Nov. 16, 2021) (same); *P.C. v. D Fort Hotel, LLC*, No. 24-cv-01584, 2025 WL 404296 at \*4 (D. Colo. Feb. 5, 2025) (sex trafficking victim); *Doe v. Centura Health Corp.*, No. 18-cv-02614, 2019 WL 13444831 (D. Colo. June 11, 2019) (patient with mental illness).

(D. Colo. Jan. 5, 2022) (opponents of COVID-19 vaccination). Indeed, the current political climate has already threatened and caused harm to migrants and those supporting them. In August 2024, racist and anti-migrant signs were posted overnight at bus stops along Colfax Avenue in Denver.<sup>8</sup> And in February 2025, women peacefully protesting the mass deportation of immigrants in downtown Denver were attacked by men who yelled “white power” and “Nazi power” before throwing glass bottles at the women from their moving truck.<sup>9</sup>

The risk to J.S.T. and G.R.R. is particularly heightened because both men were swept up in raids that ICE publicized as targeting members of criminal gangs: Tren de Aragua and MS-13.<sup>10</sup> Anti-immigrant rhetoric targeting migrants accused of gang affiliation has reached new levels of intensity.<sup>11</sup> Plaintiffs fear that public association with

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<sup>8</sup> See, e.g., R. Tauber, In the Wake of Racist and Anti-Immigrant Vandalism, City Leaders Come Together to Disavow Hate, *The Denverite* (Aug. 30, 2024), <https://perma.cc/VMD9-PF39>; Richard Cote, Racist signs posted in bus stops in Denver, *9News* (Aug. 30, 2024), <https://perma.cc/G9RY-4XG2>.

<sup>9</sup> Hannah Metzger, Man Pleads Guilty in Connection to Viral Attack Against Denver Protesters, *Westword*, (Sept. 26, 2025), <https://perma.cc/DTJ3-DRXX>.

<sup>10</sup> Joe Hernandez, DEA says 114 immigrants in the U.S. illegally were arrested at a Colorado nightclub, *NPR* (Apr. 27, 2025), <https://perma.cc/YQ8B-DFL8> (quoting Attorney General Pam Bondi: the club was “frequented by [TdA] and MS-13 terrorists”); Sam Tabachnik, et al., ICE raids hit apartment buildings in Aurora and Denver; feds say they targeted Tren de Aragua gang, *The Denver Post* (Feb. 5, 2025) <https://perma.cc/4C8A-ADJ5> (discussing raid at Whispering Pines apartment, quoting ICE official, “We’re here today to conduct an at-large enforcement operation looking for TdA”).

<sup>11</sup> See, e.g., Layla Ferris, As Trump Puts Aurora, Colorado in Spotlight, mayor calls Venezuelan gang claims “grossly exaggerated”, *CBS News* (Oct. 11, 2024), <https://perma.cc/6KCW-8F8D>; Lindsey Toomer, Immigrants Strive to Live and Work in Aurora Amid Swirl of False Gang-Takeover Claims, *The Colorado Newsline* (Oct. 19, 2024), <https://perma.cc/A2YU-8AGQ>; Jessica Crawford, Immigrant Families in Colorado 'Really Harmed' by National Attention on Tren de Aragua, *Activists Say*, *Denver 7* (Aug. 30, 2024), <https://perma.cc/9FV9-WH2L>.

Tren de Aragua or MS-13—even in the context of challenging false allegations—would provoke government and private harassment, both in the United States and abroad should they be deported.

When litigation touches on such volatile political issues, the associated risks favor protecting litigants’ full names from unnecessary disclosure.<sup>12</sup> That is especially true for “[t]hose with a more tenuous legal status,” who “have an exponentially greater concern over the dangers of participating.” *Lozano v. City of Hazleton*, 496 F.Supp.2d 477, 506 (M.D. Pa. 2007); *aff’d in part and rev’d in part on other grounds*, 724 F.3d 297 (3d Cir. 2013); *see also Keller v. City of Fremont*, 2011 WL 41902 at \*2-3 (D. Neb. 2011) (permitting plaintiffs currently in immigration proceedings to file pseudonymously). Courts in this District have permitted migrant plaintiffs to proceed pseudonymously where they faced similar threats of violence or retaliation if publicly identified. *See, e.g., Ex. B, D.B.U. v. Trump*, No. 1:25-cv-01163-CNS, Dkt. No. 11 (D. Colo Apr. 14, 2025); *Does I–V v. Rodriguez*, No. 06-cv-00805, 2007 WL 684114, at \*2-3 (D. Colo. Mar. 2, 2007). The federal government has consented to using only a plaintiff’s initials in another recent suit brought by a noncitizen challenging immigration detention practices. *Ex. C, J.P.P. v. Dep’t Homeland Sec’y*, No. 25-cv-01048-DDD-TPO, Dkt. No. 19 (D. Colo. Apr. 3, 2025).

In addition to concerns over his own safety, Plaintiff G.R.R. especially fears retaliatory harm to his minor son. His son lives with him and could be subjected to

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<sup>12</sup> *See e.g., Doe v. Germany*, 680 F.Supp.3d. 1, 5 (D. D.C. 2023) (source of leaked “Panama Papers” documents); *Roe v. Aware Woman Ctr. for Choice, Inc.*, 253 F.3d 678, 687 (11th Cir. 2001) (abortion patient).

harassment for being identified in this case. Ex. D, G.R.R. Decl. ¶¶ 2-3. Public identification of his father’s immigration status risks subjecting him to anti-immigrant bullying or worse, especially prevalent during times of high anti-immigrant public sentiment.<sup>13</sup> See *Doe through Doe v. Brighton Sch. Dist. 27J*, No. 19-cv-0950, 2019 WL 1573301 at \*2 (D. Colo. Apr. 11, 2019) (permitting student and parent to proceed under pseudonyms where, in part, student was “suffer[ing] retaliation and bullying” “both in-person and on social media” at school).

Plaintiff J.S.T. fears not only harm in the United States, but in his home country should his status as a gay man, and a man living with HIV be disclosed. Both state and federal law recognize that HIV status particularly is a highly personal question and provide guardrails around its disclosure, even when necessary for tracking public health statistics.<sup>14</sup> Courts have recognized that HIV status is a highly sensitive fact that could provoke retaliatory harm and allowed HIV positive plaintiffs to proceed pseudonymously. See *e.g. Doe v. Barr*, 479 F.Supp.3d 20, 26 (S.D. N.Y. 2020).

In sum, J.S.T., G.R.R., and their families face a real and immediate risk of physical harm from both government and non-government actors, in both the United States and abroad, if their identities are revealed. These are precisely the kinds of exceptional

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<sup>13</sup> Andrea Kramer, ‘I’m going to call ICE on you’: Inside Colorado schools during Trump’s second term, Rocky Mountain PBS (Mar. 24, 2025), <https://perma.cc/XU87-KZHJ> (quoting teacher reporting students saying “go back where you belong,” and that “Racial slurs are back in full force”).

<sup>14</sup> See, *e.g.*, Limits on Confidentiality, hiv.gov (Sept. 30, 2025) <https://perma.cc/JT4Z-KETE>; Rules Pertaining to Reporting, Prevention, and Control of AIDS, HIV Related Illness and HIV Infection, 6 Code Colo. Regs § 1009-9 (eff. Jan. 14, 2014).

circumstances the Tenth Circuit has recognized justify pseudonymity. *Femedeer*, 227 F.3d at 1246.

### **C. The Balance of Interests Favors Anonymity**

The overarching inquiry in determining whether to permit pseudonymous litigation is whether a party's privacy interest outweighs the public's right of access. *Roe v. Catholic Health Initiatives Colo.*, No. 11-cv-02179, 2012 WL 12840, at \*5 (D. Colo. Jan. 4, 2012). Here, Plaintiffs' substantial privacy interests, including the highly personal nature of their immigration statuses and the substantial risk of harm should their identities be disclosed, far outweigh any minimal public interest in knowing their full names.

The government, by contrast, suffers no prejudice. Plaintiffs will provide J.S.T. and G.R.R.'s identities to the defendants' attorneys following entry of an appropriate protective order, and Plaintiffs will continue to cooperate with the Court as needed. *See Does I-V*, 2007 WL 684114, \*2 (allowing plaintiffs to proceed anonymously and highlighting plaintiffs' willingness to speak with opposing counsel and exchange information as long as their anonymity was protected).

In contrast to J.S.T. and G.R.R.'s heightened interest in confidentiality, the public's interest in knowing their identities is minimal. While the issues that Plaintiffs raise in this lawsuit are a matter of significant public concern, revealing their names adds little if anything to the public's understanding of the legality of the challenged government action. *See Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068-69 (9th Cir. 2000) ("[P]arty anonymity does not obstruct the public's view of the issues joined or the court's performance in resolving them") (internal citation omitted). Although the *issues* in this

lawsuit are a matter of significant public concern, the *identities* of J.S.T. and G.R.R. would add nothing to the public understanding of the case.

Taken together, the equities strongly support pseudonymity.

### **III. CONCLUSION**

For all the reasons stated, Plaintiffs respectfully request that the Court (1) grant them leave to proceed pseudonymously, using only their initials for identification; (2) order that all public filings and references to Plaintiffs in this litigation, including in exhibits, use only their initials, and (3) order the government to maintain the confidentiality of Plaintiffs' identities and prohibit any retaliatory action.

DATED: October 9, 2025

/s/ Kenzo Kawanabe

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