

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

J.P.P.,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY;
Kristi NOEM, Secretary, U.S. Department of Homeland
Security, in her official capacity; Pamela BONDI, U.S.
Attorney General, in her official capacity; and Dawn
CEJA, Warden, Aurora Contract Detention Facility, in
her official capacity.

Defendants.

Case No. _____

**MOTION FOR LEAVE TO
APPEAR UNDER
PSEUDONYM**

Plaintiff J.P.P., a noncitizen asylum seeker currently detained by the U.S. Immigration and Customs Enforcement (ICE) at the Aurora Contract Detention Facility in Colorado, respectfully moves this Court for leave to proceed under a pseudonym and for entry of a protective order requiring that all public filings and references to Plaintiff in this litigation, including in exhibits, use his initials or a pseudonym.

BACKGROUND

Plaintiff is a Venezuelan national who fled his country with his wife and two young stepdaughters after suffering extortion, threats, and torture at the hands of the police. In September 2023, he entered the United States by crossing the southern border and immediately turned himself in to Border Patrol to seek asylum.

In this lawsuit, Plaintiff challenges Defendants' policy or practice of deporting noncitizens to third countries without first providing meaningful notice or an opportunity to

contest removal on the basis of a fear of persecution, torture, or death. Plaintiff now faces imminent risk of being unlawfully deported to El Salvador—a third country not designated in his removal order—where he fears detention under inhumane conditions based on unsubstantiated allegations of gang affiliation. Upon information and belief, ICE intends to remove Plaintiff imminently, without providing him with the legally required notice and opportunity to seek protection under 8 U.S.C. § 1231(b)(3) or the Convention Against Torture, in direct violation of binding regulations and a nationwide Temporary Restraining Order issued in *D.V.D. v. DHS*, No. 1:25-cv-10676 (D. Mass. Mar. 28, 2025).

Given the sensitive nature of Plaintiff’s immigration history and the serious risk of physical danger in Venezuela and El Salvador that could result from public disclosure of his name or identity, Plaintiff seeks the limited protection of pseudonymity. Courts in this District recognize that anonymity is appropriate in “exceptional” cases involving highly personal matters or real danger of harm, where the injury at issue could result from disclosure itself. See *Femedeer v. Haun*, 227 F.3d 1244, 1246 (10th Cir. 2000); *Does 1–11 v. Bd. of Regents of Univ. of Colo.*, No. 21-cv-02637, 2022 WL 43897, at *2 (D. Colo. Jan. 5, 2022). Because Plaintiff does not seek to conceal his identity from the Court or Defendants, and because the legal issues do not turn on his identity but on the lawfulness of Defendants’ conduct, his privacy interest outweighs any public interest in disclosure. Granting this motion would cause no prejudice and is consistent with both law and the equitable factors in cases involving fear-based immigration claims.

ARGUMENT

At issue in this case is Defendants’ policy and practice of removing noncitizens to third countries not designated in their removal orders, without first providing meaningful notice or an

opportunity to seek protection under 8 U.S.C. § 1231(b)(3) or the Convention Against Torture. Plaintiff J.P.P. has a credible and specific fear of persecution or torture in Venezuela and in the third country to which he risks being removed, likely El Salvador. The risk of persecution in El Salvador is heightened if his identity is publicly disclosed, and his allegations against President Bukele's regime, specifically prison conditions in El Salvador, are tied to his name.

Additionally, public identification would create risk to J.P.P. if he is removed to Venezuela, exposing his allegations against the government and that he sought refuge in the United States.

I. ANONYMITY FOR PLAINTIFF IS WARRANTED UNDER ALL THREE TENTH CIRCUIT CRITERIA.

Courts in this District and Circuit recognize that pseudonymity is warranted where plaintiffs face genuine risks of harm, retaliation, or exposure of deeply personal information. The Tenth Circuit has articulated three independent circumstances that justify proceeding under a pseudonym: (1) cases involving matters of a highly sensitive and personal nature; (2) where there is a real danger of physical harm; or (3) where the injury litigated against would be incurred as a result of disclosure. See *Femedeer v. Haun*, 227 F.3d 1244, 1246 (10th Cir. 2000). Plaintiff J.P.P. meets the first two criteria, each of which, standing alone, would support the use of a pseudonym in this case.

a. This Case Involves Highly Sensitive and Personal Matters.

This case clearly satisfies the first basis for anonymity recognized by the Tenth Circuit: matters of a "highly sensitive and personal nature." *Femedeer v. Haun*, 227 F.3d 1244, 1246 (10th Cir. 2000). Plaintiff is a survivor of torture by Venezuelan police, a father to two young stepdaughters, and a person living with post-traumatic stress disorder (PTSD). His immigration

history, asylum claim, and mental health are deeply private, traumatic, and stigmatizing. These are precisely the kinds of circumstances courts have identified as justifying pseudonymity. See *Doe v. FBI*, 218 F.R.D. 256, 259 (D. Colo. 2003) (“when a case involves ‘sensitive and personal information,’ particularly relating to physical or mental health, anonymity is often appropriate”); *Roe v. Catholic Health Initiatives Colorado*, No. 11-cv-02179, 2012 WL 12840, at *4 (D. Colo. Jan. 4, 2012).

Federal courts across jurisdictions similarly recognize that asylum seekers and others pursuing fear-based immigration protections often present claims so sensitive that public identification would cause serious harm. See, e.g., *G.P. v. Garland*, No. 21-2002, 2023 WL 4536070, at *1 & n.1 (1st Cir. July 13, 2023); *Roe v. Mayorkas*, No. 22-cv-10808-ADB, 2023 WL 3466327, at *1, *4 n.1 (D. Mass. May 12, 2023); *Doe v. Smith*, No. CV 17-11231-LTS, 2017 WL 6509344, at *1 & n.1 (D. Mass. Dec. 19, 2017); *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-NONE-SAB, 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 *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 *3–4 (W.D. Wash. July 20, 2012).

The same is true here. Plaintiff is seeking protection against removal on fear-based grounds not only to Venezuela, where he was previously tortured by government actors, but also to El Salvador, where he faces a credible risk of arbitrary detention and inhumane treatment. Public disclosure of his identity would expose him to further harm from both authoritarian

governments, each of which would have access to sensitive allegations at the heart of his asylum application.

Publicly naming Plaintiff in this context would broadcast deeply private information, not relevant to the merits of his claim, to the public. Courts routinely grant pseudonymity to asylum seekers in recognition of the risks that public disclosure can pose, should they be returned to their country of origin. These risks are compounded here, where Plaintiff fears removal to a third country, where he faces persecution and torture, without notice or an opportunity to seek protection.

b. Plaintiff Faces a Real and Imminent Danger of Physical Harm.

Beyond concerns of personal privacy, Plaintiff faces an actual risk of physical harm if publicly identified. The Tenth Circuit has made clear that anonymity may be appropriate where there is a “real danger of physical harm,” *Femedeer*, 227 F.3d at 1246, and courts in this District have granted such relief under analogous circumstances. See *Does I–V v. Rodriguez*, No. 06-cv-00805, 2007 WL 684114, at *2 (D. Colo. Mar. 2, 2007) (granting anonymity to laborers who faced risk of retaliatory violence if identified).

Plaintiff has reason to believe that ICE intends to deport him to El Salvador, a country not designated in his removal order, despite a pending motion to reopen and a nationwide TRO forbidding such removal without notice and opportunity to seek protection. He has already been moved to a high-security unit, shackled, and treated as a security risk without any allegations of wrongdoing being disclosed to himself or his counsel. On April 1, 2025, Plaintiff was abruptly transferred to a high-security disciplinary unit and placed in solitary confinement, commonly referred to as “the hole,” alongside others believed to be in line for deportation.

If deported without process, Plaintiff faces an extraordinarily high risk of being detained in CECOT, a Salvadorian mega-prison internationally condemned for its inhumane conditions. Human rights organizations have documented severe abuses within CECOT, including prolonged solitary confinement, denial of food and medical care, and extrajudicial killings. Prisoners are often labeled as gang members based on little or no evidence and made to disappear. *See* Unlawful Expulsions to El Salvador Endanger Lives Amid Ongoing State of Emergency, Amnesty International, (Mar. 25, 2025), <https://www.amnesty.org/en/latest/news/2025/03/unlawful-expulsions-to-el-salvador-endanger-lives-amid-ongoing-state-of-emergency/>; Associated Press, *What to Know About CECOT, El Salvador's Mega-Prison for Gang Members*, NPR (Mar. 17, 2025), <https://www.npr.org/2025/03/17/g-s1-54206/el-salvador-mega-prison-cecot>. The public association of Plaintiff's name with this litigation—particularly in connection with gang-related enforcement actions—would significantly increase the likelihood that he would be subjected to disappearance and torture in Salvadorian prison.

This risk is not limited to El Salvador. If Plaintiff is deported to Venezuela, the government agents who previously extorted, tortured, and threatened him will likely learn that he applied for asylum in the United States and in so doing, accused them of grievous wrongdoing. The act of seeking protection from persecution can itself provoke retaliation in authoritarian regimes. U.S. asylum law recognizes this danger through strict confidentiality rules, and courts have long held that asylum seekers may proceed under pseudonym to avoid similar risks. *See, e.g., Doe v. Immigr. & Naturalization Serv.*, 867 F.2d 285, 286 n.1 (6th Cir. 1989); *Doe v. U.S. Citizenship & Immigr. Servs.*, 2021 WL 1907562, at *4 (E.D. Cal. May 12, 2021).

Some courts have acknowledged potential harm to third parties caused by the disclosure of the identity of a person seeking protection from persecution or torture. See *International Refugee Assistance Project v. Trump*, No. 17-0361, 2017 WL 818255, at *2 (D. Md. Mar. 1, 2017) (“Potential retaliatory physical or mental harm against individuals in another country can form the basis for permitting plaintiffs to use pseudonyms.”) (citing *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1063–71 (9th Cir. 2000)). J.P.P. is the stepfather of two minor children. His wife and stepdaughters remain in the United States for now, but have pending immigration proceedings. Should his identity be publicly disclosed and his wife and minor children deported to Venezuela, his family members could be identified as seeking protection and in so doing, accusing government agents of wrongdoing, thereby subjecting them to retaliatory harm, harassment, or intimidation.

In sum, Plaintiff’s public identification could result in his detention, torture, or death should he be subject to the removal to El Salvador this litigation seeks to prevent or should he be deported back to Venezuela. These are precisely the kinds of exceptional circumstances the Tenth Circuit has recognized as warranting anonymity. *Femedeer*, 227 F.3d at 1246.

II. THE BALANCE OF INTERESTS FAVORS ANONYMITY.

As the District of Colorado has recognized, the key inquiry in determining whether to permit pseudonymous litigation is whether a plaintiff’s privacy interest outweighs the public’s general right of access. “[T]he ultimate test for permitting a plaintiff to proceed anonymously is whether the plaintiff has a substantial privacy right which outweighs the customary and constitutionally-embedded presumption of openness in judicial proceedings.” *Roe v. Catholic Health Initiatives Colorado*, No. 11–cv–02179, 2012 WL 12840, at *5 (D. Colo. Jan. 4, 2012).

Here, J.P.P.'s substantial privacy interest, including the highly personal nature of his immigration status and substantial risk of harm should his identity be disclosed, far outweighs any minimal public interest in knowing his identity.

Nor will Defendants suffer any prejudice. Plaintiff has already disclosed his identity to the Defendants during his attempt to provide them notice of the request for a temporary restraining order. See *Does I–V v. Rodriguez*, No. 06-cv-00805, 2007 WL 684114, at *2 (D. Colo. Mar. 2, 2007) (finding no prejudice where plaintiffs cooperated with discovery). The Plaintiff will also provide his identity to the Court, as and when requested.

Moreover, that Plaintiff is suing the federal government weighs in favor of anonymity. Courts routinely permit pseudonymous filings in suits against the government, recognizing that unlike private parties, government defendants are not vulnerable to reputational or economic harm simply by being named in litigation. See *Int'l Refugee Assistance Project v. Trump*, No. 17-0361, 2017 WL 818255, at *3 (D. Md. Mar. 1, 2017) (“Courts are more likely to permit plaintiffs to proceed under pseudonym when they are pursuing a claim against the government [because] although the mere filing of a lawsuit against a private party may cause the defendant reputational and economic harm, such that fairness requires the identification of the plaintiffs, the government is not vulnerable to similar reputational harm.”); see also *EW v. New York Blood Ctr.*, 213 F.R.D. 108, 111 (E.D.N.Y. 2003) (noting that “[w]hen a plaintiff challenges governmental activity, for example, anonymity is more likely to be granted”).

In contrast to Plaintiffs' heightened interest in confidentiality, the public's interest in knowing Plaintiff's identity is minimal. While the issues that Plaintiff raises in this lawsuit are a matter of significant public concern, revealing Plaintiff's identity will add little or

nothing to the public's understanding of the lawfulness of the challenged government action.

Finally, the public's interest in this case is in the legality of DHS's removal policies, not in the identity of a single asylum seeker. Disclosure would add little to public understanding of the issues before the Court. As the Ninth Circuit observed, "[P]arty anonymity does not obstruct the public's view of the issues joined or the court's performance in resolving them." *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068–69 (9th Cir. 2000) (quoting *Doe v. Stegall*, 653 F.2d 180, 185 (5th Cir. 1981)). To the contrary, courts have recognized that where plaintiffs seek to vindicate constitutional rights and represent politically vulnerable interests, the public has an interest in ensuring access to the courts unimpeded by the fear of retaliation. See *S. Methodist Univ. Ass'n of Women Law Students v. Wynne & Jaffe*, 599 F.2d 707, 713 (5th Cir. 1979); *EW v. New York Blood Center*, 213 F.R.D. 108, 111 (E.D.N.Y. 2003). The balance of interests here weighs heavily in favor of pseudonymity.

CONCLUSION

For all the reasons stated, Plaintiff respectfully requests that the Court grant him leave to proceed under a pseudonym and enter a protective order requiring all public filings and references to Plaintiff in this litigation, including in exhibits, use his initials or a pseudonym.

Respectfully submitted,

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