

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Abdo DOE, Hadeel DOE, Faiz DOE, Ebe DOE, Sam  
DOE, Ali DOE, and Fahad DOE, on their own behalf  
and on behalf of others similarly situated,

*Plaintiffs,*

– *versus* –

Markwayne MULLIN,<sup>1</sup> Secretary, United States De-  
partment of Homeland Security, in his official capaci-  
ty; UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY; UNITED STATES  
CITIZENSHIP AND IMMIGRATION SERVICES;  
and UNITED STATES OF AMERICA,

*Defendants.*

Case No. 1:26-cv-2280-DEH

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS’ UNOPPOSED MOTION  
FOR LEAVE TO PROCEED UNDER PSEUDONYMS**

Plaintiffs are seven Yemeni citizens with either Temporary Protected Status (“TPS”) in the United States, or who are pending an application for such status. Plaintiffs ask this Court to grant them leave to proceed in this case using pseudonyms because (1) they face a significant possibility of government retaliation in the United States if their participation in this lawsuit is made public; (2) they would also face a serious threat of violence because of that participation if they are removed to Yemen; (3) the case involves Plaintiffs’ sensitive personal information; (4) Defendants will not be prejudiced by Plaintiffs’ anonymity within the case; (5) the public has a

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<sup>1</sup> Markwayne Mullin is automatically substituted for former Secretary of Homeland Security Kristi Noem, who was sued in her official capacity, pursuant to Federal Rule of Civil Procedure 25(d).

strong interest in lawsuits that challenge government conduct, which would be chilled if Plaintiffs are forced to reveal their identities; and (6) other relevant factors identified by the Second Circuit also favor anonymity.

### ARGUMENT

Although the general rule is that complaints state the names of the parties, *see* Fed. R. Civ. P. 10(1), this Court has the discretion to allow a plaintiff to proceed anonymously, *see Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 189 (2d Cir. 2008). The Second Circuit permits the use of pseudonyms when “the plaintiff’s interest in anonymity” outweighs “the public interest in disclosure and any prejudice to the defendant.” *Id.* While “non-exhaustive,” the list of factors relevant to this inquiry includes: (1) “whether the litigation involves matters that are highly sensitive and of a personal nature”; (2) the “risk of retaliatory physical or mental harm” or “other harms” to the plaintiffs if their identity is disclosed; (3) “whether the plaintiff is particularly vulnerable”; (4) whether the suit challenges “the actions of the government or [those] of private parties”; (5) the nature and extent of any prejudice anonymity would cause the defendants; (6) “whether the plaintiff’s identity has thus far been kept confidential”; (7) the strength of the public’s interest in disclosure; and (8) “whether there are any alternative mechanisms for protecting the confidentiality of the plaintiff.” *Id.* at 190 (citation modified).

Courts across the country have recognized that the relevant factors favor anonymity when vulnerable noncitizens sue the government and fear serious retaliation such as deportation and imprisonment. *See, e.g., Hisp. Int. Coal. of Ala. v. Governor of Ala.*, 691 F.3d 1236, 1247 n.8 (11th Cir. 2012); *Lozano v. City of Hazelton*, 620 F.3d 170, 195 (3d Cir. 2010), *vac’d on other grounds*, 563 U.S. 1030 (2011). And recognizing the risks posed by the current, volatile political environment, numerous federal courts have granted anonymity to noncitizens challenging restrictive immigration policies. This includes six courts that granted motions to use pseudonyms in

cases challenging other TPS terminations, including this Court in the related case. *See Nat'l TPS All. v. Noem*, No. 3:25-cv-5687 (N.D. Cal. July 8, 2025), Dkt. 26; *Nat'l TPS All. v. Noem*, No. 3:25-cv-1766 (N.D. Cal. Mar. 12, 2025), Dkt. 70; *Haitian-Americans United Inc. v. Trump*, No. 1:25-cv-10498 (D. Mass. Mar. 4, 2025), Dkt. 7; Minute Order, *Doe v. Noem*, No. 1:25-cv-8686-KPF (S.D.N.Y. Oct. 24, 2025); Minute Order; *Doe v. Noem*, No. 1:25-cv-15483 (N.D. Ill. (Dec. 3, 2025) Dkt. 26; Order, *Doe v. Noem*, No. 1:26-cv-2103-DEH (S.D.N.Y. Mar. 20, 2026), Dkt. 12. (The government took no position on the motion in the related case and has indicated to counsel for Plaintiffs that it takes no position on this motion.)

The same protection is warranted here. Over the past year, Defendants have indiscriminately imprisoned and deported countless noncitizens, including many who had simply appeared at courthouses to seek protection. *See, e.g., Compl., Immigr. Advocs. Resp. Collaborative v. U.S. Dep't of Just.*, No. 25-cv-2279 (D.D.C. July 16, 2025), Dkt. 1 (challenging these policies). Defendants have also retaliated against noncitizen advocates who challenge these repressive measures as well as other government actions. *See, e.g., Pet. for Writ of Habeas Corpus, Guevara v. Sterling*, No. 5:25-cv-86, (S.D. Ga. Aug. 20, 2025), Dkt. 1; *Suri v. Trump*, No. 25-1560, 2025 WL 1806692, at \*3-4 (4th Cir. July 1, 2025); *Öztürk v. Hyde*, 779 F. Supp. 3d 462, 489-92 (D. Vt. 2025). In these circumstances, a requirement that noncitizens disclose their identities to the executive branch in order to challenge policy decisions would significantly chill noncitizens' ability to defend and vindicate their constitutional and statutory rights. Accordingly, the factors the Second Circuit has identified weigh strongly in favor of allowing the Plaintiffs to proceed with this case using pseudonyms.

**I. This Case Involves Highly Personal and Sensitive Matters, and Plaintiffs Face a Severe Risk of Harm if Their Identities Are Disclosed.**

Most importantly, Plaintiffs would face a significant risk of physical and mental harm, including retaliatory harm, if their identities were disclosed publicly. All Plaintiffs greatly fear

that if their names become public, they will become obvious targets of immigration enforcement, confinement, and deportation because they have challenged U.S. government policy. Abdo Doe Decl. ¶ 16; Hadeel Doe Decl. ¶ 13; Ebe Doe Decl. ¶ 18; Sam Doe Decl. ¶ 13; Ali Doe Decl. ¶ 19; Fahad Doe Decl. ¶ 14.<sup>2</sup> Some Plaintiffs have pending applications for other forms of immigration status or are in the process of applying for immigration relief, and they fear that by speaking out through this lawsuit, any applications for alternative status could be jeopardized. *See, e.g.*, Sam Doe Decl. ¶ 13.

As other courts have recognized, this “fear of retaliation is not speculative; the news is replete with reports of deportations, and the defendants have not assured the plaintiffs they will not retaliate against them.” *CASA, Inc. v. Trump*, No. CV DLB-25-201, 2025 WL 2263001, at \*13 (D. Md. Aug. 7, 2025); *see, e.g., Does 1-158 v. Rubio*, No. 25-3032, 2025 WL 2709775, at \*2 (D.D.C. Sept. 23, 2025) (“retaliatory arrest, deportation, or other adverse immigration actions”); *Doe #1 v. Noem*, No. 25-cv-317-wmc, 2025 WL 1207190, at \*1 (W.D. Wis. Apr. 25, 2025) (“imminent arrest and detention” and “the possibility of being deported to a country other than their country of origin”). Courts have also recognized “recent high-profile immigration cases where other litigants have faced” abuse and intimidation because of their immigration status. *Molina v. U.S. Dep’t of Homeland Sec.*, No. 25-3417, 2025 WL 2800807, at \*1 (D.D.C. Oct. 1, 2025). As a result, numerous courts have provided anonymity to noncitizens suing the government based on the risk of “harassment, intimidation, and/or doxing” from non-governmental ac-

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<sup>2</sup> Plaintiffs’ declarations under proposed Doe pseudonyms are provided as exhibits to the attorney declaration of Shayana Kadidal filed with this motion. Plaintiffs can furnish the true identities of the Plaintiffs to the Court upon request. Plaintiffs are willing to disclose their identities to Defendants’ counsel under the terms of a suitable protective agreement that would prevent counsel from directly or indirectly disclosing Plaintiffs’ identities to any third parties, including any government officials, employees, or contractors at the U.S. Department of Homeland Security, the Executive Office for Immigration Review, or who are otherwise involved in immigration enforcement actions or the adjudication of immigration benefit applications.

tors. *See, e.g., Doe v. Noem*, No. 2:25-cv-00633-DGE, 2025 WL 1295664, at \*3 (W.D. Wash. May 5, 2025) (citing cases).

In addition to facing retaliation in this country, Plaintiffs would also face a risk of retaliatory harm in Yemen if returned there and their participation in this lawsuit were to become known to the Houthi militia. Indeed, the very fact of speaking publicly about dangers in Yemen, as all Plaintiffs have through this lawsuit, could be seen as criticism of the authorities or armed groups, exposing Plaintiffs to retaliation if their identities in this lawsuit become public. *See, e.g., Hadeel Doe Decl.* ¶ 13; *Faiz Doe Decl.* ¶ 19; *Ali Doe Decl.* ¶ 19. For similar reasons, federal courts routinely grant anonymity to people seeking asylum who challenge government policies in court. *See, e.g., Refugee & Immigrant Ctr. for Educ. & Legal Servs. v. Noem*, No. 25-cv-306 (D.D.C. February 20, 2025), Dkt. 17; *Las Americas Immigrant Advoc. Ctr. v. DHS*, No. 24-cv-1702 (D.D.C. November 18, 2024), Dkt. 60; *J.G.G. v. Trump*, No. 25-cv-766 (D.D.C. May 8, 2025), Dkt. 117; *N.L.A. v. Holder*, 744 F.3d 425, 428 n.1 (7th Cir. 2014); *Doe v. Holder*, 736 F.3d 871, 872 n.1 (9th Cir. 2013); *Doe v. Holder*, 651 F.3d 824, 826 (8th Cir. 2011).

It is not only the individual Plaintiffs but their family members who would face a significant risk of retaliatory harm if Plaintiffs' identities were known to the public. *See, e.g., Abdo Doe Decl.* ¶ 16; *Faiz Doe Decl.* ¶¶ 18-19; *Ebe Doe Decl.* ¶ 18; *Sam Doe Decl.* ¶¶ 7-8, 15; *Ali Doe Decl.* ¶ 19.

Plaintiffs' claims also involve highly sensitive and personal information about the medical history of several Plaintiffs and their family members. *See, e.g., Abdo Doe Decl.* ¶¶ 5, 7; *Hadeel Doe Decl.* ¶¶ 5-8. The threat of disclosure of medical details supports anonymity. *See, e.g., K.U. v. Freden*, No. 25-CV-361-LJV, 2025 WL 1473974, at \*3 (W.D.N.Y. May 21, 2025).

The fact that Plaintiffs' status as litigants challenging this policy has thus far been kept confidential also counsels in favor of anonymity. *See, e.g., id.* at \*3; *Doe v. Del Rio*, 241 F.R.D.

154, 157 (S.D.N.Y. 2006). So, too, does the lack of any alternate mechanism that would disclose additional information to the public while still providing safety to the Plaintiffs.

## **II. Defendants Are Government Officials Who Will Not Be Prejudiced, and the Public Interest Will Be Served by Allowing Plaintiffs to Proceed Using Pseudonyms.**

Allowing Plaintiffs to proceed pseudonymously is especially appropriate where, as here, Defendants are government officials sued in their official capacities. *See, e.g., E.W. v. N.Y. Blood Ctr.*, 213 F.R.D. 108, 111 (E.D.N.Y. 2003). This is in part because “[s]uits against the government ‘involve no injury to the [g]overnment’s reputation.’” *Doe v. Skyline Autos., Inc.*, 375 F. Supp. 3d 401, 406 (S.D.N.Y. 2019) (quoting *N. Jersey Media Grp. Inc. v. Doe Nos. 1-5*, No. 12 Civ. 6152(VM)(KNF), 2012 WL 5899331, at \*7 (S.D.N.Y. Nov. 26, 2012)).

Moreover, Defendants will suffer no prejudice should Plaintiffs be allowed to proceed under pseudonym because Plaintiffs’ identities are not relevant to any of the issues in this case. All that matters for Plaintiffs’ standing is that they are TPS holders adversely affected by the termination decision. Plaintiffs’ challenges are legal ones against a universal termination decision that does not implicate the personal circumstances of any individual noncitizen harmed by the government’s action. Allowing Plaintiffs to proceed using pseudonyms will thus not prevent Defendants from presenting a full defense that includes every argument available to them.

Finally, the public interest weighs heavily in favor of allowing Plaintiffs to proceed under pseudonyms. The public has a strong interest in actions like this one that seek to hold the executive branch accountable to the rule of law. *See, e.g., Parra Rodriguez v. Noem*, No. 3:25-cv-616 (SRU), 2025 WL 1284722, at \*11 (D. Conn. May 1, 2025); *Ozturk v. Trump*, No. 2:25-cv-374, 2025 WL 1190759, at \*2 (D. Vt. Apr. 24, 2025). And given the potential for retaliation, forcing Plaintiffs to publicly expose their identities in order to pursue litigation “creates an unnecessary risk of chilling the willingness of [noncitizens] from litigating important issues like the ones raised in this case.” *See Al Otro Lado, Inc. v. Nielsen*, No. 17-cv-02366-BAS-KSC, 2017 WL

6541446, at \*7 (S.D. Cal. Dec. 20, 2017); *accord Lozano*, 620 F.3d at 195. Thus, permitting Plaintiffs to use pseudonyms “will serve the public’s interest in this lawsuit by enabling it to go forward.” *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1073 (9th Cir. 2000). Finally, because this case raises only legal questions—whether Defendants’ conduct conforms to statutory and constitutional requirements—the countervailing “public interest in knowing the litigants’ identities” is “atypically weak.” *Sealed Plaintiff*, 537 F.3d at 190; *accord, e.g., Doe v. Cuomo*, No. 10–CV–1534 (TJM/CFH), 2013 WL 1213174, at \*7 (N.D.N.Y. Feb. 25, 2013).

### CONCLUSION

For the foregoing reasons, Plaintiffs should be permitted to proceed in this suit using pseudonyms.

Dated: March 25, 2026

Respectfully submitted

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*\*Application for admission pending*

*\*\* Application for admission pro hac vice forthcoming*

**CERTIFICATION OF COMPLIANCE**

Pursuant to Rule 7.1(c) of the Local Rules of this Court, I certify that the accompanying Memorandum of Law contains 2,192 words. This certificate was prepared in reliance on the word-count function of the word-processing system used to prepare the document.

Dated: March 25, 2026

Respectfully submitted

/s/Shayana Kadidal  
Shayana Kadidal [SK-1278]