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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUROR NUMBER ONE,

Plaintiff,

No. CIV S-11-397 WBS JFM (TEMP)

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

ORDER

_____ /
In this action, plaintiff alleges his constitutional rights have been violated in connection with an inquiry by a state court judge regarding possible juror misconduct as a result of plaintiff herein posting on Facebook comments regarding a criminal trial. Plaintiff has filed a motion for protective order to proceed in this action under a pseudonym. Plaintiff fails to show good cause for issuance of such an order.

The nature of the claims raised in the instant action are not of such an unusual nature that plaintiff should be allowed to proceed anonymously. See, e.g. Roe v. Wade, 410 U.S. 113 (1973) (challenge to criminal abortion law); United States v. Doe, 655 F.2d 920 (9th Cir. 1980) (use of pseudonym allowed because it might prevent dissemination of information within the prison with respect to appellant’s cooperation with the Government). Plaintiff fails to demonstrate that he will be subject harassment, injury, ridicule or personal embarrassment if a

1 pseudonym is not allowed in this case. Moreover, the underlying state proceedings have
2 received extensive publicity and the name of Juror Number One has already been disclosed to
3 the public in a newspaper of general circulation. See Sacramento Bee, February 6, 2011,
4 “Marcos Breton: Trial Boring? Keep your mouth shut on Facebook,”
5 (<http://www.sacbee.com/2011/02/06/3380742/marcos-breton-trial-boring-keep.html#>)

6 Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for protective
7 order (docket no. 4) is denied.

8 DATED: February 17, 2011.

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11 UNITED STATES MAGISTRATE JUDGE

12 JMM
13 jurornumberone-cal.po