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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JANE DOE,

Plaintiff,

v.

SAN JOAQUIN COUNTY, SHERIFF
STEVE MOORE, and DANNY
SWANSON,

Defendant.

No. 2:18-cv-00667-TLN-AC

ORDER

This matter involves allegations of constitutional violations brought by an inmate. (See ECF No. 1.) Plaintiff Jane Doe (“Plaintiff”) filed the instant complaint by using a pseudonym and not her legal name. The Court issued an Order to Show Cause as to why the complaint should not be stricken for failure to offer a reason for allowing Plaintiff to proceed under a pseudonym. (ECF No. 2.) Plaintiff filed a response on the same day the Court issued the Order to Show Cause. (ECF No. 3.)

In this circuit, the Court allows parties to use pseudonyms in the “unusual case” when nondisclosure of the party’s identity “is necessary... to protect a person from harassment, injury, ridicule or personal embarrassment.” *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067–68 (9th Cir. 2000) (citing *United States v. Doe*, 655 F.2d 920, 922 n. 1 (9th Cir.1981)). The Ninth Circuit held “a party may preserve his or her anonymity in judicial

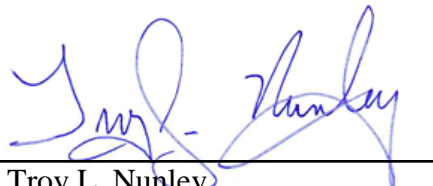
1 proceedings in special circumstances when the party's need for anonymity outweighs prejudice to
2 the opposing party and the public's interest in knowing the party's identity." Id. at 1068. Where
3 a court determines a pseudonym is used to shield the plaintiff from retaliation, the court must
4 evaluate the following factors: (1) the severity of the threatened harm; (2) the reasonableness of
5 the anonymous person's fears; and (3) the anonymous party's vulnerability to such retaliation. Id.

6 Plaintiff's argument is severely deficient and fails to even consider the necessary factors
7 as outlined by the Ninth Circuit. Plaintiff's Counsel reiterated the law the Court cited in the
8 Order to Show Cause and discusses possible harassment, injury, and ridicule. However, it is
9 apparent that Counsel did not review the case cited. Had he done so, Counsel would understand
10 the Court must balance the prejudice to both parties and the public. In reaching such an
11 understanding, Counsel would most certainly have discussed any possible prejudice to
12 Defendants and the public. Additionally, Counsel would have put forth facts for each of the three
13 factors the Court must consider when a plaintiff fears retaliation. As it is, the Court can only say
14 that given the facts as presented by Counsel, Plaintiff appears to be particularly vulnerable to
15 harm. Meeting one factor in the balancing test is insufficient and this Court cannot reasonably
16 determine this matter based on Counsel's submission.

17 The Court recognizes the nature of the allegations are personal and that if there is a
18 threatened harm, Plaintiff is particularly vulnerable. With this in mind the Court denies the
19 motion without prejudice. Plaintiff is afforded seven (7) days from the date of this order to file a
20 response to the Order to Show Cause that thoroughly reviews the balancing test and retaliation
21 factors as outlined in Does I through XXIII v. Advanced Textile Corp.

22 IT IS SO ORDERED.

23 Dated: April 4, 2018

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26 _____
Troy L. Nunley
United States District Judge