

Case 2:22-cv-01841-WBS-CKD Document 10 Filed 11/17/22 Page 1 of 5

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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

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12 JOHN DOE and JANE DOE,  
13 Plaintiffs,

14 v.

15 ANTONY J. BLINKEN, in his  
16 official capacity as U.S.  
17 Secretary of State; JULIE M.  
18 STUFFT, in her official capacity  
19 as Acting Deputy Assistant  
20 Secretary and Managing Director  
21 for Visa Services, Bureau of  
22 Consular Affairs; JONATHAN K.  
23 WEBSTER, in his official  
24 capacity as Consul General of  
25 the U.S. Embassy Abu Dhabi; and  
UR MENDOZA JADDOU, in her  
official capacity as Director of  
USCIS,

Defendants.

No. 2:22-cv-01841 WBS CKD

ORDER RE: PLAINTIFFS' MOTION  
TO PROCEED UNDER PSEUDONYM  
AND REQUEST TO SEAL

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26 This mandamus action seeks to compel defendants to  
27 issue a decision on plaintiff Jane Doe's derivative asylum  
28 application. Plaintiffs now move unopposed to proceed under

1 pseudonyms and request to seal a document inadvertently filed  
2 with an unredacted name. (Docket Nos. 2, 7.)

3 Rule 10(a) provides that "the complaint must name all  
4 the parties." Fed. R. Civ. P. 10(a). "The normal presumption in  
5 litigation is that parties must use their real names." Doe v.  
6 Kamehameha Sch./Bernice Pauahi Bishop Estate, 596 F.3d 1036, 1042  
7 (9th Cir. 2010). However, a party may proceed under pseudonym  
8 "in special circumstances when the party's need for anonymity  
9 outweighs prejudice to the opposing party and the public's  
10 interest in knowing the party's identity," including when  
11 necessary to "'protect a person from harassment, injury, ridicule  
12 or personal embarrassment.'" Does I thru XXIII v. Advanced  
13 Textile Corp., 214 F.3d 1058, 1067-68 (9th Cir. 2000) (quoting  
14 United States v. Doe, 655 F.2d 920, 922 n.1 (9th Cir. 1981)); see  
15 also United States v. Stoterau, 524 F.3d 988, 1012 (9th Cir.  
16 2008).

17 Plaintiffs argue that it is necessary to proceed under  
18 pseudonyms because Jane Doe and their families face a risk of  
19 religious persecution in Iran if their real names are used.  
20 (Def.'s Mem. (Docket No. 2-1) at 2.) Plaintiff John Doe is a  
21 lawful permanent resident of the United States. (Decl. of John  
22 Doe ("Doe Decl.") (Docket No. 2-2) ¶ 1.) He is a native of Iran  
23 who converted to Christianity and was granted asylum in 2016 due  
24 to a risk of religious persecution if he returned to Iran. (Id.  
25 ¶¶ 1, 7, 9-10.) However, plaintiff Jane Doe, John Doe's wife,  
26 currently resides in Iran because her derivative asylum  
27 application is pending. (Id. ¶ 2.) Plaintiffs "are very  
28 secretive" about John Doe's religious conversion and asylum,

1 "even to [their] family members because of the consequences to  
2 [Jane Doe]." (Id. ¶ 21.) It is "illegal in Iran for a Muslim  
3 woman to be married to a non-Muslim man." (Id. ¶ 20.) As such,  
4 if Jane Doe's family were to learn of her husband's religious  
5 conversion, she would "very likely . . . be forced to divorce  
6 [him] under Iranian Law." (Id. ¶ 23.) Further, if the Iranian  
7 government were to learn of John Doe's conversion, his wife and  
8 both plaintiffs' families residing in Iran would be at risk of  
9 religious persecution, including "house raids, physical violence,  
10 harassment, and arrests." (Id. ¶ 24.)

11 The court finds that the risk of religious persecution  
12 to Jane Doe in Iran, outweighs the public's interest in knowing  
13 the parties' identities. See Does I thru XXIII, 214 F.3d at  
14 1067-68. Plaintiffs' fear of persecution is reasonable based on  
15 their membership in a vulnerable religious minority and the  
16 severity of the potential harm, which includes possible  
17 harassment and physical violence. See Advanced Textile Corp.,  
18 214 F.3d at 1069 (The court "conclude[s], based on the extreme  
19 nature of the retaliation threatened against plaintiffs coupled  
20 with their highly vulnerable status, that plaintiffs reasonably  
21 fear severe retaliation, and that this fear outweighs the  
22 interests in favor of open judicial proceedings.")

23 The government has found this threat of persecution to  
24 be credible, as it granted John Doe asylum. (See Doe Decl. ¶¶ 9-  
25 10.) The risk to plaintiffs' family members living in Iran also  
26 weighs in favor of granting plaintiffs' request. See id. at 1070  
27 (finding that district court abused discretion in denying motion  
28 to proceed under pseudonym where plaintiffs feared reprisal

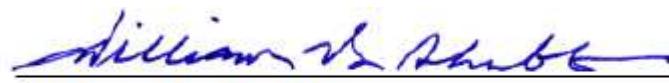
1 against family members living in China).

2 Plaintiffs have expressed willingness to disclose their  
3 true identities to the court and opposing counsel under seal, and  
4 do not otherwise request that court filings be sealed. (See  
5 Def.'s Mem. at 2.) Party anonymity therefore will "not  
6 significantly obstruct the public's view of issues . . . or the  
7 court's performance in resolving them.'" Doe v. Ayers, 789 F.3d  
8 944, 946 (9th Cir. 2015) (quoting Advanced Textile Corp., 214  
9 F.3d at 1068) (alterations adopted). There also does not appear  
10 to be any risk of prejudice to the defendants, who have not  
11 opposed the motion and would be privy to plaintiffs' true  
12 identities.

13 In light of the foregoing, "[n]o factors weigh against  
14 concealing plaintiffs' identities." See Advanced Textile Corp.,  
15 214 F.3d at 1069. See also Doe v. Risch, 398 F. Supp. 3d 647,  
16 647 (N.D. Cal. 2019) (noting that the court had previously  
17 granted permission to proceed under pseudonyms for Christians and  
18 other religious minorities from Iran); Jane Doe 1 v. Nielsen, 357  
19 F. Supp. 3d 972, 980 (N.D. Cal. 2018) (same); Doe v. Dordoni, 806  
20 F. App'x 417, 418 (6th Cir. 2020) (noting that the district court  
21 allowed Christian plaintiff from Saudi Arabia to proceed under  
22 pseudonym due to fear of religious persecution). Accordingly,  
23 plaintiffs' motion will be granted.

24 IT IS THEREFORE ORDERED that plaintiffs' motion for  
25 leave to proceed under pseudonym (Docket No. 2) and request to  
26 seal (Docket No. 7) be, and the same hereby are, GRANTED.  
27 Pursuant to Local Rule 141, the unredacted Exhibit B (Docket No.  
28 1-2) shall be SEALED until further order of this Court.

1 Dated: November 17, 2022

  
2 WILLIAM B. SHUBB  
3 UNITED STATES DISTRICT JUDGE

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