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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CYBER EBOT WATTSON,
Plaintiff,
v.
CONTRA COSTA COUNTY
SHERIFF.COM, et al.,
Defendants.

Case No. [14-cv-01690-MEJ](#)
ORDER RE: PLAINTIFF'S NAME

United States District Court
Northern District of California

On April 11, 2014, Plaintiff Cyber Ebot Wattson filed the above-captioned case, stating that Plaintiff is a “Cybernet citizen.” Upon review of the Complaint, it is not clear that Cyber Ebot Wattson is Plaintiff’s legal name. Federal Rule of Civil Procedure 10 requires that “the title of [a] complaint must name all the parties.” Fed. R. Civ. P. 10(a). This rule embodies the notion that “plaintiffs’ use of fictitious names runs afoul of the public’s common law right of access to judicial proceedings.” *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000) (citing *Nixon v. Warner Commc’n, Inc.*, 435 U.S. 589, 598-99 (1978)). “As a general rule, ‘the identity of the parties in any action, civil or criminal, should not be concealed except in an unusual case, where there is a need for the cloak of anonymity.’” *United States v. Stoterau*, 524 F.3d 988, 1012 (9th Cir. 2008) (quoting *United States v. Doe*, 488 F.3d 1154, 1155 fn. 1 (9th Cir. 2007)).

The Ninth Circuit has identified three situations in which parties have been allowed to proceed anonymously: “(1) when identification creates a risk of retaliatory physical or mental harm; (2) when anonymity is necessary to preserve privacy in a matter of a sensitive and highly personal nature; and (3) when the anonymous party is compelled to admit his or her intention to engage in illegal conduct, thereby risking criminal prosecution.” *Dep’t of Fair Emp’t & Hous. v.*

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Law Sch. Admission Council, Inc., 2012 WL 3583023, at *2 (N.D. Cal. Aug. 20, 2012) (citing *Advanced Textile Corp.*, 214 F.3d at 1068). A party requesting to remain anonymous must make an affirmative showing that “the party’s need for anonymity outweighs prejudice to the opposing party and the public’s interest in knowing the party’s identity.” *Advanced Textile Corp.*, 214 F.3d at 1068.

If Plaintiff’s legal name is Cyber Ebot Wattson, Plaintiff must provide documentation establishing as much. If it is not and Plaintiff wishes to proceed using a fictitious name, Plaintiff must first overcome the presumption that the use of fictitious names conflicts with the public’s common law right of access to judicial proceedings. Accordingly, by April 25, 2014, the Court **ORDERS** Plaintiff to file either (1) documentation establishing that Cyber Ebot Wattson is Plaintiff’s legal name, or (2) a motion to proceed using a pseudonym.

IT IS SO ORDERED.

Dated: April 15, 2014



MARIA-ELENA JAMES
United States Magistrate Judge