

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

JOHN DOE, by his next friend
JANE DOE

CIVIL ACTION NO. 14-0802

VERSUS

JUDGE S. MAURICE HICKS, JR.

DERRICK HARRIS, ET AL.

MAGISTRATE JUDGE HAYES

MEMORANDUM ORDER

Before the Court is a Magistrate Appeal (Record Document 58) filed by Plaintiffs, John Doe and Jane Doe ("Plaintiffs"). Plaintiffs appealed Magistrate Judge Hayes' Order (Record Document 52), which denied the Motion for Protective Order/Leave to Proceed Under Pseudonym or Anonymously (Record Document 19).

The aforementioned decision by Magistrate Judge Hayes relates to a non-dispositive matter. This action is not listed in 28 U.S.C. § 636(b)(1)(A) as a dispositive motion (often referred to as the "excepted motions") that a magistrate judge may not conclusively decide. Magistrate Judge Hayes' ruling was not a recommendation to the district court; rather, it was an order from a magistrate judge on a non-dispositive matter that requires the district court to uphold the ruling unless it is clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A); see also Castillo v. Frank, 70 F.3d 382, 385 (5th Cir. 1995); Perales v. Casillas, 950 F.2d 1066, 1070 (5th Cir.1992). This Court will review Magistrate Judge Hayes' legal conclusions de novo, and will review her factual findings for clear error. See Choate v. State Farm Lloyds, No. 03-CV-2111, 2005 WL 1109432, *1 (N.D.Tex. May 5, 2005).

The undersigned has reviewed the record and finds that Magistrate Judge Hayes' Order of August 25, 2014 (Record Document 52) was neither clearly erroneous nor

contrary to law. Five factors have been established to determine whether it is appropriate for a party to proceed in a lawsuit anonymously, with the primary concern being whether the plaintiff would likely suffer real and serious harm if they were not permitted to use a pseudonym. The applicable factors to this case are “whether the prosecution of the suit requires plaintiff to disclose information of the utmost intimacy” and “the age of the plaintiff may become a significant factor in the matrix of considerations”. This Court agrees that the facts set forth in this case do not require that the plaintiff remain anonymous. While the events that transpired do include private matters, they do not rise to the level of requiring the plaintiff to disclose information of the utmost intimacy. As for the age of the plaintiff, it is well documented that the plaintiff is mentally impaired, however this in and of itself is not enough to remain anonymous in this suit.

Accordingly,

IT IS ORDERED that Plaintiffs’ Magistrate Appeal (Record Document 58) be and is hereby **DENIED** and Magistrate Judge Hayes’ Order of August 24, 2014 (Record Document 52) is **AFFIRMED**.

In accordance with the Order of Magistrate Judge Hayes (Record Document 52), this Court adopts the Order and **HEREBY ORDERS** the Clerk of Court to unseal the First Amended Complaint (Record Document 23), and that the caption of this case be amended as set forth in the First Amended Complaint.

IT IS SO ORDERED.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 24th day of September, 2015.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE