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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

PACIFIC MEDIA WORKERS GUILD; ANGEL  
JOSE FLORES; JULISSA RUIZ RAMIREZ;  
ALYSSA LEIVA;

Plaintiffs,

vs.

CITY OF MODESTO, BRANDON  
GILLESPIE, in his official capacity as Modesto  
Chief of Police,

Defendants.

CASE NO. 2:26-CV-01623-JAM-CKD

**PLAINTIFFS' ADMINISTRATIVE  
MOTION FOR LEAVE TO ALLOW  
DECLARANT F.B. TO PROCEED  
PSEUDONYMOUSLY**

Judge: Hon. John A. Mendez

Courtroom: 6, 14<sup>th</sup> Floor

Date: June 30, 2026

Time: 1:00 p.m.

## INTRODUCTION<sup>1</sup>

Pursuant to Local Rule 230, Plaintiffs respectfully request that the Court allow the individual identified herein as “Declarant F.B.” to proceed in this litigation pseudonymously. F.B. is a noncitizen immigrant from Saudi Arabia seeking asylum in the United States. F.B. regularly participates in peaceful protests in Modesto, including protests expressing support for Palestine, but fears Government retaliation for engaging in such protected activity. Declarant F.B. seeks to submit a declaration in support of Plaintiffs’ Preliminary Injunction Motion to enjoin enforcement of unconstitutional provisions in Title 4, Chapter 23, of the Modesto Municipal Code, entitled Restrictions on Use of Specified Items During Public Assembly (“Ordinance”). This Ordinance is at the center of Plaintiffs’ legal challenge because of the manner in which it chills and infringes the rights to free speech, free association, free assembly, free press, and due process protected by both the U.S. and California Constitutions.

For F.B., and for others similarly seeking to exercise their First Amendment rights as noncitizens without revealing their identity, the Ordinance presents a uniquely chilling threat. There is a significant risk that, if F.B.’s identity is revealed—either at a protest or in the course of this litigation—the Government will retaliate by seeking to harass, detain, and deport them, as has happened to other noncitizens expressing speech that the Government disfavors. Where, as here, an individual demonstrates such a reasonable fear of deportation arising from protected activities and participation in a lawsuit, pseudonymity is warranted. *See Does I—XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1069-73 (9th Cir. 2000) (permitting immigrant workers at risk of deportation to proceed anonymously); *S.E. v. Noem*, No. 1:26-CV-00356-DAD-SCR, 2026 WL 206085, at \*1, n. 1 (E.D. Cal. Jan. 27, 2026) (permitting petitioner to proceed pseudonymously where disclosure of identity could lead to retaliatory harm).

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<sup>1</sup> Per this Court’s Order re Filing Requirements (ECF No. 7-2), Plaintiffs’ counsel did reach out to Defendants’ counsel on May 1 to ascertain Defendants’ position regarding the present motion. After some further colloquy, Defendants responded on May 7, 2025 that they were unable to state a position with respect to this Motion until after they had a chance to review the underlying papers.

## ARGUMENT

The Ninth Circuit permits a party or witness to “preserve his or her anonymity in judicial proceedings in special circumstances.” *Advanced Textile Corp.*, 214 F.3d at 1068; *see also U. S. v. Doe*, 655 F.2d 920, 922, n.1 (9th Cir. 1980). One special circumstance is “to shield the anonymous party from retaliation.” *Advanced Textile*, 214 F.3d at 1068. When evaluating the need for anonymity to protect from retaliatory harm, courts consider (1) the severity of the threatened harm, (2) the reasonableness of the anonymous party’s fears, (3) the anonymous party’s vulnerability to such retaliation, (4) the defendant’s prejudice and whether it can be mitigated, and (5) the public interest. *See id.*; *see also Doe v. Kamehameha Schs./Bernice Pauahi Bishop Est.*, 596 F.3d 1036, 1042 (9th Cir. 2010) (reiterating the factors to proceed pseudonymously); *Doe v. Blue Cross & Blue Shield of Wis.*, 112 F.3d 869, 872 (7th Cir. 1997) (permitting vulnerable witnesses to proceed pseudonymously). As set forth below, each factor leads to the conclusion that Declarant F.B. should be allowed to proceed in this litigation under a pseudonym.

### A. THE DETENTION AND DEPORTATION THAT DECLARANT F.B. FACES ARE SEVERE HARMS

Declarant F.B. risks detention and deportation if their name is revealed in this litigation. These are severe harms warranting pseudonymity. The Ninth Circuit has permitted “conceal[ing] parties’ identities in order to protect them from retaliation by third parties” and made clear that “deportation, arrest, and imprisonment” are an “extraordinary” form of retaliatory harm. *Advanced Textile Corp.*, 214 F.3d at 1070-71. The Supreme Court has also referred to deportation as a “particularly severe penalty” and a “drastic measure” amounting to “lifelong banishment.” *Sessions v. Dimaya*, 584 U.S. 148, 157 (2018) (plurality op.) (internal quotations omitted). The severity of the threatened harm and the reasonableness of the threatened party’s fears are the “most important factors” in evaluating requests to proceed pseudonymously. *See Kamehameha*, 596 F.3d at 1043.

1 F.B. applied for asylum in the United States approximately ten years ago due to their  
2 “fears of being persecuted by the government of Saudi Arabia for [their]. . . political activism.”  
3 Decl. of F.B. in Supp. of Mot. to Proceed Pseudonymously (“F.B. Decl.”) ¶ 4. Given F.B.’s  
4 ongoing fear of reprisal for their political activism, they wear a keffiyeh or gaiter-style mask  
5 covering their face when peacefully assembling and protesting certain controversial issues in  
6 Modesto. State and federal law protect F.B.’s right to protest in this manner in California. *See*  
7 *Ghafari v. Municipal Court*, 87 Cal. App. 3d 255, 261 (1978) (striking down statute that  
8 criminalized wearing a mask at public assemblies and vacating convictions of Iranian nationals  
9 who had protested while masked due to their fear of government retaliation).

10 The Ordinance, however, “prohibits a protester from wearing a mask or scarf over a part  
11 of their face at protests.” F.B. Decl. ¶ 10. And as Defendants have acknowledged, Modesto  
12 police have previously arrested protesters for wearing masks at protests under this Ordinance. *Id.*  
13 ¶ 8; ECF No. 10 (Defendants’ Joint Answer) ¶ 15. The Ordinance thus places F.B. in a “double  
14 bind” because wearing a “keffiyeh or gaiter-style mask to protect [their] identity” risks arrest,  
15 and that arrest could in turn lead to detention and deportation. F.B. Decl. ¶ 11. On the other hand,  
16 F.B. is seeking asylum and “feel[s] the need to protect [their] identity when protesting,” even  
17 though F.B. does so “peacefully and obey[s] police orders” *Id.* ¶ 7.

18 If faced with deportation to Saudi Arabia, F.B. fears “persecution for [their] pro-  
19 democracy activism.” *Id.* ¶ 12. These fears have “only increased since Mohammed Bin Salman  
20 came to power, because he has cracked down on dissidents, the press, and any attempts to bring  
21 democracy to Saudi Arabia.” *Id.* In fact, many of the pro-democracy activists F.B. knew and  
22 associated with in Saudi Arabia “are now in prison there.” *Id.* Nevertheless, F.B. seeks to  
23 exercise their First Amendment right both to protest and to participate in this litigation. F.B.  
24 “feel[s] strongly about free speech and the importance of protesting” and believes that “speaking  
25 out is the only way to diminish the threat of repression.” *Id.* ¶ 5. Given the balancing between the  
26 exercise of F.B.’s protected freedoms and the severity of the retaliation at issue here, this factor  
27 weighs strongly in favor of allowing F.B. to proceed pseudonymously.

**B. DECLARANT F.B.'S FEAR OF DETENTION AND DEPORTATION ARE REASONABLE**

Declarant's fear of retaliatory detention and deportation is reasonable because the federal administration has repeatedly retaliated against noncitizens for disfavored protected First Amendment activity. F.B. Decl. ¶ 11 (expressing fear that they could be detained and deported). This history of retaliation "bolsters the reasonableness" of F.B.'s fears. *See Advanced Textile Corp.*, 214 F.3d at 1071. F.B. is not required to prove that the administration "intend[s] to carry out the threatened retaliation," but simply that "a reasonable person would believe that the threat might actually be carried out." *Id.* F.B. also need only show that they are "more effectively protected from retaliation by concealing their identit[y]" than any other remedy. *Id.*

Here, F.B. reasonably fears that they might face detention and deportation because "other pro-Palestine protesters who are immigrants like [F.B.], have been detained and threatened with deportation by the Trump administration for their pro-Palestine activism," and Declarant is "scared that the same thing could happen to [them]." F.B. Decl. ¶ 11. This fear is supported by the number of courts which have found that the Trump Administration is retaliating against noncitizens for First Amendment activity by subjecting them to adverse immigration action.

In *American Association of University Professors v. Rubio*, 780 F. Supp. 3d 350 (D. Mass. 2025), for example, the district court identified at least five instances where the Government revoked student and faculty visas after the visa-holders had publicly expressed support for Palestine. *Id.* at 364-65. The court's findings drew on many statements by federal officials articulating their intent to target noncitizens who expressed pro-Palestine speech. *Id.*; *see also Mohammed H. v. Trump*, 781 F. Supp. 3d 886, 896-897 (D. Minn. 2025) (finding that petitioner's protected pro-Palestine speech was causally connected to retaliatory motive to punish and detain petitioner); *Ercelik v. Hyde*, No. 1:25-cv-11007-AK, 2025 WL 1361543 at \*12 (D. Mass. May 8, 2025) (finding that petitioner's protected pro-Palestine speech was the "substantial or motivating factor" in efforts to deport him); *Ozturk v. Trump*, 783 F. Supp. 3d 801, 810 (D. Vt. 2025) (finding that petitioner presented "at the very least, a substantial claim of a First Amendment violation" challenging her detention after writing a pro-Palestinian op-ed).

**C. DECLARANT F.B. IS ESPECIALLY VULNERABLE TO RETALIATION**

F.B. is especially vulnerable to retaliation because they are a noncitizen against whom the Government could initiate removal proceedings and place in immigration detention. This is especially true because they are the only noncitizen providing sworn testimony about their First Amendment activity in this litigation. *See Advanced Textile Corp.*, 214 F.3d at 1072 (finding that plaintiffs' vulnerability to retaliation is "enhanced" when they lacked safety in numbers). Indeed, proceeding pseudonymously is particularly justified here, where Declarant faces threats of retaliation beyond those confronting a typical litigant. *See id.* at 1070-71 (finding that plaintiffs faced greater threats of retaliation than the typical plaintiff because they could be deported if they lost their jobs); *see also Al Otro Lado, Inc. v. Nielsen*, No. 17-CV-02366-BAS-KSC, 2017 WL 6541446, at \*4 (S.D. Cal. Dec. 20, 2017) (noting that individuals are "particularly vulnerable, as asylum seekers, to the retaliation they fear if their true names are revealed").

**D. PROCEEDING PSEUDONYMOUSLY IS IN THE PUBLIC INTEREST AND DOES NOT PREJUDICE DEFENDANTS**

Finally, the City of Modesto and Brandon Gillepsie will not be prejudiced nor will the public interest be impacted if F.B. is allowed to proceed under pseudonym. Anonymizing F.B.'s identity will not "obstruct public scrutiny of the important issues in this case." *Advanced Textile Corp.*, 214 F.3d at 1072. Rather, the public interest would best be served if F.B. is permitted to safely speak on the issues at stake. Determining the Ordinance's constitutional impact on the public, especially on non-citizen immigrants and other vulnerable groups, is of significant public interest. Understanding the weight of this constitutional impact—and the harm it causes—does not turn on disclosure of F.B.'s true name. Nor does knowing F.B.'s true name impact Defendants' ability to mount a defense. *See, e.g., id.* at n.15 ("[T]he question [of] whether there is a constitutional right to abortion is of immense public interest, but the public did not suffer by not knowing the plaintiff's true name in *Roe v. Wade*.").

**CONCLUSION**

For the foregoing reasons, Plaintiffs respectfully request that Declarant F.B. be permitted to proceed pseudonymously in this litigation.

1 Date: May 14, 2026

Respectfully Submitted,

2 AMERICAN CIVIL LIBERTIES UNION  
3 FOUNDATION OF NORTHERN  
CALIFORNIA, INC.

4 /s/ Chessie Thacher

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