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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

John Doe, Plaintiff, vs. United States Department of Homeland Security; and Customs and Border Protection, Defendants.	Case No.: 1:25-cv-00507 PLAINTIFF'S MOTION TO PROCEED UNDER A PSEUDONYM; MEMORANDUM IN SUPPORT OF MOTION; DECLARATION OF PLAINTIFF [REDACTED]; EXHIBITS "1" - "4"; DECLARATION OF COUNSEL
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PLAINTIFF'S MOTION TO PROCEED UNDER A PSEUDONYM

Pursuant to Federal Rule of Civil Procedure 10(a) and this Court's inherent authority, Plaintiff respectfully moves for leave to proceed with this case under the pseudonym "John Doe." Plaintiff is a well-known public figure whose identity, if revealed, would subject him to severe and irreparable harms, including risk of reputational harm, safety, potential use for scandalous or libelous purposes, harassment, or exploitation.

This motion is supported by the accompanying Memorandum and the Declaration of Counsel submitted in support. A non-hearing disposition is appropriate under Local Rule 7.1(c), (d).

DATED: Honolulu, Hawaii, November 25, 2025.

/s/ Johnathan C. Bolton
JOHNATHAN C. BOLTON
ANDRES ORTIZ

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

John Doe, ¹ Plaintiff, vs. United States Department of Homeland Security; and Customs and Border Protection, Defendants.	Case No.: MEMORANDUM IN SUPPORT OF MOTION
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MEMORANDUM IN SUPPORT OF MOTION

I. INTRODUCTION

Plaintiff seeks leave to litigate this case under the pseudonym “**John Doe.**” Courts recognize that although Federal Rule of Civil Procedure 10(a) generally requires parties to be named, but pseudonymity is warranted in unusual cases where identification would expose a litigant to harassment, retaliation, or the disclosure of highly personal matters.

Because Plaintiff is a celebrity, public disclosure of his identity in connection with this litigation would trigger intense and intrusive media attention, risk harassment from fans and detractors alike, and needlessly expose sensitive private information unrelated to the merits of the case. The balance of factors strongly supports allowing Plaintiff to proceed pseudonymously.

II. FACTUAL BACKGROUND

Plaintiff is a widely-recognized public figure. He is highly susceptible to media exploitation and has previously experienced intrusive press coverage and online harassment. *See* Declaration of Plaintiff (“Plaintiff Decl.”). As the Plaintiff explains, he was essentially orphaned as a child. *Id.* ¶ 2-4. This difficult upbringing led the Plaintiff to a tumultuous young life. Ultimately, the Plaintiff was arrested on drug and theft charges in his country of birth. *Id.* ¶ 5-6. During the criminal hearings, the Plaintiff was sentenced to an intensive rehabilitation program that he successfully completed. *Id.* ¶ 11. After successfully completing the program, he returned to court and his convictions were eventually “spent” under foreign law. *Id.* ¶ 17. To this day, the Plaintiff has been sober for over 29 years and remains active in attending and sponsoring Alcoholics Anonymous (AA) meetings. *Id.* ¶ 16.

Once the Plaintiff’s life was stabilized, he pursued a higher education and eventually enrolled in a college program where he received his Bachelor’s Degree. *Id.* at ¶ 12. Eventually, Plaintiff received an O-1 visa to work in the United States. *Id.* ¶ 13. After moving to the United States, Plaintiff met and married his wife. *Id.* ¶ 14. Plaintiff’s wife sponsored him for his permanent residency. *Id.* ¶ 15. During this confidential process, Plaintiff disclosed his

criminal and immigration issues, despite the convictions being “spent” under foreign law. *Id.* ¶ 16. Additionally, he applied for all waivers that would allow him to receive his permanent residency, and all waivers and applications were granted in November 2019. *Id.* ¶ 17. Plaintiff was told that once the waivers and his permanent residency was granted, he would be given a “clean slate” in the eyes of U.S. immigration. *Id.* ¶ 17. In 2023, the Plaintiff applied for, and received, his U.S. citizenship. *Id.*

After naturalizing, Plaintiff traveled outside of the country numerous times before February 2025 without incident. However, starting in February 2025, every time the Plaintiff has presented himself for inspection with Customs and Border Protection (“CBP”), he has been treated with hostility by CBP officers. *See* Plaintiff Decl. at ¶ 18, 20. Each time, the Plaintiff has been held for several hours and been unable to communicate with his wife or his counsel, despite being told that he would receive a “clean slate.” *Id.* Consequently, Plaintiff sought to recover his immigration records to understand why, despite being granted his green card and U.S. citizenship, he was continuously stopped by immigration by filing a FOIA on March 20, 2025 (*see* Exhibit 1- Initial FOIA Request), and an appeal, for not processing the FOIA request within the allotted 20- or 30-day period (*see* Exhibit 2 - FOIA Appeal).

On September 26, 2025, several months after the statutory response period expired, Defendants responded indicating that there were no responsive records. *See* Exhibit 3- FOIA Decision Letter. Plaintiff timely filed a FOIA Appeal on October 14, 2025. *See* Exhibit 4- Proof of Second CBP Appeal. To date, Defendants have not acknowledged the appeal nor have they produced any responsive records.

III. ARGUMENT AND AUTHORITIES

A. Legal Standard

According to Federal Rule of Civil Procedure 10(a), the title of a complaint must name all parties. *See* Fed. R. Civ. P. 10(a). However, the Rule’s “normal presumption of openness in judicial proceedings yields in unusual cases,” where anonymity is necessary. *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000). The Ninth Circuit directs courts to balance three factors in considering this issue: (1) the severity of the threatened harm, (2) the reasonableness of the party’s fears, and (3) the party’s vulnerability to such harms. *Id.* at 1068. Courts then weigh these three factors against (1) prejudice to the opposing party and (2) the public’s interest in open proceedings. *Id.* at 1068–69. Additionally, other Circuits have observed that proceeding under a pseudonym may be appropriate when the plaintiff is challenging the actions of the government.

Sealed Plaintiff v. Sealed Defendant, 537 F.3d 185, 190 (2d Cir. 2008) and *Doe v. Barr*, 479 F. Supp. 20, 25-26 (S.D.N.Y. 2020).

While transparency is a cornerstone of judicial proceedings, the Ninth Circuit recognizes that concealing a party's name does not necessarily impede public scrutiny of legal issues. *See Doe v. Kamehameha Schools/Bernice Pauahi Bishop Estate*, 596 F.3d 1036, 1042–44 (9th Cir. 2010). Pseudonymity is appropriate in this case.

B. Plaintiff's Need for Anonymity Is Compelling

The Ninth Circuit has recognized that anonymity may be justified to protect litigants from “harassment, injury, ridicule, or personal embarrassment.” *Advanced Textile*, 214 F.3d at 1067–68. Further, because this lawsuit involves a celebrity suing the government, for the government's inaction, it will be no doubt be subject to greater notoriety. *Doe*, 479 F.Supp. at 25-26.

While the complaint does not contain allegations implicating intensely personal and sensitive matters; the substance of the information sought does. If Plaintiff's true name is made public in connection with these proceedings, he faces a serious risk of reputational harm, and harassment. Specifically, like in *Doe*, the Plaintiff has lived a difficult past. While the plaintiff in *Doe* had medical issues and identified as homosexual, by applicable analogy, the Plaintiff here has details

in his life that one would want to remain private. First, he was abandoned by his father and his mother allowed him to become a part of the foster care system. This led to significant trauma and the Plaintiff feeling unwanted by anyone. He eventually became homeless and used drugs to cope. His negative coping mechanisms led to troubles with the law. It was not until the Plaintiff successfully completed an intensive rehabilitation program that he turned his life around for the better. Undoubtedly, this past history is traumatic. Every time the Plaintiff re-enters the United States, he is forced to re-live this past and he suffers additional consequences because of the convictions that have been “spent” by the foreign court system and been “forgiven” by U.S. immigration. While this Court does not have the authority to prevent CBP from continually harassing the Plaintiff, it can facilitate understanding *why* this conduct continues happening.

Additionally, Plaintiff has attempted to maintain a private lifestyle despite his celebrity. He does not have social media accounts and continues to deal with his past struggles with substance abuse *anonymously*. Additionally, he has not made his past part of his public narrative by writing a book or giving interviews about his past issues. If the substance of the request is discovered by media, he may be forced to speak about his past that the Plaintiff has worked to keep private and off the public’s radar. Indeed, Plaintiff completed a confidential immigration

process to become a citizen. Because his request is related to this previously confidential process, he should be permitted to proceed under a pseudonym now.

Second, the Plaintiff's concerns are reasonable. Given the digital age, it would be easy for the public to learn about the lawsuit and inquire as to *why* the Plaintiff, who has maintained a private lifestyle despite his notoriety, is suing the United States government. Additionally, until this is resolved, he risks being "caught on camera being arrested by immigration" despite resolving all of these issues when he received his permanent residency and now being a citizen. Indeed, forcing the Plaintiff to proceed with his birth name reasonably risks "personal embarrassment."

C. Minimal or No Prejudice to Defendant

Proceeding under a pseudonym will not prejudice the Defendants. Plaintiff is willing to disclose his identity to the Court and to Defendants' counsel under a protective order. Defendants' ability to investigate, conduct discovery, and present a defense will remain fully intact. This is particularly true because the suit is only being filed because of the agency's inaction. Courts consistently hold that pseudonymity does not hinder defendants when such safeguards are in place.

D. The Public's Interest Is Preserved

Allowing Plaintiff to proceed under the pseudonym “John Doe” will not deprive the public of meaningful access to judicial proceedings. The public will be able to review the pleadings, arguments, and court rulings in full, with only Plaintiff’s name withheld. As the Ninth Circuit explained, concealing a litigant’s name often does not prevent the public from scrutinizing the underlying legal issues. *See Kamehameha Schools*, 596 F.3d at 1042–44. Indeed, the Petitioner is filing this action because CBP has failed to produce the FOIA documents within the statutorily-mandated time period. The public can be apprised of the government’s (lack of) conduct without exposing the Plaintiff’s identity. Thus, the public’s interest remains protected.

IV. CONCLUSION

For these reasons, Plaintiff respectfully requests that the Court enter an order permitting him to proceed under the pseudonym “**John Doe**” and granting Plaintiff all other relief to which he may be entitled.

DATED: Honolulu, Hawaii, November 25, 2025.

/s/ Johnathan C. Bolton
JOHNATHAN C. BOLTON
ANDRES ORTIZ

Attorneys for Plaintiff

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

John Doe, Plaintiff, vs. United States Department of Homeland Security; and Customs and Border Protection, Defendants.	Case No.: DECLARATION OF PLAINTIFF [REDACTED]
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My name is [Plaintiff's Name]; I declare the following to be true and accurate to the best of my abilities and if called to, I would testify to the following:

1. I was born in [City], on [Date]. I have also gone by the name [Alias Name]. I am a citizen of [Home Country] by birth, [Name of Country] through my father, and the United States through naturalization.
2. Growing up, I had a difficult childhood. I never had a relationship with my father because he left when I was two years old. My life with my mother was very difficult. [Description of home life], I now see (as the father of [children] myself) how my life began to fall apart at a very early age. Around the age of [age] I found myself living on the streets, in abandoned buildings and in youth refuges. Once I found my first bed in a government [facility] I was officially in the system, at which time I was placed into [foster care].
3. The [] Foster Care system was terrible for me. It became apparent to me, even at such a young age that most of the families weren't actually interested in raising a troubled kid but wanted the government's check. Most of them were mean to me and didn't try to hide the fact they wished I wasn't there. I never felt at ease with any of them, and at some stage they all gave me back. I never felt like I truly belonged with any of my foster families.
4. For example, one night I was dropped off to a house with a woman and her twenty something daughter. They put me in a room with a bed with one blanket and an empty wardrobe, then they fought and screamed at each other for most of the night as they got more and more drunk, then the van picked me up the next morning before breakfast and took me back to the refuge. No one said anything when I left. It was very emotionally draining for me to have to constantly transition living with so many different families so frequently. I never felt like I truly belonged anywhere or with any one, and I believe that it is what led me to keep company with people who were bad influences. I had found a tribe of people who were just like me, they didn't have families either. I understand now how dangerous these associations were and would never allow my own children anywhere near such people, but to me back then they were my only lifeline. They also taught me about drugs. During those years, I had several of my friends die by overdose or suicide.
5. Over the years I made several attempts to get clean and sober, but I never succeeded. I didn't know anything about addiction or alcoholism and

thought I could simply swap this lifestyle for another, but anytime I did get a part time job I was fired soon after and anytime I would try to not drink or use, the outcome seemed inevitable.

6. Shortly after turning [age], I was arrested for a string of charges. The judge in one of my cases sentenced me to a one-year in-patient rehabilitation program. I remember some of the court staff asking the judge to place me in [Name of Rehabilitation Facility], it was a program in the country. I was also the youngest person to ever enter [Name of Rehabilitation Facility]. The program had previously been reserved for people who had serious substance abuse problems. Many of the patients don't make it. However, the court staff persuaded the judge to take a chance and put me in that program.
7. They said the [Name of Rehabilitation Facility] was a very gentle place, a "Therapeutic Community" and that I had had enough trauma and should be in a place like this to recover. It suited me because I had spent a lot of my childhood on family farms and cattle ranches and the lifestyle was familiar, and clearly what I needed. I got on a train with very little personal possessions and arrived at [Name of Rehabilitation Facility] on [Date], [number of days] days after the hearing. My mother and sister put me on that train and as I left the platform, the look of hope in their eyes is something I hang onto to this day.
8. Without a doubt, [Name of Rehabilitation Facility], was the best thing that has ever happened to me. I was assigned a case worker, her name was Deb. Deb taught me all about addiction and alcoholism, and about what had happened to me and that it wasn't normal or okay. I learned about trauma, that my father was an alcoholic, that my mother wasn't well. They introduced me to Alcoholics Anonymous and took me to meetings. I was able to take classes with all the other people there and be away from the toxic environment I had been in for so many years. I was also exposed to healthy, strong male role models for the first time who taught me the important things about being a man and helped me begin the process of re-entering the community and my life.
9. It was during this period that I found my faith and started a relationship with God, which is extremely important to me. I also made a pact to myself at that treatment center, that I would go to any lengths to remain sober for the rest of my life. The life I had been living was hard and full of many heartaches. It had become a prison of reoccurring trauma that I had to face

every day and it was simply not worth it to continue down the path I was headed before I made it to recovery. The most important realization I made in rehab was that I have self-worth and that my life had meaning. And though I didn't yet know exactly what that meaning would be, I never looked back.

10. I finished my time at the in-patient program early and transitioned to a halfway house that was situated in the town of [Name of Town] close by [Name of Rehabilitation Facility]. I lived with a house full of other men who were all living in recovery. They treated me like their little brother and took me everywhere with them, to AA meetings, out to lunch, surfing at the beach. They treated me like this because they loved me and those men really helped me learn to love myself, take care of myself and be of service to others whenever you possibly can. I continued my successful road towards recovery.
11. Since entering the drug rehab program, I have been sober, I've never touched drugs and I have never had a drug-related arrest or sustained a probation violation for violating the terms of my rehab. Being sentenced to the rehabilitation programs was the best thing that ever happened to me. If I was not forced to attend those programs, I would have never taken the opportunity to reflect on my life and where it was headed. Rehabilitation literally saved my life and put me on the path towards success as an actor.
12. I made the decision to attend [Name of School]. I had very little qualifications for any employment but I had a story to tell. For some reason, I believed that [entertainment] would be a good profession for me. I wanted to explore Truth in as many ways as I could. [Name of School] is the [competitive] and I didn't think I would get in. [Enrollment statistics]. In [Date], I graduated from [Name of School] with a Bachelor's Degree in [Major].
13. As my career took off [], I was presented opportunities in the United States. Through my agent, I secured an O-1 Visa. I played several roles and started to feel like the United States may be the place where I wanted to live permanently.
14. In [date], I was offered the role of [role] in [theatrical production]. [Beginning in] 2010. It was here in [Place] that, through mutual friends I met [my wife]. [Personal details about wife and son].

15. As [my wife] and I grew as a family, we decided that I should look for some way to receive permission to live in the United States permanently. I had been involved with [theatrical productions] for several years at that point. During that time, I was [details of work]. By this point, I was traveling [] frequently to receive medical treatment []. [We decided that my wife] would sponsor me for my green card.
16. As a part of the process, I disclosed my criminal record and all immigration-related issues to United States Citizenship and Immigration Services. As a part of the green card process, I applied for several waivers to forgive all of my immigration and criminal issues. As a part of the waiver process, I explained the rehabilitation I have undertaken and the hardship my family would face if I could no longer live in the United States. This was a challenging process for me because I do not like talking about myself or my struggles. After my experience at [Name of Rehabilitation Facility], I have wanted to help people who face the same struggles that I did. I have been sober for [number of years] and have routinely attended and run AA meetings. I am proud of my progress and I happy with where my life is now.
17. My waivers and green card were granted in [Year]. I was told at that point that I would have a “clean slate” for immigration purposes and I should have no problems moving forward. In [year], I applied for my citizenship and again, I disclosed my past history and explained how my waivers were granted and I was given a clean slate. In 2023, my citizenship was granted; after years of struggle and hard work, I could finally call myself a citizen. Shortly after that, I applied for and received my American passport. I was told that now that I was a citizen, I would no longer face scrutiny because of these convictions that occurred over 30 years ago. I also note that these crimes were [] the equivalent of being expunged in [my Home Country] police system.
18. Until February 2025, I never had a problem with entering the United States after traveling abroad. However, in February of this year I was stopped by immigration in Honolulu after [details of trip]. I was confused at first, by the level of hostility shown towards me as they took me to secondary screening. I was also confused about going there at all. I was placed in a room with one enormous, armed supervisor. When I reached for my phone to inform my wife that I had been detained, the man yelled at me. He threatened that if I touched my phone “we’ll have a problem”. I was intimidated and shocked, and tried to avert my gaze as he stared at me,

without wavering, for the next 10 minutes. Then a different officer took me into another, separate room and interrogated me for about 20 more minutes. During this interrogation I was asked intrusive questions, even though I had not been told what, if anything, I was suspected of doing wrong. I was compliant, but after several minutes, I asked to see a supervisor. I was then escorted into a tiny side room, before being abruptly released with no explanation. I was shocked at how aggressive the officers were, despite never being told what I had done wrong. I felt embarrassed because I felt like I was being treated like a criminal, even though I was told that I was given a clean slate.

19. After this incident, I asked [my attorney] why I was treated this way. He suggested that we file a request for my immigration file through a Customs and Border Protection FOIA. It is my understanding that the results are to be given to me within 20 or 30 business days. As of writing this declaration, I have not received my FOIA.
20. I had reentered the United States, three additional times since February 2025 and each times the officers were aggressive towards me. On [Date], [I] w[as] returning home from a trip abroad and I was again sent to secondary inspection. At first, the officer was cheerful with me until he swiped my passport, then upon seeing my record on his computer he became gruff and short tempered. He locked my passport in a small lock-box with an alarm device on it and told me to take it to secondary inspection. I did, and the officer there pulled everything out of my carry-on luggage, demanding receipts for things that “looked new.” He turned out to be a great guy once we had the chance to talk and he saw that the criminal record he was looking at on his computer was 30 years old. He said he was sorry this kept happening to me and in his opinion it shouldn’t. He also said if I don’t get it cleared up, I will always be treated this way by US Customs and Border Protection and since I travel all the time for work, I was destined for a life of interrogation and dehumanization.
21. I am asking the court to allow me to proceed under a pseudonym because in the public eye due to my career. Every time I travel, I am in the public eye. I have been detained several times despite being told I was given a clean slate. The last thing I want is [someone] to learn of my detention and expose my past to the public, as it may affect future employment. I have done everything that was asked of me in [my home country] and the United States to seek forgiveness and reconciliation for my mistakes as a youth. It feels like I can never escape my past, even though I have taken the appropriate

equitable and legal steps to do so. When I went through my green card and citizenship process, it was a confidential proceeding. I am hoping to proceed under a pseudonym because all of my immigration matters have been confidential up to this point and the only reason I am filing this lawsuit is because the government has not timely responded to my request. It feels inequitable that I am having to waive my confidentiality, the confidentiality that I would be entitled to in any other immigration proceeding, to assert my rights.

22. I hope that the court will grant my request to proceed under a pseudonym because my immigration proceeding has been confidential up to this point and because I am in the public eye, I fear that I will have to answer questions about my past, a past that has been traumatizing to me.

I declare the following, under penalty of perjury. This declaration was executed on 11/19/25 at Honolulu, Hawaii.

[Plaintiff]

EXHIBIT 1



Request Number:

CBP FO-2025-xxxxxx

▼

Details of Request

(Read only details of request)

CREATE APPEAL

CANCEL

Request Description: Provide information relating to the subject's referral to secondary inspection upon entry to the United States at the [Airport]on or about [date]. Provide all inspection and examination information that led to [Plaintiff's]referral to secondary inspection. This information includes, but is not limited to the TECS report; any System of Records Notice; and any information shared with CBP from the NPRS or any other Australian database.

Fee Waiver Requested? : Not Requested

Reason for Fee Waiver: -

Expedited Processing?: Not Requested

Agency: Department of Homeland Security

Component: U.S. Customs & Border Protection

Processing Track: Simple

Request Type: FOIA Request Submitted

Date: xx/xx/xxxx

Request Status: Searching for Records

Identity Verification Status: Not Requested by Agency

Reason for Expedited Processing: -

Additional Information

(Additional details or clarifications of request.)

Subject of Record- First Name: [Plaintiff First Name]

Subject of Record- Last Name: [Plaintiff Last Name]

Passport Number: xxxxxxxxx

Country of Birth: [Country Name]

Date of Birth: xx/xx/xxxx

Files uploaded by user

- Files not exceeding 20 MB in size, can be attached.





File Name

Attachment Type

General Documentation

File Name

Attachment Type



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SUPPORT

LICENSES

PRIVACY NOTICE

COOKIE NOTICE

COOKIESETTINGS

GOVERNMENT SYSTEM NOTICE

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EXHIBIT 2



Request Number:

CBP FO-2025-xxxxxx

▼

Details of Linked Appeal(s)

(Read only details of appeal(s) linked to the request)





Appeal Number	Submitted Date	Request Status	Basis For Appeal	Estimated Completion Date
CBP-AP- 2025-xxxxxx	xx/xx/2025	Closed (No Documents Sent)	It has been longer than the statutory time limit to process this FOIA. If we do not receive results within 7 days, we will file a lawsuit in federal court to process the FOIA	-

5 rows ▼

 1-1 of 1 

SUPPORT

LICENSES

PRIVACY NOTICE

COOKIE NOTICE

COOKISETTINGS

GOVERNMENT SYSTEM NOTICE

EXHIBIT 3



Sofia Ricci <ricci@andresortizlaw.com>

CBP FOIA - CBP-FO-2025-xxxxxx

1 message

cbpfoia@cbp.dhs.gov <noreply@securerelease.us>
Reply-To: cbpfoia@cbp.dhs.gov
To: legal@andresortizlaw.com

Thu, Sep 11, 2025 at 11:08 PM

09/12/2025

CBP-FO-2025-088369

Dear Andres Ortiz,

This is a final response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) requesting CBP maintained records. Specifically, you requested Provide information relating to the subject's referral to secondary inspection upon entry to the United States at the Honolulu International Airport on or about [Date], 2025. Provide all inspection and examination information that led to [Plaintiff's] referral to secondary inspection. This information includes, but is not limited to the TECS report; any System of Records Notice; and any information shared with CBP from the NPRS or any other Australian database..

We conducted a comprehensive search of files within the CBP databases for records that would be responsive to your request. Unfortunately, we were unable to locate or identify any responsive records, based upon the information you provided in your request.

Note: CBP does not have complete records of apprehensions made by Border Patrol before 2000. Records of apprehensions made by Border Patrol before 2000 may be available in the A-File maintained by USCIS.

This completes the CBP response to your request. You may contact CBP's FOIA Public Liaison, Charlyse Hoskins, by sending an email via your SecureRelease account, mailing a letter to 1300 Pennsylvania Avenue, NW MS 1181, Washington DC, 20229 or by calling 202-325-0150. (If you need telecommunication relay service (TRS) assistance to communicate with the CBP FOIA Office and you are in the United States, please dial 711 to obtain TRS assistance and notify the Communications Assistant that you want to contact the CBP FOIA Office at the telephone number (202) 325-0150). The FOIA Public Liaison is able to assist in advising on the requirements for submitting a request, assist with narrowing the scope of a request, assist in reducing delays by advising the requester on the type of records to request, suggesting agency offices that may have responsive records and receive questions or concerns about the agency's FOIA process. Please notate file number CBP-FO-2025-xxxxxx on any future correspondence to CBP related to this request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with the response to this request, you have a right to appeal the final disposition. Should you wish to do so, you must file your appeal within 90 days of the date of this letter following the procedures outlined in the DHS regulations at Title 6 C.F.R. §5.8. Please include as much information as possible to help us understand the grounds for your appeal. You should submit your appeal via SecureRelease. If you do not have computer access, you may send your appeal and a copy of this letter to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 90 K Street, NE, 10th Floor, Washington, DC 20229-1177. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia. Additional information can be found at the following link https://www.cbp.gov/sites/default/files/assets/documents/2019-Dec/definitions-exemptions-foia_0.pdf.

Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Please note that this message has been sent from an unmonitored e-mail account. Any messages sent to this account will not be read.

Sincerely,

U.S. Customs and Border Protection

EXHIBIT 4

SecureRelease™ Portal

Number CBP-FO-2025-xxxxxx



Details of Linked Appeal(s)

(Read only details of appeal(s) linked to the request)

Search



Appeal Number	Submitted Date	Request Status	Basis For Appeal	Estimated Completion Date
CBP-AP-2025-00xxxx	[Date] /2025	Closed (No Documents Sent)	It has been longer than the statutory time limit to process this FOIA. If we do not receive results within 7 days, we will file a lawsuit in federal court to process the FOIA	
CBP-AP-2026-00xxxx	[Date]/2025	Initial Determination	On 9/11/25, CBP responded to the FOIA request, indicating that it did not have any records "relating to the subject's referral to secondary inspection upon entry to the United States at the Honolulu International Airport on or about [Date] , 2025. Provide all inspection and examination information that led to [Plaintiff] referral to secondary inspection. This information includes, but is not limited to the TECS report; any System of Records Notice; and any information shared with CBP from the NPRS or any other [Country] database." This is impossible because the subject has	

Appeal Number	Submitted Date	Request Status	Basis For Appeal	Estimate Computation Date
			been sent to secondary inspection every time he travels. This investigation was insufficient. Provide the evidence.	



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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

John Doe, ¹ Plaintiff, vs. United States Department of Homeland Security; and Customs and Border Protection, Defendants.	Case No.: DECLARATION OF COUNSEL
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DECLARATION OF COUNSEL

I, **Andres Ortiz**, hereby declare as follows:

1. I am counsel for Plaintiff in the above-captioned matter. I submit this declaration in support of Plaintiff's Motion to Proceed under a Pseudonym. I have personal knowledge of the facts stated herein, and if called as a witness, I could and would testify competently thereto.
2. The Complaint contains Plaintiff's true identity and sensitive personal information. Public disclosure of this information could cause harm to Plaintiff, including privacy, safety, and immigration-related risks.
3. Good cause exists to file the unredacted Complaint under seal because it includes personally identifiable information and other sensitive details that fall within the protections of Federal Rules of Civil Procedure 5.2(d) and 26(c), and Local Rule 5.2 of the District of Hawai'i.
4. Plaintiff is concurrently filing a redacted public version of the Complaint. The redactions are limited solely to Plaintiff's true identity and sensitive personal information and preserve public access to all non-confidential allegations.
5. The request to seal the unredacted Complaint is narrowly tailored to protect Plaintiff's privacy interests while maintaining the public's right of access to judicial filings.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 21 2025, at Long Beach California.



Andres Ortiz, Esq.