NOT FOR PUBLICATION

FILED

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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JANE DOE,

Plaintiff - Appellant,

v.

WESTERN BEST, INC., doing business as Chicken Ranch; DESERT ROSE CLUB, LLC; HACIENDA ROOMING HOUSE, INC., doing business as Bella's Hacienda Ranch; MUSTANG RANCH PRODUCTIONS, LLC, doing business as Mustang Ranch Lounge, LLC; LEONARD LANCE GILMAN, in his individual capacity; WESTERN BEST, LLC,

Defendants - Appellees,

Governor of Nevada JOSEPH LOMBARDO; Attorney General NV AARON D. FORD; COUNTY OF NYE; COUNTY OF ELKO; COUNTY OF STOREY,

Defendants.

No. 25-3455

D.C. No.
3:24-cv-00065-MMD-CSD

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Miranda M. Du, District Judge, Presiding

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Argued and Submitted March 11, 2026
Las Vegas, Nevada

Before: BENNETT and SANCHEZ, Circuit Judges, and HOLCOMB, District Judge.**

Plaintiff Jane Doe alleges that between 2017 and 2023, she was a victim of sex trafficking in legal Nevada brothels. Doe appeals the district court's denial of her motion to proceed pseudonymously. The district court denied Doe's motion for a protective order and for leave to proceed pseudonymously because Doe had "not adequately justif[ied] a deviation from the bedrock standard that court cases are public events." The district court also rejected Doe's motion for reconsideration of that denial. Soon thereafter, because Doe did not disclose her identity, the district court dismissed her underlying action without prejudice, and the clerk of court entered final judgment against Doe. We have jurisdiction under 28 U.S.C. § 1291, and we reverse.

"We review a district court's case management decisions," including proceeding pseudonymously, "for an abuse of discretion." *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1069 (9th Cir. 2000). "Thus, we may reverse the district court's decision if the district court relied on an erroneous view

** The Honorable John W. Holcomb, United States District Judge for the Central District of California, sitting by designation.

of the law, made a clearly erroneous assessment of the evidence, or struck an unreasonable balance of the relevant factors." *Id.*

The district court abused its discretion in this instance because it committed a clear error of judgment in weighing the relevant factors governing Doe's motion for leave to proceed pseudonymously. "The normal presumption in litigation is that parties must use their real names." *Doe v. Kamehameha Schs./Bernice Pauahi Bishop Est.*, 596 F.3d 1036, 1042 (9th Cir. 2010). Generally, the district court must balance: (1) the party's need for anonymity; (2) prejudice to the opposing party; and (3) the public's interest in knowing the party's identity. *See Advanced Textile*, 214 F.3d at 1068. The district court committed a clear error in judgment in the analysis that it undertook to weigh those three factors.

First, in evaluating Doe's need for anonymity, the district court erroneously discounted Doe's allegations. The district court first acknowledged—but did not give any weight to—Doe's assertions that she requires anonymity because she faces a risk of retaliation, she fears for her safety and reputation, and she wishes to protect her information from misuse. The district court then "afford[ed] some weight" to Doe's assertions that disclosing her identity will create physical and psychological vulnerability as well as cause severe embarrassment, but it later discounted those same assertions because they "apply broadly to anyone in the industry." The district court offered no basis for its assertion that broad "generic" harms to victims within

the commercial sex industry weigh against permitting a pseudonym. And there is nothing in *Advanced Textile* that requires Doe to show, at the motion to dismiss stage, that her potential harms are unique from those of other sex trafficking victims. The fact that Doe's assertions may apply broadly to others in the industry does not necessarily mean that Doe lacks a need for anonymity for those same reasons. Accordingly, we conclude that the district court made a clear error in judgment by giving little or no weight to Doe's assertions of her need for anonymity.

Next, the district court erred in weighing prejudice to the opposing parties. The district court found that allowing Doe to proceed pseudonymously would prejudice Defendants because Doe has "actively sought to litigate this case in the public eye," and, therefore, "a protective order limiting [Defendants'] ability to respond in the same public arena would be prejudicial." That conclusion is erroneous because no party would be able to use Doe's name publicly, thus prejudicing both sides equally. Furthermore, Defendants will not be prejudiced if Doe proceeds pseudonymously because they will be able to ascertain Doe's identity through discovery, and they may use that information in litigating this case. *See Advanced Textile*, 214 F.3d at 1069 n.11 ("[W]hatever knowledge defendants have of plaintiffs' identities only lessens their claims to be prejudiced by the use of pseudonyms."). Accordingly, the district court made a clear error in judgment by overestimating the prejudice that Defendants may face.

Finally, the district court erred in weighing the public's interest in knowing Doe's identity. The district court concluded that the "public has an interest in assessing Doe's credibility." But this factor is meant to determine the public's interest in knowing the party's identity, not the public's interest in assessing the party's credibility. *See Advanced Textile*, 214 F.3d at 1068. The public's perceptions of a party's credibility are irrelevant because credibility determinations are reserved for the jury. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986) ("[c]redibility determinations . . . are jury functions"); *United States v. Barnard*, 490 F.2d 907, 912 (9th Cir. 1973) ("[c]redibility . . . is for the jury"). Accordingly, we conclude that the district court clearly erred in affording weight to the public's interest in determining Doe's credibility.

In sum, an appropriate weighing of the *Advanced Textile* factors compels a decision allowing Doe to proceed pseudonymously at this point in the litigation.[1]

For those reasons, we hold that the district court clearly erred in weighing the relevant factors and, therefore, abused its discretion in denying Doe's motion for leave to proceed pseudonymously.

REVERSED.

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[1] The case is at an early stage, and Doe's need to proceed pseudonymously may change as the case proceeds. *See Advanced Textile*, 214 F.3d at 1069 (recognizing "that the balance between a party's need for anonymity and the interests weighing in favor of open judicial proceedings may change as the litigation progresses").