No. 24-88

IN THE

Supreme Court of the United States

JOHN DOE,

Petitioner,

v.

THE TRUSTEES OF INDIANA UNIVERSITY, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

BRIEF IN OPPOSITION

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QUESTION PRESENTED

Whether Petitioner, who has sued a university to challenge his dismissal for academic dishonesty, may hide his identity from the public merely to avoid embarrassment.

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INTRODUCTION

"[O]ne of the essential qualities of a Court of Justice [is] that its proceedings should be public." *Daubney v. Cooper*, 109 Eng. Rep. 438, 441 (K.B. 1829); *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598–99, 98 S.Ct. 1306, 55 L.Ed.2d 570 (1978). Litigating in one's own name is a long-standing principle, and only after a "careful and demanding balancing of interests" may a party be permitted to litigate anonymously. *Doe v. Trustees of Indiana Univ.*, 101 F.4th 485, 492 (7th Cir. 2024).

Here, Petitioner John Doe sought to avoid this norm by moving *ex parte* to proceed under a pseudonym. The magistrate judge granted the motion without allowing Respondents to oppose and, in doing so, considered a list of "non-exhaustive factors" used by courts both within and outside the Seventh Circuit. Pet. App. 37a-43a. On appeal, the Seventh Circuit reversed, holding that—under the particular facts of this case—some of the factors considered by the magistrate judge were impertinent, and some of his conclusions were "odd" and conflicted with controlling precedent. *Id.*, 8a. The Seventh Circuit observed that, unlike some Title IX cases, this "suit is not about what happened during sexual relations." *Id.* Instead, it is a suit about academic dishonesty following disciplinary action for a non-sexual assault and battery by one medical student involving another medical student (who had previously been romantically involved with each other), and Petitioner's subsequent allegations that the Respondents discriminated against him because of his sex—hardly the types of accusations that courts in other cases have found sufficient to permit anonymity.

Attempting to justify his petition for a writ of certiorari, Petitioner characterizes the Seventh Circuit's opinion as "rejecting the non-exhaustive multifactor approach" that "creates an intractable three-way split." Pet. Writ 25. But the Seventh Circuit did no such thing. To the contrary, the court expressly acknowledged that its "decisions, like those in other circuits, have afforded district judges discretion to permit pseudonymous litigation when the balance of harms justified it." Pet. App. 8a. The court did not purport to overrule such prior decisions, nor did it announce a new test for assessing pseudonymity. Instead, it simply found that the magistrate judge had abused his discretion in allowing pseudonymity under the particular facts of this case.

The outcome of this case is of little interest except to the parties involved, particularly since the legal bases supporting the decision are well established. This Court has held that certiorari is granted only in cases involving principles the settlement of which is of importance to the public as distinguished from the parties, and in cases where there is real and embarrassing conflict of opinion and authority between courts of appeals. *NLRB v. Pittsburgh S.S. Co.*, 340 U.S. 498, 502, 95 L.Ed. 479, 71 S.Ct. 453 (1951). Petitioner has identified no such principle or embarrassing conflict of opinion requiring this Court's intervention.

To summarize, all the circuits recognize the importance of conducting judicial proceedings in public; all recognize the presumption that litigants proceed under their own names; and all recognize the district court's discretion to permit pseudonymous litigation when

justified by the case's particular facts. There is no split. And the Seventh Circuit was right to hold that, on the specific facts of this case, Petitioner should disclose his identity to the public.

This Court should deny certiorari.

STATEMENT OF THE CASE

A. Factual Background

1. Title IX Proceedings at the University: Seventh Circuit held "the record does not support an inference of sex discrimination" and this issue is not before the Court.

In 2018, Petitioner John Doe, a student at IUPUI[1] and the Indiana University School of Medicine ("IUSM"), was accused of dating violence by Jane Roe. Pet. App. 13a-14a. Following a Title IX investigation and hearing, a panel unanimously found that Doe engaged in physical violence against a fellow student with whom he had a romantic

1. The Trustees of Indiana University and Indiana University Purdue University—Indianapolis ("IUPUI") are collectively referred to as "IUPUI" or "University." IUPUI was dissolved in July 2023 and the University now operates exclusive as Indiana University—Indianapolis. Benjamin Thorpe, *Indiana University and Purdue University officially agree to dissolve IUPUI* (Jun. 14, 2023), https://www.wfyi.org/news/articles/indiana-university-and-purdue-university-officially-agree-to-dissolve-iupui (last visited Sept. 28, 2024).

relationship.[2] *Id.* 14a. As a result, the panel imposed a one-year suspension on Doe from IUPUI.[3] *Id.*

2. Petitioner is suspended for an additional year by the IUSM Dean for his misconduct.

After the Title IX proceedings concluded, Doe was referred to the IUSM's Student Promotions Committee ("SPC"), which recommended his expulsion. Pet. App. 14a. Dean Hess decided to give Doe another chance to pursue his education at IUSM if he met certain conditions, including Doe remaining on leave from the medical school for an additional year (after his initial suspension with IUPUI was complete). *Id.* 14a-15a. On March 27, 2020, Dean Hess provided Doe with a letter outlining the conditions. *Id.* 15a.

3. While still serving his additional suspension from IUSM, Doe is dismissed for academic dishonesty.

Between the two suspensions, Doe applied to the Indiana University Kelley School of Business ("Kelley") MBA program. Pet. App. 15a. As part of his application, Doe was required to disclose any prior misconduct. *Id.* Doe disclosed the dating violence finding, which triggered a review by the IUPUI Prior Misconduct Review Committee ("PMRC") due to certain perceived inconsistencies between Doe's disclosure and the content

2. Doe continues to mischaracterize this altercation as an accident and states that he merely "collid[ed]" with Jane Roe. (6)

3. Doe incorrectly states in his petition that the "panel imposed a one-year suspension from the medical school." (9).

of Dean Hess's March 27, 2020 letter. *Id.* Specifically, Doe asserted that Dean Hess "overturned the erroneous findings" of the Title IX panel and "fully authorize[d] his reinstatement "without limitation or restriction." *Id.* When asked to explain the discrepancies, Doe "defended his application" and did not concede any error. *Id.* After reviewing Doe's response, the PMRC concluded that Doe "withheld pertinent information and gave false or incomplete information." *Id.* Doe's application was subsequently denied. *Id.* 16a. PMRC asked Dean Hess about the inconsistencies, and he agreed that Doe had misrepresented Dean Hess's decision. *Id.* Based on Doe's perceived dishonesty to PMRC, Dean Hess determined that Doe was unfit to practice medicine and expelled Doe from IUSM. *Id.*

B. Procedural History

On July 30, 2020, Doe filed an action against IUPUI and several University officials alleging violations of Title IX and due process related to his suspension and subsequent dismissal. DCD Dkt. 1.[4] He immediately moved *ex parte* to proceed under the pseudonym "John Doe," and the district court granted the request on August 14, 2020, without allowing the University an opportunity to oppose. DCD Dkt. 11; Pet. App. 37a-43a. The Petitioner

4. For purposes of this Response, citations to the Record are as follows:

DCD Dkt. No. refers to *John Doe v. The Trustees of Indiana University et al.*, No. 1:20-cv-02006-JRS-MJD (S.D. Ind).

Dkt. No. refers to *John Doe v. Trustees of Indiana University et al.*, No. 22-1576 (7th Cir.)

litigated under the pseudonym "John Doe" throughout the proceedings below.

The district court granted summary judgment in favor of the University on all counts. Pet. App. 11a-36a. Doe appealed.

The Seventh Circuit held that Dean Hess violated Doe's due process rights for his "failure to allow Doe an opportunity to present his position before [expulsion]," vacated the judgment, and remanded to the district court to impose an appropriate remedy.[5] Pet. App. 10a.

The Seventh Circuit further held that the district court erred when it allowed Doe to proceed anonymously. Pet. App. 10a. To remedy the district court's abuse of discretion, Petitioner was required to disclose his true name to the public if he wished to continue the suit. *Id.* Otherwise, the district court was ordered to dismiss Doe's complaint. *Id.*

The Seventh Circuit issued its Mandate on May 20, 2024, requiring Doe to disclose his name or have the complaint dismissed. Dkt. 72. Doe did not move for a stay from the Seventh Circuit pursuant to Fed. R. App. P. 41(d)(2). Nor did he seek a stay from a Justice of this Court under 28 U.S.C. § 2101(f).

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5. Regarding the alleged Title IX violations, the Seventh Circuit held "the record does not support an inference of sex discrimination." Pet. App. 3a.

REASONS FOR DENYING THE PETITION

A. The Seventh Circuit did not announce a new test for determining whether to grant pseudonymity.

Attempting to show a circuit split, Petitioner begins by mischaracterizing the Seventh Circuit's decision below as "rejecting the non-exhaustive multifactor approach," which "creates an intractable three-way split." Pet. Writ 25. That is not what the Seventh Circuit held.

First, the Seventh Circuit acknowledged that its "decisions, like those in other circuits, have afforded district judges discretion to permit pseudonymous litigation when the balance of harms justifies it." Pet. App. 8a. The Seventh Circuit did not then purport to overrule these prior decisions. Instead, it merely evaluated the factors considered by the magistrate judge below. *Id.* 8a-9a. It held that the magistrate judge had abused his discretion in applying these factors to the specific facts of this case. *Id.* 10a.

For example, the Seventh Circuit noted that the first factor considered by the magistrate judge was "whether the defendant is an educational institution." Pet. App. 8a. Although the magistrate judge had held that this factor weighed in favor of pseudonymity, the Seventh Circuit observed that suits "by or against educational institutions are litigated in the public view all the time" and stated that "[w]e don't see how this consideration is pertinent." *Id.*

Similarly, the magistrate judge held that pseudonymity was favored because disclosure of Petitioner's name would reveal "information of the utmost intimacy." Pet. App. 40a.

The Seventh Circuit rejected this rationale, observing that this was "an odd way to describe the University's finding that Doe engaged in assault and battery." *Id.* 8a. Indeed, unlike many Title IX cases, the Seventh Circuit noted that this "suit is not about what happened during sexual relations. It presents a claim of sex *discrimination*, certainly, but the defendants rather than Doe are the accused discriminators. Federal courts adjudicate thousands of sex-discrimination suits annually without concealing the plaintiffs' names." *Id.*

Finally, the magistrate judge found that Doe faces a risk of "stigmatization from the community and the public at large." Pet. App. 41a. But the Seventh Circuit observed that its prior precedent held that "embarrassment does not justify anonymity." *Id.* 8a-9a.

These passages show the Seventh Circuit did not reject the multifactor analysis employed by the magistrate judge. It simply found the magistrate judge had abused his discretion as he applied these factors to the specific facts of this case and noted it is "important that a reviewing court be confident that the [district] court actually engaged in the careful and demanding balancing of interests required" to enable anonymity. Pet. App. 9a. The Seventh Circuit then wrapped up its discussion by stating that, under these specific facts, the "district judge abused his discretion when permitting 'John Doe' to conceal his name without finding that he is a minor, is at risk of physical harm, or faces improper retaliation (that is, private responses unjustified by the facts as determined in court)." *Id.* 10a.

Nothing in the Seventh Circuit's opinion suggests this conclusory sentence was intended to overrule its prior

decisions that "like those in other circuits, have afforded district judges discretion to permit pseudonymous litigation when the balance of harms justifies it."[6] Pet. App. 8a. Indeed, in a subsequent Title IX decision—*Doe v. Loyola Univ. Chicago*, 100 F.4th 910 (7th Cir. 2024) (handed down less than a month after *Indiana University)*—no mention of some new "narrow" or "rigid" test occurs. Rather, the Seventh Circuit carefully examines and analyzes the three reasons given for anonymity, citing at least five of its past decisions. *Id.* at 913-914.

B. There is no circuit court split.

Allowing district courts discretion to permit pseudonyms where justified by the balance of harms is not unique to the Seventh Circuit. Indeed, even Petitioner asserts that except for the First Circuit, every "other circuit applies a non-exhaustive multifactor test, examining up to ten factors." Pet. Writ i.

But even with respect to the First Circuit, Petitioner exaggerates any differences. In fact, each circuit considers the same core elements—balancing the need for anonymity

6. *See*, *e.g.*, *Doe v. Village of Deerfield*, 819 F.3d 372, 377 (7th Cir. 2016)(recognizing protecting the identifies of children, rape victims, and other particularly vulnerable parties and fear of retaliation as "often a compelling ground" in favor of anonymity); *Doe v. City of Chicago*, 360 F.3d 667, 669 (7th Cir. 2004)("danger of retaliation is often a compelling ground for allowing a party to litigate anonymously"); *Doe v. Blue Cross & Blue Shield United of Wis.*, 112 F.3d 869, 872 (7th Cir. 1997)(recognizing that "there are exceptions" including fictitious names when necessary to "protect the privacy of children, rape victims, and other particularly vulnerable parties or witnesses").

against the public's interest in open proceedings, harm to the parties, and the broader implications for justice.

For example, each circuit begins with the basic presumption that litigation by pseudonym should occur only in "exceptional cases" and then examines the facts of the instant case to determine the appropriateness of proceeding anonymously. *See*, *e.g.*, *Doe v. Massachusetts Inst. of Tech.*, 46 F.4th 61, 70 (1st Cir. 2022) ("Litigation by pseudonym should occur only in 'exceptional cases'"); *United States v. Pilcher*, 950 F.3d 39, 42 (2d Cir. 2020) ("people have a right to know who is using their courts"); *Doe v. Megless*, 654 F.3d 404, 408 (3d Cir. 2011) ("in exceptional cases courts have allowed a party to proceed anonymously"); *Doe v. Doe*, 85 F.4th 206, 211 (4th Cir. 2023) (noting that litigant anonymity should be "rare" and justified by "exceptional" circumstances); *Doe v. Stegall*, 653 F.2d 180, 185 (5th Cir. 1981) (party anonymity allowed in "exceptional cases" in which the need overwhelms the presumption of disclosure); *Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004) (plaintiff may proceed anonymously in "certain circumstances" where her privacy interest substantially outweighs the presumption of "open judicial proceedings"); *E.A. v. Gardner*, 929 F.3d 922, 926 (7th Cir. 2019) (only "exceptional circumstances" justify the use of a fictitious name for an adult); *Cajune v. Indep. Sch. Dist. 194*, 105 F.4th 1070, 1077 (8th Cir. 2024) (party anonymity justified in "exceptional cases") (citing in approval *Stegall*, 653 F.2d at 185); *United States v. Stoterau*, 524 F.3d 988, 1012 (9th Cir. 2008) ("As a general rule, the identity of the parties . . . should not be concealed except in an unusual case, where there is a need for the cloak of anonymity.") (internal citation and quotation marks omitted)); *Femedeer v. Haun*, 227 F.3d 1244, 1246 (10th Cir. 2000) (recognizing

there may be "exceptional circumstances warranting some form of anonymity in judicial proceedings"); *Doe v. Frank*, 951 F.2d 320, 324 (11th Cir. 1992) (lawsuits are "public events" where a party should be permitted to proceed anonymously in "exceptional cases"); *In re Sealed Case*, 931 F.3d 92, 96 (D.C. Cir. 2019) (citing in approval *Frank*, 951 F.2d at 324 for the proposition that a party should be permitted to proceed anonymously in "exceptional cases").

Similarly, **every circuit** considers some degree of risk of harm to a party if disclosure of its identity is required.

- First Circuit: Considers whether the case is one in which disclosure of the would-be Doe's identity would cause him unusually severe harm. *Doe v. Massachusetts Inst. of Tech.*, 46 F.4th at 71.

- Second Circuit: Evaluates whether identification poses a risk of "retaliatory physical or mental harm to the party seeking to proceed anonymously. *Pilcher*, 950 F.3d at 42. (citing *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 189 (2d Cir. 2008)).

- Third Circuit: Considers the bases upon which disclosure is feared or sought to be avoided and the substantiality of these bases. *Doe v. Coll. of New Jersey*, 997 F.3d 489, 495 (3d Cir. 2021) (citing *Megless*, 654 F.3d at 408).

- Fourth Circuit: Considers whether identification poses a risk of retaliatory physical or mental harm to the requesting party. *Doe v. Sidar*, 93 F.4th 241, 247-248 (4th Cir. 2024) (citing *James v. Jacobson*, 6 F.3d 233, 238 (4th Cir. 1993)).

- Fifth Circuit: Considers whether identification poses a risk of retaliatory physical or mental harm to the requesting party. *Doe v. Beaumont Indep. Sch. Dist.*, 172 F.R.D. 215, 216 (E.D. Tex. 1997) (citing *Stegall*, 653 F.2d at 185-186).

- Sixth Circuit: Considers the gravity of danger posed by threats of retaliation and also evaluates whether a requesting party has demonstrated a risk of actual harm (physical, mental, or retaliation). *Porter*, 370 F.3d 560-561.

- Seventh Circuit: Evaluates whether the requesting party is at risk of physical harm or faces improper retaliation. *Trustees of Indiana Univ.*, 101 F.4th at 491; *Loyola Univ. Chicago*, 100 F.4th at 913.

- Eighth Circuit: Considers whether a danger of retaliation exists. *Cajune*, 105 F.4th at 1078.

- Ninth Circuit: Evaluates the severity of the harm threatened, the reasonableness of the anonymous party's fears, and the anonymous party's vulnerability to retaliation. *Advanced Textile Corp.*, 214 F.3d at 1068.

- Tenth Circuit: Considers whether the matter involves a real danger of physical harm. *Luo v. Wang*, 71 F.4th 1289, 1294 (10th Cir. 2023); *Femedeer*, 227 F.3d at 1246.

- Eleventh Circuit: Considers whether the matter involves a real danger of physical harm or retaliation.

In re: Chiquita Brands Int'l, Inc., 965 F.3d 1238, 1246 (11th Cir. 2020); *Frank*, 951 F.2d at 324.

- D.C. Circuit: Evaluate whether identification poses a risk of retaliatory physical or mental harm to the requesting party. *In re Sealed Case*, 931 F.3d at 97.

Likewise, each circuit considers the impact of disclosure on innocent non-parties. Some circuits address the issue of innocent non-parties directly in their respective approaches. *See*, *e.g.*, *Massachusetts Inst. of Tech.*, 46 F.4th at 71 (anonymity will ordinarily be granted in cases in which disclosure of the would-be Doe's identity would harm innocent non-parties); *Pilcher*, 950 F.3d at 42 (considers risk of harm to innocent non-parties); *Sidar*, 93 F.4th at 247 (considers risk of harm to innocent non-parties). Others state that identified factors are not an exhaustive list and leave open the possibility of considering the effect disclosure would have on a non-party. *See*, *e.g.*, *Megless*, 654 F.3d at 409 (trial court must consider other factors "which the facts of the particular case implicate"); *Stegal*, 653 F.2d at 185-186 (these factors are not "prerequisites to bringing an anonymous suit," and it would be a "mistake to distill a rigid, three-step test"); *Cajune*, 105 F.4th at 1077 (emphasized that listed factors are "non-exhaustive and that other factors, or a combination thereof, may be relevant"); *Femedeer*, 227 F.3d at 1246 (identified that three-factor test is "non-exhaustive"); *Frank*, 951 F.2d at 323 (no "one factor [is] dispositive" and a court should "carefully review *all* the circumstances of a given case"); *In re Sealed Case*, 931 F.3d at 97 (a court should consider all "factors relevant to the case before it"). The Seventh Circuit—in *Loyola Univ. Chicago*, an opinion issued after the opinion at

issue in this case—acknowledged the legal question of a nonparty's right to conceal their identity, noting that the issue had been raised in *Indiana University* but not resolved. 100 F.4th at 914. The court specifically stated, we "do not resolve it here either," as it "lack[ed] the benefit of an adversarial exchange" and thought it best "to postpone the decision until the issue has been joined." *Id.*

These cases demonstrate that there is no "intractable split" among the circuits with respect to permitting pseudonymous litigation. In all circuits, district court judges have discretion to allow it when justified by balancing the harms against the public's interest in having open access to the courts. The Seventh Circuit's opinion below is not an outlier and does not merit *certiorari* review.

C. This case is a poor vehicle to address the question presented because Petitioner has not requested a stay of the mandate from the Seventh Circuit or this Court, and the issue should become moot.

Not only are the circuits not "intractably split," but vehicle problems would frustrate this Court's reaching the question presented. On April 26, 2024, the Seventh Circuit vacated the district court's summary judgment order on a narrow due process ground and remanded with specific instructions—Doe either must reveal his name to continue with the lawsuit OR the complaint must be dismissed. Pet. App 10a. Petitioner did not request a stay from the Seventh Circuit under Fed. R. App. P. 41(d)(2) and has not requested a stay from a Justice of this Court under 28 U.S.C. § 2102(f). The Seventh Circuit issued its mandate on May 20, 2024. Dkt. 72.

"Under the mandate rule, 'when a court of appeals has reversed a final judgment and remanded the case, the district court is required to comply with the express or implied rulings of the appellate court.'" *In re A.F. Moore & Assocs. Inc.*, 974 F.3d 836, 839 (7th Cir. 2020) (*quoting Moore v. Anderson*, 222 F.3d 280, 283 (7th Cir. 2000)). Because no stay was requested, Petitioner must comply with the Seventh Circuit's Mandate. *See Matter of Cont'l Illinois Sec. Litig.*, 985 F.2d 867, 869 (7th Cir. 1993) (district court must follow the spirit and letter of the mandate).

On July 30, 2024, the University filed a motion requesting the district court to enforce the Seventh Circuit's mandate by a certain date. DCD Dkt. 177. Although the district court has not yet ruled on that motion, it may do so at any point prior to any final decision issued by this Court. "When an appellate court issues a clear and precise mandate . . . the district court is obligated to follow the instruction." *Litman v. Massachusetts Mut. Life Ins. Co.*, 825 F.2d 1506, 1516 (11th Cir. 1987).

Once the district court issues an order requiring Petitioner to comply with the Seventh Circuit's mandate, the issue presented to this Court becomes moot.

D. Petitioner and Amici vastly overstate the impact of this case.

"One of this Court's primary functions is to resolve 'important matter[s]' on which the courts of appeals are 'in conflict.'" Sup. Ct. Rule 10(a); *e.g.*, *Thompson v. Keohane*, 516 U.S. 99, 106, 116 S.Ct. 457, 133 L.Ed.2d 383

(1995). This is not such a case. First, as demonstrated above, the circuits are not "intractably split." Each circuit begins with the assumption that parties should litigate anonymously only in "exceptional circumstances" and then evaluates each case. The Seventh Circuit's decision in *Indiana University* is not a departure from this practice.

Absent a circuit split, the question presented here is insignificant. The issue of whether a party may proceed using a pseudonym constitutes a narrow and infrequent aspect of federal litigation, representing just .294% of cases.[7][8] And even a smaller percentage of those cases would be subject to reasonable debate about whether anonymity is appropriate. This limited scope demonstrates that this issue has minimal practical significance on a broad scale and does not present the type of far-reaching legal question typically deserving of this Court's attention.

E. The Seventh Circuit decision is correct.

In this case, Petitioner did not present any evidence of specific threats of physical harm or retaliation beyond a general concern over embarrassment and reputational harm. As the Seventh Circuit noted, Petitioner "does not contend that he is at risk of physical harm; his asserted interest lies in protecting his reputation—even though

7. Over 340,000 civil cases were filed during the 12-month period ending June 30, 2024. The Amici Curiae Pseudonymous Litigation Scholars contend that in "more than a thousand federal cases" plaintiffs endeavor to file under a pseudonym. Litigation Scholars Brief 2.

8. https://www.uscourts.gov/statistics/table/c-1/statistical-tables-federal-judiciary/2024/06/30

the University found that Doe committed physical violence against Roe." Pet. App. 7a. Just as many of its sister circuits, the Seventh Circuit has "refused to allow plaintiffs to proceed anonymously merely to avoid embarrassment." Pet. 7a; *see also*, *e.g.*, *Frank*, 951 F.2d at 324 (anonymity is not required even when disclosure may cause "some personal embarrassment").

The Seventh Circuit correctly held that, in this case, it was not "pertinent" that Petitioner was suing an educational institution. Pet. App. 8a. "Suits by or against educational institutions are litigated in the public view all the time." *Id.* Likewise, the Seventh Circuit correctly noted this case does not "reveal information of the utmost intimacy" because it presents a claim of sex discrimination—which are adjudicated typically without concealing the plaintiffs' names. *Id.*

Moreover, the Seventh Circuit properly drew analogies to both criminal and civil litigation, where even defendants facing significant reputational and economic damage must be named publicly. Pet. App. 7a-8a. For example, the Seventh Circuit considered that if Petitioner had been charged with assault and battery—as he could have—an indicted defendant's name would be open to the public, despite the reputational harm to a presumed innocent person. *Id.* 7a.

CONCLUSION

The lack of any genuine circuit split and the well-established legal standards governing pseudonymity in federal courts make this case an inappropriate candidate for this Court's review. Accordingly, the petition for certiorari should be denied.

Respectfully submitted,

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