

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

JOHN DOE, formerly known as JANE DOE,

Plaintiff,

v.

MICHAEL PENCE, in his official capacity as Governor of the State of Indiana; GREGORY ZOELLER, in his official capacity as Attorney General for the State of Indiana; and MYLA A. ELDRIDGE, in her official capacity as Marion County Clerk of the Court,

Defendants.

Civil Action No. 1:16-cv-02431-JMS-DML

Plaintiff's Motion to Proceed Anonymously and Motion to Seal Affidavit Containing

Actual Name

Comes now the Plaintiff, under the fictitious name of John Doe, by and through his counsel, and says that:

1. Plaintiff has brought this action against Defendants challenging the constitutionality of Indiana Code 34-28-2-2.5(a)(5), which prohibits non-citizens from obtaining a change of legal name.
2. Plaintiff is a 31-year-old transgender man, who was born in Mexico and granted asylum in the United States in August 2015. Plaintiff will not be eligible to naturalize and become a United States citizen until at least the year 2020.
3. Plaintiff was named "Jane Doe" at birth and raised as a girl, but Plaintiff is now known as "John Doe" and lives as a man in all aspects of his life.

4. Because of Indiana Code 34-28-2-2.5(a)(5), Plaintiff can only acquire official identification bearing his birth name, “Jane.”
5. Use of his identification in everyday life, exposes Plaintiff John Doe to potential unwanted disclosure of his transgender status and resulting mockery, harassment, and violence.
6. Plaintiff wishes to assert his rights in this Court, but legitimately fears he will suffer injuries if his actual name and identity is publicized.
7. Plaintiff’s affidavit is attached and is incorporated by reference.
8. Plaintiff is identified as “John Doe” in his affidavit.
9. Plaintiff requests that if the Court grants this motion, that Plaintiff’s counsel be ordered to file his attached affidavit with his actual name in this Court; that copies of his affidavit with his actual name be delivered to Defendants’ counsel when they enter an appearance; and that this Court further order Defendants not to publicly disclose Plaintiff’s actual name and to refrain from disclosing Plaintiff’s name at all unless Defendants can demonstrate to the Court that it is necessary for the defense of this case.
10. Plaintiff’s Memorandum of Law in support of this motion is separately submitted and is incorporated by reference.

WHEREFORE, Plaintiff “John Doe” requests he be allowed to proceed by this fictitious name, subject to disclosure of his actual name to defendants solely for purposes of this litigation, and for all other proper relief.

Dated: September 13, 2016

Respectfully submitted,

/s Barbara J. Baird
Barbara J. Baird

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