

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

October 8, 2024

RAVI SHARMA,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324a Proceeding
v.	)	OCAHO Case No. 2024B00114
	)	
	)	
ERIDAN COMMUNICATIONS, INC.,	)	
Respondent.	)	
_____	)	

Appearances: Ravi Sharma, pro se Complainant  
Eric Amdursky, Esq., and Stephanie Y. Fung, Esq., for Respondent

AMENDED ORDER DENYING COMPLAINANT’S MOTION TO USE INITIALS

The Court issued an Order Denying Complainant’s Motion to Use Initials on October 2, 2024. This Order amends that Order only to correct a typographical error.

I. PROCEDURAL HISTORY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. Complainant, Ravi Sharma, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), against Respondent, Eridan Communications, Inc., on June 21, 2024, alleging discrimination in hiring based on citizenship status. Respondent timely filed an answer on August 7, 2024.

On September 4, 2024, Complainant filed his Motion to Include Only His Initials in Court’s Published Orders and Decisions. In the motion, Complainant “request[s] that only [his] initials . . . be included and not the full name in the Court’s published orders and decisions,” and arguing that “[t]here is no risk or harm to [Respondent] if . . . only the initials R.S. are included in the court’s published orders and documents.” Mot. Initials 1. Complainant states that because he “appl[ies] to technology companies for jobs” he is “concerned that the companies to which I apply . . . will . . . not hire me if” they encounter his OCAHO cases via published online order. *Id.* He

argues that the “harm” to his “livelihood far exceeds the likely harm, if there is any, from identifying [him] with only . . . initials.” *Id.*

To date, Respondent has not filed a response to Complainant’s motion and the period for a timely response has now passed. *See* 28 C.F.R. § 68.11(b).

## II. LAW & ANALYSIS

“The normal presumption in litigation is that parties must use their real names.” *Doe v. Kamehameha Schs./Berenice Pauhi Bishop Est.*, 596 F.3d 1036, 1042 (9th Cir. 2010)<sup>1</sup>; *see also* *Sharma v. NVIDIA Corp.*, 17 OCAHO no. 1450b, 1 (2022) (accord).<sup>2</sup> This presumption is “related to the public’s right to open courts, and the right of private individuals to confront their accusers.” *Kamehameha Schs.*, 596 F.3d at 1042 (citing *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000), then citing *S. Methodist Univ. Ass’n of Women Law Students v. Wynne & Jaffe*, 599 F.2d 707, 713 (5th Cir. 1979)).

The Ninth Circuit does “allow parties to use pseudonyms in the ‘unusual case’ when nondisclosure of the party’s identity ‘is necessary . . . to protect a person from harassment, injury, ridicule or personal embarrassment.’” *Advanced Textile Corp.*, 214 F.3d at 1067-68. Courts in the Ninth Circuit have permitted the use of pseudonyms when “(1) when identification creates a risk of retaliatory physical or mental harm; (2) when anonymity is necessary to preserve privacy in a matter of sensitive and highly personal nature; and (3) when the anonymous party is compelled to admit [his or her] intention to engage in illegal conduct, thereby risking criminal prosecution.” *Id.* at 1068 (citations omitted). To “balance the need for anonymity against the general presumption that parties’ identities are public information and the risk of unfairness to the opposing party,” courts in the Ninth Circuit apply a three-part test, considering “(1) the severity of the threatened harm; (2) the reasonableness of the anonymous party’s fears; and (3) the anonymous party’s vulnerability to such retaliation.” *Id.* (citations omitted).

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<sup>1</sup> The alleged discrimination occurred in California, the Court may look to the case law of the relevant United States Court of Appeals, here the Ninth Circuit. *See* 28 C.F.R. § 68.57.

<sup>2</sup> Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet been reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

Following the Ninth Circuit, OCAHO case law has explained that the party requesting anonymity must “show[] why anonymity is necessary to protect [them] from harassment, injury, ridicule, or personal embarrassment” rather than “speculate[] that if a business . . . learned of this matter, that business would choose to violate the law, specifically 8 U.S.C. § 1324b(a)(5).” *NVIDIA Corp.*, 17 OCAHO no. 1450b at 2.

Complainant, the moving party, expresses his concern that prospective employers will find published orders bearing his name as Complainant, and “definitely not select [him] for vacant positions. Mot. Initials 1. In addition to being purely speculative, such a hypothetical scenario could be addressed by the anti-retaliation provision of § 1324b. Absent a concrete showing to the contrary, the Court presumes employers endeavor to comply with statutory obligations – including those which require employers to refrain from retaliating against those who engage in protected activity (like filing complaints in this forum).

Further, Complainant does not explain why his case would be unique among § 1324b cases. While it is possible that a complainant in this forum could advance a viable argument (meeting the *Advanced Textiles* balancing test), this Complainant has not done so, and accordingly, his Motion is DENIED.

SO ORDERED.

Dated and entered on October 8, 2024.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge