IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JOHN DOE, and the AMERICAN CIVIL LIBERTIES UNION FOUNDATION, as Next Friend,))))
Petitioners,	Civil Action No. 1:17-cv-2069 (TSC)
v.))
GEN. JAMES N. MATTIS,)
in his official capacity as SECRETARY)
OF DEFENSE,	
Respondent.)

RESPONDENT'S RESPONSE TO PETITIONER'S MOTION FOR LEAVE TO CONTINUE UNDER PSEUDONYM

Pursuant to the Court's Minute Order of January 10, 2018, Respondent hereby submits this Response to Petitioner's Motion for Leave to Continue Under Pseudonym [ECF 36]. Based on the limited review that Respondent has been able to conduct thus far of material for potential inclusion in a factual return, Respondent anticipates that it will be necessary to request a comprehensive protective order governing further proceedings in this action. Counsel for Respondent has conferred with counsel for Petitioner, who indicates that Petitioner is willing to begin discussions between the parties regarding the terms of such a protective order.

Accordingly, Respondent does not oppose Petitioner's Motion for Leave to Continue Under Pseudonym at this time, while the parties continue to discuss the terms of a protective order, but reserves the right to object to continuing use of a pseudonym in the future. Counsel for Petitioner has indicated that Petitioner agrees that Respondent is free to raise objections to use of a pseudonym at a later time.

Counsel for Petitioner has also indicated its position that the parties' negotiations regarding a protective order should not affect Respondent's deadline to file a return to the petition. Respondent has set forth his position regarding the return deadline in his January 8, 2018 response [ECF 33]. As explained in that response, the Court should order Petitioner to file a properly verified petition and at least permit Respondents 23 days after the deadline imposed for such a filing to prepare and file a return or other appropriate response. Given that Respondent expects to request that a return be governed by the terms of a protective order, the Court should allow sufficient time for a protective order to be negotiated, submitted, and entered by the Court before any deadline for Respondent's return.

January 12, 2018

Respectfully submitted,

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