UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

U.H.A., K.A., H.D., D. Doe, M. Doe, on behalf of themselves and others similarly situated, *and* **THE ADVOCATES FOR HUMAN RIGHTS**, *Plaintiff-Petitioner and Plaintiffs,* v. **PAMELA BONDI**, in her official capacity as Attorney General of the United States, *et al.*, *Defendants-Respondents.*	Case No.: 0:26-cv-417-JRT-DLM

OBJECTION TO MAGISTRATE JUDGE'S ORDER DENYING LAW DORK'S EXPEDITED MOTION TO INTERVENE AND TO REQUEST GREATER PUBLIC ACCESS

INTRODUCTION

Law Dork objects to Magistrate Judge Micko's Order denying his Motion to Intervene and to Request Greater Public Access. Dkt. No. 125 ("MJ Order"). The Magistrate Judge denied Law Dork's Motion because "each of [his] requests has been satisfied and the public's right of access to the courts is protected." *Id*. at 2. But Law Dork's requests have not been entirely satisfied—the docket in this case is still restricted pursuant to Federal Rule of Civil Procedure 5.2(c). Dkt. No. 92 ("Mot."). Though the interest in this case is national, because of this restriction, public access is limited to those few who can afford to visit the local courthouse. For that reason, the Court should reject the Magistrate Judge's Order and grant Law Dork's Motions to Intervene and To Request Greater Public Access.

LEGAL STANDARD

A district court "may reconsider" a magistrate judge's order "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to the law." 28 U.S.C. § 636(b)(1)(A). For magistrate judge orders on non-dispositive motions, "[a] party may serve and file objections to the order within 14 days." Fed. R. of Civ. P. 72(a).

ARGUMENT

Magistrate Judge Micko denied Law Dork's Motions because "each of Law Dork's requests has been satisfied" and so, according to the Magistrate Judge, "there is no basis for Law Dork's intervention." MJ Order at 2. But that is wrong twice over. First, it is wrong because the merits of Law Dork's request to lift the docket restrictions should not be conflated with the validity of his request to intervene. And second, it is wrong because Law Dork's request that the docket restrictions be lifted has not actually been satisfied. Those

restrictions continue to impede meaningful public access to docket filings in this case. The Court should reject the Magistrate Judge's Order and instead grant Law Dork's Motions to Intervene and to Request Greater Public Access.

I. The Magistrate Judge Erred In Denying Law Dork's Motion to Intervene.

Law Dork moved to intervene under Federal Rule of Civil Procedure 24(b) to request more robust public access to these proceedings. Mot. at 3-4. As explained in that Motion, permissive intervention under Rule 24(b) is the "appropriate procedural vehicle for non-parties seeking access to" civil proceedings. *Flynt v. Lombardi*, 782 F.3d 963, 967 (8th Cir. 2015). "Normally, parties seeking permissive intervention pursuant to Rule 24(b) must show: (1) an independent ground for jurisdiction, (2) timeliness of the motion, and (3) that the applicant's claim or defense and the main action have a question of law or fact in common." *Id*. at 966. But when a non-party seeks to intervene simply to protect the public's right of access to proceedings in which there is a "public[] interest," Rule 24(b)'s requirements are less onerous—neither an independent ground for jurisdiction nor a common nexus are required. *Id*. at 967 (cleaned up). The only relevant inquiry is timeliness.

The Magistrate Judge did not hold that Law Dork's motion was untimely, nor could he: Law Dork filed its Motion to Intervene shortly after the Court's initial Order Granting Plaintiffs' Motion for a Temporary Restraining Order. Mot. at 4. Instead, the Magistrate Judge denied Law Dork's Motion to Intervene based on the merits of his Motion to Request Greater Public Access. MJ Order at 1-2. But these are separate inquiries. "[A]ssuming an intervenor does assert a legitimate, presumptive right to open the court record of a particular dispute," the merits of the request to lift docket restrictions "should affect not the

right to intervene but, rather, the court's evaluation of the merits of the applicant's motion to lift the protective order" itself. *Pub. Citizen v. Liggett Group, Inc.*, 858 F.2d 775, 787 (1st Cir. 1988) (cleaned up). By conflating the two, the Magistrate Judge's analysis was contrary to the law. The Court should, instead, grant Law Dork's Motion to Intervene.

II. The Magistrate Judge Clearly Erred In Denying Law Dork's Motion for Greater Public Access

The Magistrate Judge also denied Law Dork's Motion to Request Greater Public Access because, he held, Law Dork's "requests had been satisfied and the public's right of access to the courts is protected." MJ Order at 2. But Law Dork's requests have not been entirely granted: The docket is still restricted pursuant to Federal Rule of Civil Procedure 5.2(c) and there is still no public access line. Mot. at 2, 4-6. Further, the Magistrate Judge erred by failing to analyze whether the electronic access restrictions "impose reasonable limitations on access." *In re U. S. ex rel. Pulitzer Pub. Co.*, 635 F.2d 676, 679 (8th Cir. 1980). "[T]he question in a particular case is whether that control is exerted so as not to deny or unwarrantedly abridge . . . the opportunities for the communication of thought and the discussion of public questions immemorially associated with resort to public places." *Id.* (quoting *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 581 n.18 (1980).

Here, these docket access restrictions continue to significantly impede public access to these proceedings. Though the interest in this case is national, most of the filings in its docket are only available to those capable of traveling to the local courthouse. Because of this, the docket restrictions automatically triggered by Rule 5.2(c) have impeded the public, and Law Dork, from monitoring in real time the federal government's controversial

immigration enforcement actions in Minnesota, including Operation PARRIS and Operation Metro Surge. *See Tincher v. Noem*, No. 25-cv-4669 (KMM/DTS), 2026 WL 125375, at *1 (D. Minn. Jan. 16, 2026) (detailing the "unprecedented" history of Operation Metro Surge).

The government's enforcement surge, and its refusal to obey dozens of court orders, has been the subject of continuing and significant public interest. Ed White, *Conservative Judge in Minnesota Tries to Keep Trump Administration in Check During Crackdown*, Associated Press (Jan. 29, 2026), https://apnews.com/article/minnesota-judge-schiltz-immigration-dba9ee031a23602ba2f6404262496ea5. Law Dork has reported extensively on the filings in this case. *See* Chris Geidner, *Federal judge blocks new DHS policy that would allow arrest of thousands of legal refugees*, Law Dork (Feb. 27, 2026), https://www.lawdork.com/p/federal-judge-blocks-dhs-refugee-policy-minnesota; Chris Geidner, *Opening Up the Trump Admin's Attack on Minnesota Refugees to Greater Public Scrutiny*, Law Dork (Feb. 11, 2026), https://www.lawdork.com/p/opening-up-the-trump-admins-attack; Chris Geidner, *Exclusive: DHS Based Its Newest Refugee Attack on a Trump Proclamation that Stated It Would Not Apply to Refugees*, Law Dork (Feb. 13, 2026), https://www.lawdork.com/p/uscis-refugee-detention-rescission-memo; Chris Geidner, *Exclusive: Senior DHS Officials Double Down on Arresting and Detaining Refugees in New Memo*, Law Dork (Feb. 18, 2026), https://www.lawdork.com/p/exclusive-senior-dhs-officials-double. This reporting has been picked up by national media outlets, illustrating the importance of and interest in day-by-day reporting in fast-moving legal proceedings. *See* Camilo Montoya-Galvez, *Trump Administration Gives Broader Powers*

to Detain Legal Refugees, Citing Security Concerns, CBS News (Feb. 19, 2026), https://www.cbsnews.com/news/trump-administration-gives-ice-broader-powers-to-detain-legal-refugees-citing-security-concerns; *New DHS Memo Outlines Plan to Detain Refugees for Further Vetting*, Wash. Post. (Feb. 19, 2026), https://www.washingtonpost.com/immigration/2026/02/18/trump-immigrants-refugees-minnesota-memo.

This court should join the courts across the country that have recognized the need to increase public access in cases involving immigration enforcement and exercised their discretion to lift the Rule's access limitations. *See, e.g., Kordia v. Noem*, No. 3:25-cv-1072, Dkt. No. 47 (N.D. Tex. June 2, 2025); *Mahdawi v. Trump*, No. 2:25-cv-389, Dkt. No. 73 (D. Vt. May 23, 2025); *Khalil v. Joyce*, No. 1:25-cv-1935, Dkt. No. 29 (S.D.N.Y. Mar. 12, 2025); *Sorto-Vasquez Kidd v. Noem*, No. 2:20-cv-3512-ODW, 2025 WL 1715514, at *1 (C.D. Cal. May 7, 2025). Increased access is particularly appropriate in cases involving class claims, where both the public and class members have an interest in ensuring that the government complies with the class-wide relief ordered. *See Sorto-Vasquez Kidd v. Noem*, 2025 WL 1715514, at *1 ("Class members, and the public at large, should be given easy access to filings related to requests to Defendants' compliance with the agreement and the Court's enforcement of the settlement."). Because that is the case here, Dkt. No. 133 at 55-63, 66, and because Plaintiffs' privacy interests are already well-protected, Dkt. No. 30, 31, the Court should grant Law Dork's request. *See Sorto-Vasquez Kidd v. Noem*, 2025 WL 1715514, at *2 (noting that "Rule 5.2's purpose does not support a limited-access

designation" where the parties "have worked diligently" to file sensitive information under seal and certain individual Defendants were proceeding under pseudonym.).

The Court may also promote greater public access by making a public access line available for all future virtual and in-person proceedings.[1] The Magistrate Judge did not meaningfully consider this request and only noted what the District of Minnesota's policy was. MJ Order at 2. Law Dork asks that this Court reconsider this request, which is explicitly allowed by the Judicial Conference for all proceedings, not just live proceedings. Judicial Conference Policy § 420(b), https://perma.cc/7NSP-7H78 (adopting rule allowing district courts to freely provide the public with audio access to court proceedings). This Court should act consistent with national trends increasing remote access to our courts. *See e.g., J.G.G. v. Trump*, No. 1:25-CV-00766, unnumbered docket entry (D.D.C. Jan. 29, 2026) (providing public access line for in-person proceedings); *Chicago Headline Club v. Noem*, No. 1:25-cv-12173, Dkt. No. 330 (N.D. Ill. Jan. 14, 2026) (providing public access line); *Neguse v. U.S. Immigr. & Customs Enf't*, No. 1:25-cv-02463 (D.D.C. Jan. 13, 2026) (same); *Oregon v. Trump*, No. 3:25-cv-01756, Dkt. No. 119 (D. Ore. Oct. 28, 2025) (providing public access line for in-person trial). The Court should take advantage of the technological means at its disposal to promote the public's ability to track this case.

[1] Mr. Geidner is presently able to remotely access virtual proceedings as a member of the media credentialed by this court. He makes the request to extend public access beyond members of the media on behalf of his readership, who often tune in to live proceedings in other cases of significant public interest that offer public access lines.

CONCLUSION

Law Dork is mindful of the pressing demands on this Court's time but respectfully requests that the Court grant this motion, which Plaintiffs support. All eyes are on Minnesota, and this Court should exercise its discretion to widen the public's window into what is happening inside the courtroom.

Dated: March 4, 2026

Respectfully submitted,

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