

---

**No. 18-1453**

---

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

---

DANA ALIX ZZYYM,  
Plaintiff-Appellee,

vs.

MICHAEL R. POMPEO, ET AL., Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
COLORADO, DISTRICT COURT CASE NO. 15-CV-2362 (JUDGE R. BROOKE JACKSON)

---

**ERRATA TO BRIEF OF *AMICUS CURIAE* INTERSEX & GENDERQUEER  
RECOGNITION PROJECT IN SUPPORT OF PLAINTIFF-APPELLEE**

---

Benjamin N. Simler  
Marcy G. Glenn  
HOLLAND & HART LLP  
555 17th Street, Suite 3200  
Denver, CO 80202  
Tel.: 303-295-8000 / Fax: 303-295-8261  
bnsimler@hollandhart.com  
mglenn@hollandhart.com

Toby Phoebe E. Adams  
INTERSEX & GENDERQUEER  
RECOGNITION PROJECT  
40087 Mission Blvd. #275  
Fremont, CA 94538  
Tel.: (530) 863-7153  
Toby@IntersexRecognition.org

*Attorneys for Amicus Intersex &  
Genderqueer Recognition Project*

*Amicus curiae* Intersex & Genderqueer Recognition Project (IGRP), by and through its counsel, files this Errata to Brief of Amicus Curiae Intersex & Genderqueer Recognition Project in Support of Plaintiff-Appellee, to correct the following errors in IGRP's brief:

1. A.C. Dumlau should be spelled A.C. Dumlao. (pp. ii & 13).
2. A.C. Dumlao is 28-years old, not 29-years old (p. 13).

Corrected versions of the affected pages are attached to this Errata.

Dated: May 17, 2019.

Respectfully submitted,

*s/ Benjamin N. Simler*

Benjamin N. Simler

Marcy G. Glenn

HOLLAND & HART LLP

555 17th Street, Suite 3200

Denver, CO 80202

Tel.: 303-295-8000 / Fax: 303-295-8261

bnsimler@hollandhart.com

mglenn@hollandhart.com

Toby Phoebe E. Adams

INTERSEX & GENDERQUEER

RECOGNITION PROJECT

40087 Mission Blvd. #275

Fremont, CA 94538

Tel.: (530) 863-7153

Toby@IntersexRecognition.org

*Attorneys for Amicus Intersex &  
Genderqueer Recognition Project*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 17, 2019, a copy of this **ERRATA TO BRIEF OF AMICUS CURIAE INTERSEX & GENDERQUEER RECOGNITION PROJECT IN SUPPORT OF PLAINTIFF-APPELLEE** was served electronically on all counsel of record through the Court's CM/ECF system.

*s/ Benjamin N. Simler* \_\_\_\_\_

**CERTIFICATE OF COMPLIANCE WITH ECF USER MANUAL**

All required privacy redactions have been made to this document. Said document has been scanned for viruses with Windows Defender Version 1.293.1657.0 which runs real time virus scans and is updated every two hours, and according to this program is free of viruses. Any hard copies of this document to be submitted to the Court are exact copies of the version submitted electronically, with the exception that the hard copies may have a cover sheet printed on green paper if required by Fed. R. App. P. 29(d).

*s/ Benjamin N. Simler* \_\_\_\_\_

**TABLE OF CONTENTS**

	<b>PAGE</b>
CORPORATE DISCLOSURE STATEMENT .....	i
TABLE OF AUTHORITIES .....	iii
GLOSSARY.....	viii
IDENTITY, INTEREST, AUTHORITY, AND INDEPENDENCE OF AMICUS CURIAE.....	1
INTRODUCTION AND SUMMARY OF ARGUMENT.....	2
ARGUMENT .....	3
I.    Introduction to Gender Identity.....	3
II.   The Stories of IGRP’s Constituents.....	6
A.    Mel Van De Graaff.....	7
B.    Xin Farrish and Char Crawford.....	9
C.    C.P. Hoffman.....	11
D.    A.C. Dumlao.....	13
E.    Violette Skye Boys .....	14
F.    Charlie Arrowood.....	16
III.  The Department’s Policy Is Irrational .....	19
CONCLUSION .....	25
CERTIFICATE OF SERVICE.....	27
CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATION.....	27
CERTIFICATE OF COMPLIANCE WITH ECF USER MANUAL .....	27

recognizes me for the person I am is critically important...

While the situations in which we use our passports may be less frequent, the same safety considerations apply. Our passports are the first things we present when entering another country, and we are judged by how well we conform to the photographs and descriptions on them. It is not uncommon for transgender and nonbinary individuals to experience problems at the border because their appearance does not conform to preconceptions about what the gender listed on their passport should look like. But while binary transgender individuals can apply for a passport representative of their gender identity in order to minimize these situations, nonbinary individuals such as myself cannot. ...

I have had a passport since I was 17, but I haven't renewed my current passport since it expired last year, as I have struggled with the binary choice of genders with which I am currently presented, as well as serious concerns (especially as an attorney) about perjuring myself on the application if I stated either binary gender. Instead, I currently find myself without a passport, unable to share many of the important places in my life, such as Halifax, Nova Scotia, or Montreal, Quebec, with Karen, and she, likewise, has been unable to share places important to her with me.

Nonbinary individuals like myself want to be able to travel the world in safety and without having to lie about who we are. We merely ask this court to please help us do so.

**D. A.C. Dumlao**

A.C. is 28 years-old, AFAB, transgender, nonbinary, and Asian-American.

A.C. graduated from Vassar, works as a program manager, and resides in