

Case Nos. 19-35017 and 19-35019

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ADREE EDMO,
Plaintiff-Appellee,
v.
IDAHO DEPARTMENT OF CORRECTIONS, ET AL.,
Defendants-Appellants.

On Appeal from Orders of the United States District Court
For the District of Idaho
(No. 1:17-cv-00151-BLW)

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Dated: March 6, 2019

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

ADREE EDMO (a/k/a MASON EDMO),
Plaintiff,

v.

IDAHO DEPARTMENT OF
CORRECTION; HENRY ATENCIO, in his
official capacity; JEFF ZMUDA, in his
official capacity; HOWARD KEITH
YORDY, in his official and individual
capacities; CORIZON, INC.; SCOTT
ELIASON; MURRAY YOUNG; RICHARD
CRAIG; RONA SIEGERT; CATHERINE
WHINNERY; and DOES 1-15;

Defendants.

Case No.: 1:17-cv-00151-BLW

SECOND AMENDED COMPLAINT

- 1. Failure to Provide Medical Treatment (8th Amendment)**
- 2. Violation of Equal Protection – Sex (14th Amendment)**
- 3. Violation of Equal Protection – Diagnosis (14th Amendment)**
- 4. Discrimination in Violation of Americans with Disabilities Act/Rehabilitation Act**
- 5. Discrimination in Violation of Affordable Care Act**
- 6. Failure to Protect from Harm (8th Amendment)**
- 7. Negligence (Idaho State Law)**

INTRODUCTION

1. Plaintiff Adree Edmo is currently incarcerated by the Idaho Department of Corrections (“IDOC”) in Idaho State Correctional Institution in Kuna, Idaho. Ms. Edmo has been incarcerated since April 2012. Ms. Edmo is a transgender woman—an individual whose gender identity (female) is different from the male gender assigned to her at birth.¹ Ms. Edmo has been diagnosed by IDOC with gender dysphoria (previously known as Gender Identity Disorder), a serious medical condition characterized by strong cross-gender identification, and strong and persistent discomfort about one’s assigned sex. As a result of gender dysphoria, Ms. Edmo experiences severe dysphoria and distress resulting from the incongruence between her male physical features and her female gender identity. She requires medically necessary care to treat gender dysphoria.

2. The most common forms of treatment for gender dysphoria are counseling, the “real-life” experience of living full-time within the desired gender, hormonal therapy, and sex affirming surgeries that conform primary or secondary sex characteristics with gender identity. Because gender dysphoria is not a mental disorder, counseling is aimed at providing coping mechanisms to deal with the discrimination and bias that transgender people typically experience from other people or institutions.

3. Prior to being incarcerated, Ms. Edmo lived full-time as a woman. Ms. Edmo is Native American and her Tribe recognizes that some individuals are Two-Spirit, a Native American concept encompassing cross-gender identifying and gender nonconforming individuals.

4. After she was diagnosed with gender dysphoria by IDOC, Ms. Edmo sought appropriate medical treatment, including access to feminizing hormones, evaluation for sex affirming surgery,² and the ability to live as a woman while incarcerated. However, Defendants

¹ At birth, infants are classified as male or female based on a visual observation of their external genitalia. This classification becomes the person’s “sex assigned at birth,” but may not be the same as the person’s sex/gender identity.

² This is also sometimes referred to as “sex reassignment surgery.”

have refused to allow Plaintiff to access such medically necessary treatment, and instead have repeatedly punished Plaintiff for expressing her gender identity, including subjecting her to solitary confinement.

5. Defendants' denial of necessary medical treatment as well as discipline and punishment of Ms. Edmo for expressing her gender identity have caused grave and unnecessary suffering and harm to Ms. Edmo, including two attempted self-castrations.

6. Defendants are also electing to house Ms. Edmo in a housing unit known to pose serious risks to her safety—and where Ms. Edmo was previously sexually assaulted—despite Ms. Edmo's requests to be removed from that unit.

7. Defendants' actions violate the Eight Amendment to the U.S. Constitution's prohibition on cruel and unusual punishment by denying Ms. Edmo necessary medical treatment and failing to protect her from harm; the Fourteenth Amendment to the U.S. Constitution's guarantee of equal protection by discriminating against her based on sex, sex stereotyping, and/or gender identity as well as based on the diagnosis of gender dysphoria; the Americans with Disabilities Act and Section 504 Rehabilitation Act by discriminating against her in provision of medical treatment and participation in programs and services; the non-discrimination provision of the Affordable Care Act by discriminating based on sex, sex stereotyping, and/or gender identity; and Idaho tort law by negligently failing to provide Ms. Edmo treatment.

8. Ms. Edmo seeks injunctive and declaratory relief and damages to remediate Defendants' violations of her rights.

JURISDICTION AND VENUE

9. Plaintiff brings this suit pursuant to 42 U.S.C. § 1983, the Eighth and Fourteenth Amendments of the United States Constitution, the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794a, and Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 and supplemental jurisdiction over Plaintiff's related

state law negligence claim because it arises out of the same actions and omissions. Plaintiff seeks declaratory and injunctive relief and damages for Defendants' violation of Plaintiff's civil rights.

10. Venue is appropriate in the District of Idaho pursuant to 28 U.S.C. § 1391(b)(2) because the events giving rise to the claim occurred in this District.

11. Plaintiff has exhausted all administrative remedies with respect to the claims contained herein. A copy of Plaintiff's "Notice of Claim" is attached as Exhibit A to the Complaint. Copies of Plaintiff's IDOC grievances and appeals that are in her possession, as they relate to these claims, are attached as Exhibit B to the Complaint. Any further IDOC grievances deemed to contain complaints similar to those Plaintiff has already grieved are returned to Plaintiff and not allowed any further process.

PARTIES

12. Plaintiff ADREE EDMO is 29 years old and a United States citizen and member of the Shoshone-Bannock Tribe. She is currently housed at Idaho State Correctional Institution ("ISCI") in Kuna, Idaho. Plaintiff has been incarcerated in the custody of IDOC since April 2012.

13. Defendant IDAHO DEPARTMENT OF CORRECTION ("IDOC") is the State agency responsible for incarceration of adult inmates sentenced by the courts. IDOC operates nine adult correctional facilities in Idaho, including ISCI where Plaintiff is housed.

14. Defendant HENRY ATENCIO is the current Director of the Idaho Department of Correction.³ As Director, Defendant Atencio is the highest-level official in IDOC and is responsible for administering and overseeing the operations of IDOC, including the policies, procedures, and practices followed by IDOC, its contractors, employees, and agents. On information and belief, Defendant Atencio is also the final reviewer for treatment decisions by

³ Plaintiff originally named Kevin Kempf, who was then Director of IDOC. Since Plaintiff filed her suit, Mr. Atencio has been appointed Director and is automatically substituted as party in his official capacity. Fed. R. Civ. P. 25(d).

IDOC's Management and Treatment Committee. Mr. Atencio is sued in his official capacity.

15. Defendant JEFF ZMUDA is the current Deputy Director of the Idaho Department of Correction. As Deputy Director, Defendant Zmuda is a member of IDOC's executive leadership team, and is specifically charged by IDOC policy to oversee implementation of health care services and treatment in IDOC including the development and implementation of standard operating procedures to effectuate health care delivery. Mr. Zmuda is sued in his official capacity.

16. Defendant HOWARD KEITH YORDY is and was at times relevant to the actions and omissions described herein, the Warden of ISCI where Plaintiff was housed. As Warden, Defendant Yordy is responsible for oversight of operations at ISCI, implementation of IDOC policies and procedures, staff training, welfare of inmates housed at the ISCI, and the supervisor of all other individual Defendants employed at ISCI. Defendant Yordy was a member of the Management and Treatment Committee for Plaintiff. Defendant Yordy also directly participated in review and denials of Plaintiff's requests for appropriate treatment for gender dysphoria, including implementing *de facto* policies regarding "feminine" appearance. Mr. Yordy is sued in his official and individual capacities.

17. Defendant CORIZON INCORPORATED ("CORIZON") is a private for-profit corporation contracted to provide healthcare, including medical and mental health treatment services, to inmates in the custody of IDOC, including inmates at ISCI where Plaintiff is housed. As IDOC's contract medical provider, Corizon is responsible for ensuring that proper medical, dental, psychiatric and psychological services, and treatment are provided to inmates incarcerated under IDOC's jurisdiction.

18. Defendant SCOTT ELIASON, M.D., was at all times relevant to the actions and omissions described herein the Regional Psychiatric Director for Corizon and a psychiatrist engaged to provide medical services at ISCI. Defendant Eliason is a direct medical provider to Plaintiff, is a member of the Management and Treatment Committee for Plaintiff, and directly participated in decisions to deny Plaintiff adequate and necessary medical treatment for gender

dysphoria.

19. Defendant MURRAY YOUNG was at all times relevant to the actions and omissions described herein the Regional Medical Director for Corizon. Defendant Young also directly participated in treatment decisions for Plaintiff.

20. Defendant RICHARD CRAIG was the Chief Psychologist at ISCI until approximately the end of 2016, and engaged to provide medical services to inmates housed therein. Defendant Craig was a member of the Management and Treatment Committee for Plaintiff.

21. Defendant RONA SIEGERT was at all times relevant to the actions and omissions described herein the Health Services Director at ISCI and engaged to provide medical services to inmates housed therein. Defendant Siegert was a member of the Management and Treatment Committee for Plaintiff.

22. Defendant CATHERINE WHINNERY was at all times relevant to the actions and omissions described herein a medical provider engaged to provide medical services at ISCI. Defendant Whinnery is a direct medical provider to Plaintiff and directly participated in the denial of adequate and necessary medical treatment to Plaintiff for gender dysphoria.

23. DOES 1-10 (“Custody Does”) are additional custody supervisors and officers who were at all times relevant to the actions and omissions described herein employed at ISCI, and responsible for implementation of IDOC policies and procedures, and the welfare of inmates including Plaintiff. Custody Does supervised and/or participated in the disciplinary actions and denial of Plaintiff’s requests complained of herein. At the present time, the identities of Custody Does are unknown and not discoverable to Plaintiff without the relevant documents for her custody file, to which she does not presently have access. Plaintiff will substitute the true names of Custody Does when Plaintiff is able to ascertain their identities through discovery.

24. Does 10-15 (“Health Care Does”) are additional medical providers and staff who were at all times relevant to the actions and omissions described herein engaged to provide medical services at ISCI, and who were responsible for ensuring provision of appropriate

medical care to Plaintiff and/or participated in the denial of adequate and necessary medical treatment to Plaintiff for gender dysphoria. At the present time, the identities of Health Care Does are unknown and not discoverable to Plaintiff without discovery. Plaintiff will substitute the true names of Health Care Does when Plaintiff is able to ascertain their identities through discovery.

25. At all times relevant herein, each Defendant was acting in the course and scope of his or her employment and under color of state law.

FACTUAL ALLEGATIONS

Gender Dysphoria is Recognized as a Serious Medical Condition Requiring Treatment

26. Gender Dysphoria is a diagnosable and treatable condition recognized by the American Psychiatric Association and included in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (“DSM-V”), as well as the International Classification of Diseases-10 (World Health Organization).

27. Gender dysphoria is not a mental illness or disorder. Rather, “gender dysphoria” is a diagnostic term that refers to clinically significant distress associated with an incongruence or mismatch between a person’s gender identity and assigned sex. When gender dysphoria is severe, it can result in a person’s inability to function in everyday life. Gender dysphoria is highly treatable. Indeed, with appropriate treatment, individuals with gender dysphoria can be fully cured of all symptoms. When not properly treated, however, gender dysphoria is often associated with dangerous related conditions such as depression, substance abuse, self-mutilation, suicidal ideations, and suicide. Without treatment, the path for those suffering from gender dysphoria can be torturous, as evidenced by alarmingly high suicide attempt rates: 40 percent of persons identifying as transgender attempt suicide, nearly 9 times the national average of 4.6 percent, according to the 2015 National Transgender Discrimination Survey.⁴ Plaintiff’s

⁴ Available at <http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf>

history reflects such effects resulting from inadequate treatment: she has repeatedly experienced suicidal ideation and has engaged in dangerous attempts to self-harm and self-castrate as a response to her despair over her inability to access necessary treatment for her gender dysphoria.

28. The World Professional Association for Transgender Health (“WPATH”) is the leading international organization focused on transgender health care. WPATH has more than 1,000 members throughout the world consisting of physicians, psychiatrists, psychologists, social workers, surgeons, and other health professionals who specialize in the diagnosis and treatment of gender dysphoria. WPATH publishes the Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People (“Standards of Care”). The Standards of Care were first developed in 1979. The current version of the Standards of Care, Version 7,⁵ was published in September 2011 following a five-year process in which eighteen gender dysphoria specialists submitted peer-reviewed papers to help identify the most effective treatments for gender dysphoria. WPATH’s Standards of Care are the prevailing standards of care used by mental health providers and medical professionals treating gender dysphoria.

Just as With Other Medical Conditions, People with Gender Dysphoria Must Be Able to
Access Treatment Determined to Be Medically Necessary, Including Sex Affirming
Surgery

29. IDOC Policy 401, “Clinical Services and Treatment,” states that it is IDOC’s policy to provide “proper medical, dental, psychiatric and psychological services, and treatment” to inmates.

30. IDOC Standard Operating Procedure 401.06.03.001, “Access to Care,” states that the purpose of the procedure is “to ensure that offenders have unimpeded access to healthcare services to meet their serious medical, dental and mental health needs.” It further explains that “The IDOC provides healthcare to offenders during incarceration that focuses on prevention and

⁵ Available at [https://s3.amazonaws.com/amo_hub_content/Association140/files/Standards%20of%20Care%20V7%20-%202011%20WPATH%20\(2\)\(1\).pdf](https://s3.amazonaws.com/amo_hub_content/Association140/files/Standards%20of%20Care%20V7%20-%202011%20WPATH%20(2)(1).pdf)

maintenance of the offender's health status.”

31. The goals of medical treatments for gender dysphoria, as stated in the Standards of Care, are (1) to alleviate clinically significant distress and impairment of functioning associated with gender dysphoria, and (2) to maximize overall psychological well-being.

32. As recognized by both the DSM-V and the Standards of Care, people with gender dysphoria who do not receive appropriate medical treatment are at risk of depression, anxiety, suicide, and genital self-harm, including attempts to perform auto-castration or auto-penectomy that can lead to serious and life-threatening injuries.

33. The Standards of Care set forth treatment options for gender dysphoria including: changes in gender expression and role (which may involve living part time or full time in another gender role, consistent with one's gender identity); hormone therapy to feminize or masculinize the body; surgery to change primary and/or secondary sex characteristics (e.g. breasts/chest, external and/or internal genitalia, facial features, body contouring); and psychotherapy addressing the negative impact of gender dysphoria and stigma on mental health, alleviating internalized transphobia, enhancing social and peer support, improving body image, or promoting resilience.

34. After a diagnosis of gender dysphoria is made, the Standards of Care require that a competent medical professional with knowledge and expertise in gender dysphoria evaluate a patient for appropriate and necessary treatment options. This medical treatment not only improves a patient's quality of life, but also limits the development of mental health issues which often accompany lack of treatment.

35. The Standards of Care also make clear that sex affirming surgery is not an “elective procedure.” Sex affirming surgery is an “essential and medically necessary” treatment to alleviate gender dysphoria in some cases. Hormone therapy alone for those individuals is not sufficient.

36. In promulgating the Standards of Care, the WPATH specifies that they “apply to all transsexual, transgender, and gender nonconforming people, irrespective of housing situation,

including in institutional environments such as prisons. The Standards of Care state that “[a]ll elements of assessment and treatment as described in the SOC can be provided to people living in institutions... If the in-house expertise of health professionals in the direct or indirect employ of the institution does not exist to assess and/or treat people with gender dysphoria, it is appropriate to obtain outside consultation from professionals who are knowledgeable about this specialized area of health care.”

Defendants’ Failure to Provide Necessary Treatment and Discrimination Against Plaintiff

37. Plaintiff was born on October 29, 1987, in Pocatello, Idaho and grew up in Tyhee, Idaho. Plaintiff is a member of the Shoshone-Bannock Tribe.

38. Plaintiff’s Tribe recognizes individuals as Two-Spirit, a Native American concept encompassing cross-gender identifying and gender nonconforming individuals.

39. From a young age, Plaintiff identified with her sisters and other female family members, and would dress in women’s clothing. As a teenager, she identified as female and was not comfortable in the male gender that was assigned to her at birth. At around age 18, Plaintiff began living “part-time” as a woman, including wearing women’s clothing and make-up, and at around age 20 began living full-time as a woman. Plaintiff identifies as Two-Spirit within her Tribe.

40. Plaintiff began her current term of incarceration in April 2012. Soon thereafter, in or around July 2012, Plaintiff was diagnosed with gender dysphoria by Dr. Lake, a doctor treating her on behalf of IDOC.

41. IDOC Standard Operating Procedure 410.06.03.501 requires the “Management and Treatment Committee” to create an individualized management and treatment program for inmates with gender dysphoria. However, Defendants have repeatedly failed to provide Plaintiff with individualized care.

42. On information and belief, Defendants’ failure to provide Plaintiff with individualized care as required by IDOC policy reflects Defendants’ custom, practice, and/or *de facto* policy of failing to provide necessary medical treatment for persons with gender dysphoria.

43. After IDOC's own medical provider diagnosed Plaintiff with gender dysphoria, Plaintiff submitted numerous Corizon "Health Service Request" forms, and IDOC "Offender Concerns" forms related to medical needs resulting from gender dysphoria. These included requests for electrolysis for facial hair removal; medically appropriate doses of feminizing hormones; evaluation for sex affirming surgery; change of gender marker on her IDOC identification card; female underwear; and the ability to purchase women's cosmetics from commissary that are available to female prisoners.

44. From 2012 through 2016, Defendants largely denied and/or ignored Plaintiff's requests. For example:

- a. On or around December 3, 2012, Defendant Whinnery denied Plaintiff's request for an increased dosage of estrogen and recorded in Plaintiff's medical record that "policy is to maintain current doses" and informed Plaintiff that IDOC limits estrogen dosages to 3 mg, regardless of inmates' individual needs.
- b. On or around October 16, 2013, Plaintiff requested a medical memo that would allow her to possess gender-appropriate undergarments. This request was denied without consideration of her individual needs or development of an individualized treatment plan. Defendant Whinnery stated IDOC does not allow "female panties" for male inmates.
- c. On or around November 16, 2013, Plaintiff requested medication to decrease facial hair. Defendant Young saw Plaintiff approximately one-and-a-half months later and refused to discuss any changes to medications.
- d. On or around December 16, 2013, during a medical appointment with Defendant Young, Plaintiff again requested a medical memo that would allow her to possess gender-appropriate undergarments. Defendant Young indicated that she had to receive approval from security staff. On or around December 22, 2013, Defendant Warden Carlin denied Plaintiff's request.
- e. On or around February 11, 2014, Plaintiff requested an appointment with a gender

dysphoria specialist and sex affirming surgery. Health service Administrator Linda Gercke coordinate with Defendant Young and refused Plaintiff's request as "not medically necessary."

- f. On or around March 12, 2014, Defendant Yordy refused Plaintiff's requests to live in a manner consistent with her female gender because she is "housed within a male prison."
- g. On or around July 3, 2014, during a medical appointment with Defendant Whinnery, Plaintiff requested an evaluation for the medical necessity of sex affirming surgery. Defendant Whinnery refused and stated words to the effect that "IDOC will not allow me to approve or recommend any medical treatment regarding sex reassignment surgery without a court order."
- h. On or around September 20, 2014, Plaintiff requested to be seen by a qualified gender identity evaluator, and her request was not answered.
- i. On or around October 8, 2014, during a medical appointment with Defendant Whinnery, Plaintiff again requested approval to purchase women's underwear. Defendant Whinnery refused citing IDOC policy not to issue a medical memo for female underwear to inmates with gender dysphoria.
- j. On or around January 8, 2015, during a medical appointment with Defendant Whinnery, Plaintiff requested an evaluation for sex affirming surgery. Defendant Whinnery refused, saying this would not be provided without a court order.
- k. On or around April 20, 2016, Plaintiff was seen by Defendant Eliason and requested sex affirming surgery. Defendant Eliason told Plaintiff words to the effect that "It would be a lot easier if you acted like a man, got out, and then you could do anything you want."

45. As a result of Defendants' failure to adequately treat Plaintiff's gender dysphoria, Plaintiff experienced severe symptoms related to this condition, resulting in one suicide attempt and two attempts to self-castrate. In February 2014, Plaintiff attempted suicide as a result of

learning that Defendants were denying her treatment for gender dysphoria. On September 29, 2015, Plaintiff attempted to self-castrate by using a razor blade to cut her testicle. On December 31, 2016, Plaintiff used a razor blade to cut her scrotum, pulling out the entire right testicle.

46. In response to Plaintiff's September 29, 2015 castration attempt, she was given sutures to close the laceration, and then put on suicide watch for approximately 72 hours, and then placed in the "Behavioral Housing Unit" at the prison without any further medical treatment.

47. In response to Plaintiff's December 31, 2016 castration attempt, she was transported to an outside hospital and given surgery to repair her self-castration attempt. Plaintiff was heavily medicated during her time at the outside hospital and is unaware if anyone at that outside medical facility spoke with IDOC or Corizon staff about a medical option of removing rather than repairing her testicle.

48. After this castration attempt, a clinician threatened Plaintiff that if she cut herself again, she would be placed in a maximum security prison.

49. From 2012 until December 2016, Defendants refused to evaluate Plaintiff's requests for evaluation of the medically appropriate dose of feminizing hormones.

50. In or around December 2016, Defendants provided Plaintiff with one-time access to an outside medical provider who evaluated her dosage of hormones and other medications related to gender dysphoria. This medical doctor significantly raised Plaintiff's dose of estradiol and spironolactone, and additionally prescribed her progesterone. However, since that date, Plaintiff has not had any follow-ups with this outside provider nor are any scheduled. Also since that date, despite the substantial changes in medication, Plaintiff's blood levels have not been measured nor has there been other necessary monitoring of the effects of the medications, or evaluation of whether she is now receiving appropriate dosages of the medications.

51. Moreover, during Plaintiffs' December 2016 visit with the outside provider, when Plaintiff sought to discuss the appropriateness of sex affirming surgery, the outside provider informed her that he was unable to discuss this with her because it was outside of his contract

with IDOC.

52. Defendants' refusal to provide Plaintiff with access to a qualified medical provider with expertise in gender dysphoria to assess her need for sex affirming surgery reflects Defendants' policy, procedure, custom, and/or practice of failing to provide adequate and necessary medical treatment to persons with gender dysphoria.

53. IDOC Standard Operating Procedure 401.06.03.001, "Access to Care," prohibits "unreasonable barriers" to inmates' access to healthcare services, including "[p]unishing offenders for seeking care for their serious health needs" and directs that "non-health care services staff (i.e. security staff) must not be allowed to approve or deny requests for healthcare made by an offender. Non-healthcare services staff must forward requests for healthcare at the facility for review and action if necessary."

54. Throughout Plaintiff's incarceration, Defendants have repeatedly disciplined and punished her for expressing her gender identity in a manner that did not pose any legitimate threat to the safety and security of the prison and that were related to gender dysphoria. For example, Defendants issued "Disciplinary Offense Reports" ("DORs") to Plaintiff for, *inter alia*:

- a. "Destruction of Property under \$25" for converting state-issued men's underwear into a style similar to women's underwear to provide more support, for which Plaintiff was charged to pay restitution;
- b. "Disobedience to Orders" for wearing "eyeliner makeup," resulting in commissary restriction for 15 days;
- c. "Possession of unauthorized property" for having "eyelash makeup with an eyelash applicator," resulting in commissary restriction;
- d. "Disobedience to Orders" for "hair in a bun that was above ear line," resulting in 5 days in disciplinary segregation;
- e. "Disobedience to Orders" for "hair in a high pony tail styled in a feminine fashion," which was subsequently dismissed;
- f. "Disobedience to Orders" for a "feminine hairstyle," resulting in 20 days

commissary restriction and 20 days recreation restriction;

55. Makeup items from the IDOC commissary are available to female inmates.

56. Defendants have also failed to adequately protect Plaintiff from harm, including risk of sexual assault.

57. In or around August 2016, Plaintiff was sexually assaulted by another inmate on “Unit 9,” where she was the only transgender prisoner. Plaintiff reported the assault, and then was placed in solitary confinement for approximately two weeks while IDOC conducted an investigation. Plaintiff requested to be housed in protective custody, but was told she was not eligible. Plaintiff also requested not to be housed in Unit 9, which is a particularly unsafe unit because it does not have emergency call boxes accessible to inmates and has a large gang population. However, in January 2017, Plaintiff was re-housed on Unit 9, despite the known risk to her safety, and continues to be housed there presently.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Failure to Provide Necessary Medical Treatment (8th Amendment; 42 U.S.C. § 1983)

Against ALL Defendants Except IDOC

58. Plaintiff repeats and re-alleges the allegations in all preceding paragraphs as if fully set forth herein.

59. Plaintiff has been diagnosed with the serious medical condition of gender dysphoria, which continues to cause Plaintiff serious mental distress and, without necessary treatment, has resulted in serious physical harm to Plaintiff.

60. Defendants are responsible for providing adequate and necessary medical treatment to Plaintiff, including treatment for persons diagnosed with gender dysphoria.

61. Defendants have failed to follow even IDOC’s own policies relating to Plaintiff’s treatment. For example, Defendants failed to convene and/or conduct the necessary IDOC Management and Treatment Committee meetings to meaningfully evaluate Plaintiff’s treatment for gender dysphoria.

62. Defendants have failed to provide adequate and necessary treatment to Plaintiff that is consistent with prevailing medical standards of care for gender dysphoria.

63. Defendants' acts and/or omissions with respect to Plaintiff's treatment reflect Defendants' policy, custom, practice and/or procedure of failing to provide adequate and necessary medical treatment to inmates with gender dysphoria.

64. Each Defendant has been and remains deliberately indifferent to Plaintiff's medical need to be adequately treated for gender dysphoria, including but not limited to evaluation for sex affirming surgery by qualified medical personnel with expertise in the diagnosis and treatment of gender dysphoria and provision of such surgery, if determined appropriate, as well as other medical treatments and accommodations that would alleviate Plaintiff's serious medical symptoms. Each Defendant has known of Plaintiff's serious medical need for treatment for gender dysphoria and failed to take reasonable measures to address Plaintiff's continued pain and suffering resulting from her inadequately treated gender dysphoria.

65. Defendants' continued denial of necessary medical treatment for gender dysphoria is causing irreparable harm and unnecessary suffering to Plaintiff, including severe anxiety and distress resulting in emotional, psychological, and physical harm.

66. Defendants' failure to provide necessary medical treatment to Plaintiff violates the Eighth Amendment to the U.S. Constitution.

67. As a direct and legal result of Defendants' actions and omissions, Plaintiff has suffered and continues to suffer damages including, without limitation, pain and suffering; emotional, psychological, and physical distress; violation of dignity; and other pecuniary losses not yet ascertained.

68. Individual Defendants and Corizon, by engaging in the aforementioned acts or omissions and/or in ratifying such acts or omissions, engaged in willful, malicious, intentional, and/or oppressive conduct, and/or acted with willful and conscious disregard of the rights, welfare, and safety of Plaintiff, thereby justifying the award of punitive and exemplary damages in an amount to be determined at trial.

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SECOND CLAIM FOR RELIEF

Violation of Equal Protection – Discrimination Based on Sex (14th Amendment; 42 U.S.C. § 1983)

Against ALL Defendants Except IDOC

69. Plaintiff repeats and re-alleges the allegations in all preceding paragraphs as if fully set forth herein.

70. Under the Equal Protection Clause of the Fourteenth Amendment, discrimination based on sex is presumptively unconstitutional and subject to heightened scrutiny.

71. Defendants have discriminated against Plaintiff based on her sex by failing to provide adequate and necessary medical treatment for gender dysphoria and by disciplining her based on Defendants' sex-based stereotyping about the ways in which Plaintiff should appear, act, and express herself based on her sex assigned at birth.

72. In particular, Defendants have withheld adequate medical care from Plaintiff because she is transgender, because she is attempting to transition genders, and/or because of their sex-based belief that people who are assigned the male sex at birth should not receive medically necessary care that feminizes their bodies.

73. Defendants denied various requests and/or permitted the denial of requests by Plaintiff for commissary products allowed to similarly situated female inmates, including but not limited to women's underwear and cosmetics. Defendants also disciplined Plaintiff for wearing her hair in hairstyles deemed to be "feminine" that are allowed for similarly situated female inmates.

74. Defendants also disciplined and/or permitted the discipline of Plaintiff for sex-based behaviors because she is transgender, because she is attempting to transition genders, and/or because of the sex-based belief that people who are assigned the male sex at birth should display only stereotypically male characteristics, behaviors, or dress. Defendants thus treated Plaintiff differently based on her sex and her perceived non-conformity with sex stereotypes,

including the expectation that a person's gender must conform to the sex assigned at birth.

75. Defendants' treatment of Plaintiff is based on her sex assigned at birth and sex-based stereotypes that Plaintiff should express herself in a manner that does not include wearing of cosmetics, "feminine" hairstyles, women's underwear, and other "feminine" behaviors and/or expressions.

76. Defendants discriminated against Plaintiff because of sex, sex stereotyping, and/or gender identity pursuant to official policies, procedures, customs and/or practices.

77. Defendants' discriminatory treatment of Plaintiff because of sex, sex stereotyping, and/or gender identity deprives Plaintiff of her right to equal protection of the laws guaranteed by the Fourteenth Amendment to the United States Constitution.

78. Defendants' discrimination against Plaintiff because of sex, sex stereotyping, and/or gender identity is not substantially related to any important government interest, nor is it even rationally related to any legitimate government interest. Defendants' discrimination against Plaintiff because of sex, sex stereotyping, and/or gender identity is also not reasonably related to legitimate penological interests.

79. As a direct and legal result of Defendants' actions and/or omissions, Plaintiff has suffered and continues to suffer damages including, without limitation, pain and suffering; emotional, psychological, and physical distress; violation of dignity; and other pecuniary losses not yet ascertained.

80. Individual Defendants and Corizon, by engaging in the aforementioned acts and/or omissions and/or in ratifying such acts or omissions, engaged in willful, malicious, intentional, and/or oppressive conduct, and/or acted with willful and conscious disregard of the rights, welfare, and safety of Plaintiff, thereby justifying the award of punitive and exemplary damages in an amount to be determined at trial.

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THIRD CLAIM FOR RELIEF

Violation of Equal Protection – Discrimination Based on Diagnosis of Gender Dysphoria

(14th Amendment; 42 U.S.C. § 1983)

Against ALL Defendants Except IDOC

81. Plaintiff repeats and re-alleges the allegations in all preceding paragraphs as if fully set forth herein.

82. IDOC policies require that prisoners with serious medical conditions be provided with appropriate and necessary medical care. IDOC Policy 401, “Clinical Services and Treatment,” states that it is IDOC’s policy to provide “proper medical, dental, psychiatric and psychological services, and treatment” to inmates. IDOC Standard Operating Procedure 401.06.03.001, “Access to Care,” provides that “in a timely manner, an offender patient can be seen by a clinician, be given a professional clinical judgment, and receive care that is ordered,” and that healthcare for inmates focuses on “prevention and maintenance of the offender’s health status.” The policy requires that “[u]pon identification of any medical or mental health need requiring evaluation and/or intervention by a physician . . . or mental health professional, arrangements must be made to provide timely examination, assessment, ,and/or treatment by scheduling an appointment with the appropriate practitioner” IDOC Directive 401.06.03.035, “Mental Health Care/Evaluation and Assessment,” provides that treatment needs be addressed as soon as possible, and inmates who require acute mental health services beyond those available at the prison will be transferred to an appropriate facility which may include a facility in the community.

83. Defendants diagnose and treat similarly situated IDOC inmates with mental health diagnoses and medical conditions other than gender dysphoria according to the IDOC policies, including those described above, regardless of whether such diagnosis and/or treatments are not common practices, or are unpopular treatments.

84. Defendants have failed, and continue to fail, to provide Plaintiff treatment according to IDOC policies because of her diagnosis of gender dysphoria.

85. By official policy, procedure, custom and/or practice, Defendants discriminate against transgender inmates diagnosed with gender dysphoria, including Plaintiff, by providing them with inferior medical care as compared to similarly situated inmates with medical and mental conditions and/or diagnoses other than gender dysphoria.

86. Defendants' discriminatory treatment of Plaintiff because of her diagnosis of gender dysphoria deprives Plaintiff of her right to equal protection of the laws guaranteed by the Fourteenth Amendment to the United States Constitution.

87. Defendants' discrimination against Plaintiff based on her diagnosis of gender dysphoria is not substantially related to any important government interest, nor is it even rationally related to any legitimate government interest. Defendants' discrimination against Plaintiff based on her diagnosis of gender dysphoria is also not reasonably related to legitimate penological interests.

88. As a direct and legal result of Defendants' actions and omissions, Plaintiff has suffered and continues to suffer damages including, without limitation, pain and suffering; emotional, psychological, and physical distress; violation of dignity; and other pecuniary losses not yet ascertained.

89. Individual Defendants and Corizon, by engaging in the aforementioned acts or omissions and/or in ratifying such acts or omissions, engaged in willful, malicious, intentional, and/or oppressive conduct, and/or acted with willful and conscious disregard of the rights, welfare, and safety of Plaintiff, thereby justifying the award of punitive and exemplary damages in an amount to be determined at trial.

FOURTH CLAIM FOR RELIEF

Discrimination on Basis of Disability (Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794a)

Against Defendants IDOC and Corizon

90. Plaintiff repeats and re-alleges the allegations in all preceding paragraphs as if fully set forth herein.

91. Based on her diagnosis of gender dysphoria, Plaintiff suffers from a “disability” within the meaning and scope of 42 U.S.C. § 1202, which has been recognized and documented by Defendants. Accordingly, Plaintiff is a member of the class of persons protected by the ADA and Section 504 of the Rehabilitation Act, which make it unlawful for a public entity and entities receiving federal funds to discriminate against an individual with a disability, or to deny the benefits of the services, programs, or activities of a public entity or entity receiving federal funds to a person with a disability.

92. Defendants discriminated against Plaintiff because of her disability and denied her the benefits of public services, programs and activities as a result of her disability by, *inter alia*, failing to provide adequate and necessary medical treatment; failing to provide proper and reasonable training to custody and health staff in responding to persons with gender dysphoria; and by disciplining Plaintiff for actions or behavior related to gender dysphoria and imposing punishments depriving Plaintiff of programs and activities because of such actions or behavior in a manner detrimental to her health.

93. Defendants’ acts and omissions violated the ADA and Section 504, which prohibit discrimination on the basis of physical and mental disability, and protect persons such as Plaintiff from the type of injuries and damages set forth herein.

94. Defendant IDOC is not entitled to immunity from suit under the Eleventh Amendment for this cause of action.

95. As a direct and legal result of Defendants’ actions and omissions, Plaintiff has suffered and continues to suffer damages including, without limitation, pain and suffering; emotional, psychological, and physical distress; and other pecuniary losses not yet ascertained.

FIFTH CLAIM FOR RELIEF

Violation of Affordable Care Act (42 U.S.C. § 18116)

Against Defendants Atencio, Zmuda, and Yordy in their official capacities

96. Plaintiff repeats and re-alleges the allegations in all preceding paragraphs as if fully set forth herein.

97. Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116, prohibits covered entities from discriminating on the basis of sex for the purpose of providing health care services.

98. Covered entities include “any health program or activity, any part of which is receiving Federal financial assistance.” IDOC is a covered entity subject to the ACA’s nondiscrimination requirement.

99. As set forth above, Defendants have and continue to discriminate against Plaintiff on the basis of sex when they deny her adequate and necessary medical treatment on the basis that she is transgender, has been diagnosed with gender dysphoria, and is attempting to transition genders.

100. As set forth above, Defendants have and continue to discriminate against Plaintiff on the basis of sex when they deny her adequate and necessary medical treatment on the basis of sex stereotyping and/or a belief that people who are assigned the male sex at birth should display only stereotypically male characteristics, behaviors, and dress.

101. As a direct and legal result of Defendants’ actions and omissions, Plaintiff has suffered and continues to suffer damages including, without limitation, pain and suffering; emotional, psychological, and physical distress; violation of dignity; and other pecuniary losses not yet ascertained.

SIXTH CLAIM FOR RELIEF

Failure to Protect from Harm (8th Amendment; 42 U.S.C. § 1983)

Against ALL Defendants Except IDOC

102. Plaintiff repeats and re-alleges the allegations in all preceding paragraphs as if fully set forth herein.

103. Defendants failed to protect Plaintiff from harm by deliberately withholding necessary medical treatment, resulting in pain and suffering to Plaintiff.

104. Defendants failed to protect Plaintiff from harm by unreasonably housing Plaintiff in a housing unit known to present safety risks to Plaintiff. Defendants were on notice that Plaintiff was previously assaulted on this unit and this unit does not have emergency call boxes

accessible to prisoners, making it less safe than other housing units at the prison. Despite this knowledge, Defendants continue to house Plaintiff in this unit.

105. Defendants also failed to follow the requirements of the Prison Rape Elimination Act with respect to Plaintiff.

106. Defendants could have taken action to reduce the risk of harm to Plaintiff, but refused or failed to do so.

107. Each Defendant failed to protect Plaintiff in violation of her rights under the Eighth Amendment to the United States Constitution.

108. As a direct and legal result of Defendants' actions and omissions, Plaintiff has suffered and continues to suffer damages including, without limitation, pain and suffering; emotional, psychological, and physical distress; and other pecuniary losses not yet ascertained.

109. Individual Defendants and Corizon, by engaging in the aforementioned acts or omissions and/or in ratifying such acts or omissions, engaged in willful, malicious, intentional, and/or oppressive conduct, and/or acted with willful and conscious disregard of the rights, welfare, and safety of Plaintiff, thereby justifying the award of punitive and exemplary damages in an amount to be determined at trial.

SEVENTH CLAIM FOR RELIEF

Negligence (Idaho State Law)

Against Defendants Atencio and Zmuda, in their official capacities; Defendant Yordy in his official and individual capacity; Defendant Corizon; and Defendants Custody Does

110. Plaintiff repeats and re-alleges the allegations in all preceding paragraphs as if fully set forth herein.

111. Defendants failed to comply with professional standards in the treatment, care, and supervision of Plaintiff during her incarceration at ISCI. Defendants' failures include but are not limited to: failing to provide timely and necessary medical treatment; disciplining and punishing Plaintiff for behaviors and actions reflecting her medical diagnosis and seeking medical treatment; and failing to house Plaintiff safely.

112. Defendants also failed to appropriately supervise, review, and ensure the provision of adequate care and treatment to Plaintiff by custody and medical staff, and failed to enact appropriate standards and procedures that would have prevented the harm that she has experienced.

113. Together, Defendants acted negligently and improperly, breached their respective duties, and as a direct and proximate result, Plaintiff suffered injuries and damages as alleged herein.

114. The negligent conduct of Defendants was committed within the course and scope of their employment.

115. The aforementioned acts of individual Defendants and Corizon were conducted with conscious disregard for the safety of Plaintiff and others, and were therefore malicious, wanton, and oppressive. As a result, Defendants' actions justify an award of exemplary and punitive damages to punish the wrongful conduct alleged herein and to deter such conduct in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests entry of judgment in her favor and against Defendants as follows:

- a. For injunctive and declaratory relief, including but not limited to enjoining Defendants to provide Plaintiff with adequate and necessary medical care; enjoining Defendants to provide Plaintiff equal access to clothing, cosmetic, and hygiene items available to inmates housed in female institutions; enjoining Defendants to house Plaintiff at an institution consistent with her gender identity; declaring unconstitutional and violative of federal law Defendants' practices in denying Plaintiff and other similarly situated inmates with adequate and necessary medical treatment;
- b. For compensatory, general and special damages, in an amount to be determined at trial;

- c. For punitive damages against individual Defendants and Corizon in an amount to be proven at trial;
- d. For reasonable costs of this suit and attorneys' fees and expenses; and
- d. For such further relief as the Court may deem just, proper, and appropriate

DEMAND FOR JURY

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands trial by jury.

Dated: September 1, 2017

Respectfully Submitted,

NATIONAL CENTER FOR LESBIAN RIGHTS

FERGUSON DURHAM

HADSELL STORMER & RENICK LLP

By: /s/ - Lori E. Rifkin

Lori E. Rifkin

Attorneys for Plaintiff

Second Amended Complaint

Exhibit A

ER 3659

COPY

NOTICE OF CLAIM

In compliance with Title 6, Chapter 9 of the Idaho Code*, the undersigned hereby presents a claim arising out of an accident or occurrence which happened as follows against the following governmental entity: **(CHOOSE ONE)**

State of Idaho Idaho St. Bd. of Correction County / Clerk
 PO Box 83720
 Boise, ID 83720-0080 (pursuant to I.C. section 20-201)
 (208) 332-2814

Place or Location: Idaho State Correctional Institution ("ISI") Unit 15

Date and Time of Occurrence: December 31, 2016 at about 1830 hours.

Cause of Damages: (Describe the details and circumstances of the accident or occurrence)
The state of Idaho, its agents, servants and employees failed to provide necessary medical care to me for my Gender identity disorder. Specifically, female cosmetics, female underwear, facial hair removal, living full-time as a woman and sex reassignment surgery.

Witnesses: (Name, Address and Phone Number) _____

Amount of Claim: \$ To be determined at trial. (Attach all bills or substantiating information as to the amount of the claim)

Personal Injury: (Please describe the extent of your injury, your attending physician, place of treatment, etc.) 09/29/2015 I cut my right testicle requiring sutures at ISI; 12/31/2016 I cut my right testicle again having to be taken to St. Alphonsus Med. Ctr. for surgery to repair right testicle.

Property Damage: (Describe the property damage) N/A

DATED this 10th day of February, 2017.

Name of Claimant: Adree M. Edmo IDOC# 94691
 Street Address: P.O. Box 14 Unit 09
 City and State: Boise, Idaho 83707-0014

*Claims must be filed within 180 days of the date the claim arose or should have been reasonably discovered.

Second Amended Complaint

Exhibit B

ER 3661



Idaho Department of Correction Grievance Form

Offender Name:	EDMO, MASON DEAN	Location:	ISCI
Offender Number:	94691	Number:	II 160000599
		Category:	MEDICAL/HEALTHCARE

Offender Grievance Information

Date Received: 06/01/2016

The problem is:

I am being denied access to care by IDOC officials, specifically, ISCI warden Yordy, as he does not allow my medical/mental health providers to issue me a medical memo for panties for my psychological support of treating my GID. He allows me to have bras but denies panties; both are women's undergarments, this makes no sense at all, both are needed for treating my GID.

I have tried to solve this problem informally by:

submitting HSR # 845911 on 05/21/16, concern forms: Dr. Eliason on 05/20/16, ISCI warden Yordy on 06-24-15 (All Attached)

I suggest the following solution for the problem:

Be allowed to purchase, possess and wear female panties for the psychological improvement and as a medically necessary treatment for my GID as according to the World Professional Associations of Transgender Health ("WPATH").

Level 1 - Initial Response

Date Forwarded:	06/01/2016	Date Returned:	06/09/2016
Date Due Back:	06/15/2016	Level 1 Responder:	BENTON, AMANDA

The response from the staff member or person in charge of the area/operation being grieved:

Bra memos are issued on an " as needed " basis to support development of breast tissue. Panties are not medically indicated or necessary at this time.

Level 2 - Reviewing Authority Response

Date Forwarded:	06/09/2016	Grievance Disposition:	DENIED
Date Due Back:	06/23/2016	Level 2 Responder:	HOFER, AARON
Date Returned:	06/10/2016	Response sent to offender:	06/13/2016

Your grievance has been reviewed and I find:

I am sorry for any inconvenience this has caused. Medical does not deal with panties. Please speak with Dr. Eliason for any and all information pertaining to G.I.D. Thank you

II 160000599

EDMO, MASON DEAN

94691

Offender Appeal

Offender Comments:

I've already talked to Dr. Eliason on (04/20/16) about the pantie issues and he has told me that ISCI Administrators/ISCI Warden Yordy will not allow Dr. Eliason to issue me a medical memo so that I may get panties from laundry or purchase on my own. This medical memo is necessary because allowing me to have panties support my mental health and help alleviate some of my gender dysphoria. I talked to a provider on (06/14/16) about this issue as well and he said he would issue a medical memo so that I can request panties from laundry (or SBWCC Laundry) or I be allowed to purchase my own. If I am denied it can be deliberate indifference to my serious medical need of appropriate undergarments for treating my gender dysphoria.

Level 3 - Appellate Authority Response

Date Appealed:	06/22/2016	Grievance Disposition:	DENIED
Date Forwarded:	06/23/2016	Level 3 Responder:	SIEGERT, RONA
Date Due Back:	07/09/2016	Response sent to offender:	07/06/2016
Date Returned:	07/06/2016		

Your appeal has been reviewed and I find:

Inmate Edmo:

Medical providers have determined that "panties" are not medically necessary. Please address your gender dysphoria issues with your assigned clinician.



Idaho Department of Correction Grievance Form

Offender Name:	EDMO, MASON DEAN	Location:	ISCI
Offender Number:	94691	Number:	II 160000391
		Category:	MEDICAL/HEALTHCARE

Offender Grievance Information

Date Received: 04/04/2016

The problem is:

I am not being provided timely adequate medical/mental health care, specifically a medical/mental health evaluation for the medical necessity pre-requisite of sex reassignment surgery by a qualified gender identity disorder evaluator pursuant to IDOC SOP 401.06.03.501 and NCCHC MH-A-01 Access to care, and P.-G-02 special needs.

I have tried to solve this problem informally by:

Sending concern forms to clinician Houser on 3/03/16, clinician Irvin on 2/22/16 and Dr. Scott Eliason on 3/16/16, and 3/25/16. (all attached)

I suggest the following solution for the problem:

I want to be scheduled immediately by a qualified gender identity disorder evaluator for a medical/mental health evaluation for sex reassignment surgery!

Level 1 - Initial Response

Date Forwarded:	04/07/2016	Date Returned:	04/08/2016
Date Due Back:	04/21/2016	Level 1 Responder:	BREWER, GEN

The response from the staff member or person in charge of the area/operation being grieved:

Please submit a concern form to Dr. Eliason for this request.

Level 2 - Reviewing Authority Response

Date Forwarded:	04/08/2016	Grievance Disposition:	MODIFIED
Date Due Back:	04/22/2016	Level 2 Responder:	HOFER, AARON
Date Returned:	04/13/2016	Response sent to offender:	04/18/2016

Your grievance has been reviewed and I find:

Please address any and all GID questions/concerns to Dr. Eliason. Dr. Eliason is the expert and has the decision making ability in this area. Thank you.

II 160000391

EDMO, MASON DEAN

94691

Offender Appeal

Offender Comments:

Dr. Eliason is not an expert in GID, does not have any substantial treatment experience in treating persons w/ GID. Dr. Eliason is restricted, restrained, and / or denied from utilizing the standard of care typically used in treating GID/ GD; wpath, Dr. Eliason further delays and / or interferes with adequate medical care of my GID by stating he is a expert and / or specialist. I still am being denied timely and adequate medical treatment for my GID by a medical / mental health provider qualified to exercise judgment about my particular medical / mental health condition of GID.

Level 3 - Appellate Authority Response

Date Appealed:	04/25/2016	Grievance Disposition:	MODIFIED
Date Forwarded:	04/29/2016	Level 3 Responder:	SIEGERT, RONA
Date Due Back:	05/17/2016	Response sent to offender:	05/19/2016
Date Returned:	05/17/2016		

Your appeal has been reviewed and I find:

Offender Edmo:

Dr. Eliason is a board certified physician with a specialty in psychiatry. If Dr. Eliason feels that it is necessary for you to be evaluated by a "qualified gender identity disorder evaluator" he will provide that service to you. If you have further questions or concerns please follow up with Dr. Eliason.

Rona Siegert RN, CCHP-RN
Idaho Department of Correction



Idaho Department of Correction Grievance Form

Offender Name:	EDMO, MASON DEAN	Location:	ISCI
Offender Number:	94691	Number:	II 150001348
		Category:	MEDICAL/HEALTHCARE

Offender Grievance Information

Date Received: 12/16/2015

The problem is:

I submitted HSR #'s 784687 & 784637 on 11/22/15, concern form to IDOC / ISCI HSA on 12/06/15 asking about HSR's, no response on either. I am being denied an endocrinologist & medical treatment wpath standards. This is creating a substantial risk of future harm of autoastrating myself. I shouldn't have to wait for 30, 60, 90 days until next appt.

I have tried to solve this problem informally by:

Submitting HSR's #'s 784687, 784637 on 11/22/15 & concern form 12/06/015 to ISCI HSA, both no response. (attached)

I suggest the following solution for the problem:

I request an appt. with a licensed endochnologist and proper medical care treatment. According to wpath standards of care for GID individuals as myself.

Level 1 - Initial Response

Date Forwarded:	12/18/2015	Date Returned:	12/30/2015
Date Due Back:	01/01/2016	Level 1 Responder:	WINGERT, WILLIAM

The response from the staff member or person in charge of the area/operation being grieved:

HSR received 11-22-15. Edmo scheduled 12-7-15 and failed to show to appointment. Rescheduled 12-23-15. The Nurse Practitioner ordered that he be seen by an MD to discuss plan of care. That appointment is slated for his next scheduled appointment time.

Level 2 - Reviewing Authority Response

Date Forwarded:	12/30/2015	Grievance Disposition:	MODIFIED
Date Due Back:	01/13/2016	Level 2 Responder:	HOFER, AARON
Date Returned:	12/31/2015	Response sent to offender:	12/31/2015

Your grievance has been reviewed and I find:

I am sorry for any inconvenience this has caused you. You will be scheduled with an MD to discuss plan of action and HSR's.

II 150001348

EDMO, MASON DEAN

94691

Offender Appeal

Offender Comments:

I believe that being in the chronic care health program of IDOC I should have seen by a MD physician. This is an ongoing struggle with Corizon, and IDOC to receive an adequate medical plan of action for my G.D. I've not seen a medical physician the entire year of 2015 and believe I should be afforded the opportunity to explain my medical concerns to such.

Level 3 - Appellate Authority Response

Date Appealed:	01/11/2016	Grievance Disposition:	DENIED
Date Forwarded:	01/11/2016	Level 3 Responder:	SIEGERT, RONA
Date Due Back:	01/27/2016	Response sent to offender:	01/11/2016
Date Returned:	01/11/2016		

Your appeal has been reviewed and I find:

Offender Edmo:

In your original grievance you are asking to be seen by an "endocrinologist", however, in your appeal you state that you feel that you should be seen in the chronic disease clinic by an MD. Per policy you cannot change or add issues at the appeal level. Therefore this appeal is denied.

Rona Siegert RN, CCHP-RN
IDOC Health Services Director

Handwritten initials: R-12



Idaho Department of Correction Grievance Form

Offender Name:	EDMO, MASON DEAN	Location:	JSCI
Offender Number:	94691	Number:	II 150001187
		Category:	MEDICAL/HEALTHCARE

Offender Grievance Information

Date Received: 11/04/2015

The problem is:

I am being denied adequate / appropriate medical care for my serious condition of GID. N.P.-C Paulson refuses to follow the WPATH standard of care in treating my GID; specifically of ordering laser hair removal electrolysis, or hair remover for my facial hair, or any further treatment on 10/20/15.

I have tried to solve this problem informally by:

Sending concern form on 10/15/15 and submitting HSR # 784404 on 10/25/15. (Both attached)

I suggest the following solution for the problem:

I should be treated according to WPATH standards of care for my serious condition of GID.

Level 1 - Initial Response

Date Forwarded:	11/04/2015	Date Returned:	11/05/2015
Date Due Back:	11/18/2015	Level 1 Responder:	WINGERT, WILLIAM

The response from the staff member or person in charge of the area/operation being grieved:

Facial hair removal for Gender Dysphoria is not an IDOC policy, nor is it medically necessary.

Level 2 - Reviewing Authority Response

Date Forwarded:	11/05/2015	Grievance Disposition:	DENIED
Date Due Back:	11/19/2015	Level 2 Responder:	VALLEY, RYAN
Date Returned:	11/06/2015	Response sent to offender:	11/06/2015

Your grievance has been reviewed and I find:

Edmo,
Hair removal is not part of our policy, nor is it medically necessary.

11/15/0001187 EDMO, MASON DE 94691

Offender Appeal

Offender Comments:

WPATH "SOC" PAS 171-72 explain the need for electrolysis for support in changes of gender expression in conjunction with hormone therapy. WPATH is the standard of care for treating GID. Corizon nor IDOC have any providers competent, or experienced in treating GID, including me. A competent experienced provider would note this facial hair removal medically necessary to alleviate my gender dysphoria, and help to prevent another attempt at autocastration, as I did on 09/29/15. Please refer me to a GID specialist to be evaluated by appropriate medical care of my GID. Denial based on policy or cursory health service evaluations is deliberate and indifference to my serious GID medical condition. Denial hinders my depression and ideation of autocastration.

Level 3 - Appellate Authority Response

Date Appealed:	11/13/2015	Grievance Disposition:	DENIED
Date Forwarded:	11/13/2015	Level 3 Responder:	SIEGERT, RONA
Date Due Back:	11/29/2015	Response sent to offender:	11/16/2015
Date Returned:	11/16/2015		

Your appeal has been reviewed and I find:

Offender Edmo:

Per WPATH, The Standards of Care, Version 7, Hair removal is listed as an option or alternative not a requirement for GD treatment.

Rona Siegert RN, CCHP-RN
IDOC Health Services Director



Idaho Department of Correction Grievance Form

Offender Name:	EDMO, MASON DEAN	Location:	ISCI
Offender Number:	94691	Number:	IL 150001091
		Category:	ADMINISTRATION

Offender Grievance Information

Date Received: 10/07/2015

The problem is:

Dr. Craig did not respond to my concern form about my mental health issues which has caused me to lose parole eligibility.

I have tried to solve this problem informally by:

Sending concern form to Dr. Craig on 9/15/15.

I suggest the following solution for the problem:

Dr. Craig respond to my issue of G.D. symptoms (hairstyles) resulting in my parole eligibility loss, and my treatment plan brought to MTCC for implementation of appropriate mental health.

Level 1 - Initial Response

Date Forwarded: 10/14/2015 Date Returned: 10/14/2015

Date Due Back: 10/28/2015 Level 1 Responder:

The response from the staff member or person in charge of the area/operation being grieved:

No level one response.

Level 2 - Reviewing Authority Response

Date Forwarded: 10/14/2015 Grievance Disposition: MODIFIED

Date Due Back: 10/30/2015 Level 2 Responder: CRAIG, RICHARD

Date Returned: 10/22/2015 Response sent to offender: 10/22/2015

Your grievance has been reviewed and I find:

Your concern form of 09/15/15 was received and a response was entered on 9/27/15 (see attached). Offender Edmo's concerns were related to hair style and dress and she was informed that those were security issues and should be discussed with the Warden. In regards to mental health concerns, Offender Edmo was on the BHU at the time the concern form was penned but moved to unit 15 the following day per her request. Since that time offender Edmo has been returned to the BHU on 09/29/15 and has access to mental health services.

II 150001091

EDMO, MASON DEAN

94691

Offender Appeal

Offender Comments:

Level 3 - Appellate Authority Response

Date Appealed:

Grievance Disposition:

Date Forwarded:

Level 3 Responder:

Date Due Back:

Response sent to offender:

Date Returned:

Your appeal has been reviewed and I find:



Idaho Department of Correction Grievance Form

Offender Name: EDMO, MASON DEAN

Location: ISCI

Offender Number: 94691

Number: II 150000749

Category: COMPLAINT AGAINST

Offender Grievance Information

Date Received: 07/15/2015

The problem is:

On 06-29-15 while at a property appt. with Sgt. Sidwell, Sidwell kept calling me "Mr. Edmo", "he", "his". I respectfully reminded Sgt. Sidwell of S.O.P. 401.06.03.501 - section 10 on gender pronouns of my GD. He said "whatever" in response. On 07-01-15, again, Sgt Sidwell continued to use "he" and Mr. Edmo. This is humiliating and offensive.

I have tried to solve this problem informally by:

Reminding Sgt. Sidwell respectfully of SOP 401.06.03.501, and sending concern form on 06-25-15 to Sgt. Sidwell. (Concern form attached).

I suggest the following solution for the problem:

Sgt. Sidwell instructed to follow IDOC policy 401.06.03.501 - GID and SOP 207 Respectful Workplace, specifically section 07-02-11, and the harmful effects this has on my mental health.

Level 1 - Initial Response

Date Forwarded: 07/16/2015

Date Returned: 07/20/2015

Date Due Back: 07/30/2015

Level 1 Responder: GREENLAND,

The response from the staff member or person in charge of the area/operation being grieved:

ISCI is a male facility and it is common placed and respectful to state something to the effect "Good morning sir how may I help you." I understand that this may offend you but it was not the intent. The staff member stated that you were upset about not being able to retain the items in the confiscation and had immediately threaten grievance before even explaining your status as a GID offender. I will talk to Sgt. Sidwell about this and I do believe that he will try to correct how he address you in the future. But understand this facility is a male facility and it may occur again. I would ask that before you threaten grievance attempt to explain to staff your issue first.

1115000749 EDMO, MASON D. 94691

Level 2 - Reviewing Authority Response

Date Forwarded:	07/20/2015	Grievance Disposition:	MODIFIED
Date Due Back:	08/05/2015	Level 2 Responder:	PENEKU, LEROY
Date Returned:	07/21/2015	Response sent to offender:	07/22/2015

Your grievance has been reviewed and I find:

Inmate Edmo - This is a male correctional facility, staff are accustomed to addressing the population as such. I'm sure the Sergeant meant no disrespect towards you, nor did he try to humiliate you. We will address your concern with Sergeant Sidwell.

Offender Appeal

Offender Comments:

Upon review of policies 401.06.03.501 (GID) and 207.07.02.11 (Respectful workplace - offenders) an excuse of whether this is a male institution or female institution does not excuse accountability. These policies do not allow for any staff member in either a male or a female institution to address a GID inmate, as myself, with gender specifiers, or pronouns. Sgt. Sidwell, as a Sgt. should be will aware of policy and procedures. These intentional unexcusable, humiliating, and offensive use of "mr", ("sir"), etc, masculine pronouns need to stop. This is the 3rd grievance against staff for such misconduct. It is a repetitive behavior. Staff must be able to modify behavior as a professional while at work as a correctional officer.

Level 3 - Appellate Authority Response

Date Appealed:	08/11/2015	Grievance Disposition:	MODIFIED
Date Forwarded:	08/12/2015	Level 3 Responder:	YORDY, HOWARD
Date Due Back:	08/31/2015	Response sent to offender:	08/31/2015
Date Returned:	08/31/2015		

Your appeal has been reviewed and I find:

The policy does state staff are to be gender neutral when addressing GID offenders. Although, I don't believe it was intentional, we need to make better awareness to our staff.

Warden Yordy



Idaho Department of Correction Grievance Form

Offender Name: EDMO, MASON DEAN
Offender Number: 94691

Location: ISCI
Number: II 150000555
Category: COMPLAINT AGAINST

Offender Grievance Information

Date Received: 05/21/2015

The problem is:

05-13-15 Cpl. Plumer #0101 had kept calling me him, Mr., and he which is not allowed per SOP's 401.06.03.501 section 10, and SOP 207.07.02.11.

I have tried to solve this problem informally by:

Sending Plumer a concern form on 05-13-15, and reminding him that we have been through this before.

I suggest the following solution for the problem:

Cpl. Plumer be instructed to follow IDOC policies as instructed.

Level 1 - Initial Response

Date Forwarded: 05/21/2015 Date Returned: 05/21/2015
Date Due Back: 06/04/2015 Level 1 Responder: GOULD, DAVID

The response from the staff member or person in charge of the area/operation being grieved:

Please understand that you are housed in an all male facility, and that staff address individuals housed here as Mr. or him all day long. I'm sure that it was not done in malice. I will remind Cpl. Plumer of this policy.

Level 2 - Reviewing Authority Response

Date Forwarded: 05/21/2015 Grievance Disposition: GRANTED
Date Due Back: 06/06/2015 Level 2 Responder: PENEKU, LEROY
Date Returned: 05/21/2015 Response sent to offender: 05/21/2015

Your grievance has been reviewed and I find:

Inmate Edmo - Considering that this is a male correctional facility, staff become accustom to addressing the population as such. I'm sure the Cpl meant no disrespect towards you. We will address your concern with Cpl. Plumer.

II 150000555

EDMO, MASON D.

94691

Offender Appeal

Offender Comments:

Policies 207 and 401.06.03.501 do not allow exceptions for staff in male correctional facilities to intentionally disregard policy. Cpl. Plumer is well versed about my status as an GID offender as Cpl. Plumer has worked in ISCI's BHU where GID offenders are usually housed - this "general" population statement cannot suffice justification. Cpl. Plumer must be clearly advised of these policies.

Level 3 - Appellate Authority Response

Date Appealed:	06/04/2015	Grievance Disposition:	MODIFIED
Date Forwarded:	06/10/2015	Level 3 Responder:	YORDY, HOWARD
Date Due Back:	06/26/2015	Response sent to offender:	06/16/2015
Date Returned:	06/16/2015		

Your appeal has been reviewed and I find:

Staff have addressed the issue with Corporal Plumer and he has been advised of the policy. I don't believe it was intentional but it is difficult for staff to remember to address GD offenders with non-gender identifiers.

Warden Yordy



Idaho Department of Correction Grievance Form

Offender Name:	EDMO, MASON DEAN	Location:	ISCI
Offender Number:	94691	Number:	II 160000517
		Category:	CONDITIONS OF

Offender Grievance Information

Date Received: 05/09/2016

The problem is:

I am an being denied equal protection of the laws by C.S. Clark, Sgt. Nimmo, and MTC of SOP 401.06.03.501 by not being allowed to move out of BHU because of my status as an GID inmate of IDOC, and because of DOR history. This is a violation of my 14th amendment rights.

I have tried to solve this problem informally by:

Sending concern forms to: Clinician Houser 02/08/16, Clinician Irvin 02/20/16, C.S. Clark 04/11/16, Ashley Dowell 04/16/16, and speaking to Dr. Scott Eliason 04/20/16.

I suggest the following solution for the problem:

Be moved out of BHU ASAP and into general population ASAP and remedied of my constitutional rights of being treated equally.

Level 1 - Initial Response

Date Forwarded:	05/11/2016	Date Returned:	05/12/2016
Date Due Back:	05/25/2016	Level 1 Responder:	HOUSER, AMY

The response from the staff member or person in charge of the area/operation being grieved:

Housing placement for Gender Dysphoria (GD) inmates are reviewed through the Management and Treatment Committee on a quarterly basis. I have been informed that Edmo's placement in Unit 16 will be addressed in the beginning of June 2016.
Amy Houser
Clinician, ISCI

IL160000517 EDMO, MASON DEAN 94691

Level 2 - Reviewing Authority Response

Date Forwarded:	05/12/2016	Grievance Disposition:	MODIFIED
Date Due Back:	05/28/2016	Level 2 Responder:	CLARK, JEREMY
Date Returned:	05/23/2016	Response sent to offender:	05/23/2016

Your grievance has been reviewed and I find:

Per Policy 401.06.03.501, the Management and Treatment Committee (MTC) is responsible for reviewing and determining housing placement for inmate who have Gender Dysphoria. The committee is aware of your desire to be moved out of Unit 16, and this will be reviewed in our next MTC meeting which is currently scheduled for June 1st, 2016. The decision of the committee will be given to you shortly after that meeting.

Offender Appeal

Offender Comments:

SOP # 401.03.501; MTC determines the placement for GID inmates, etc. Clinician Hahn had informed me that the MTC had determined my moving out of BHU would not be possible because of my behaviors, DOR's and risk in other units. I do not agree and believe these are pretext reasons to keep me in BHU because of my membership in a suspect class, namely, GID inmate a deliberate attempt to keep me uncomfortable and frustrated because I am a GID inmate. I previously lived within BHU but had an issue because of my medical provider's deliberate indifference to my medical needs and hormone monitoring. I've had more DOR's in BHU because of bias staff and because of unstable inmates. Please move me to General Population.

Level 3 - Appellate Authority Response

Date Appealed:	06/08/2016	Grievance Disposition:	MODIFIED
Date Forwarded:	06/10/2016	Level 3 Responder:	DOWELL, ASHLEY
Date Due Back:	06/26/2016	Response sent to offender:	06/29/2016
Date Returned:	06/29/2016		

Your appeal has been reviewed and I find:

Thank you for outlining your concerns about your current housing and placement. As Clinical Supervisor Clark noted, the Management Treatment Committee (MTC) is responsible for reviewing and determining placement for inmates with Gender Dysphoria per Policy 401.06.03.501. You are correct in that the MTC recommended your continued placement in the Behavioral Health Unit on June 1, 2016. Per Policy 401.06.03.501, the Administrative Review Committee (ARC) reviews the Management and Placement Plan recommended by the MTC, consults with members of the MTC to address questions or concerns, and recommends approving or denying the plan. The Director of IDOC then chooses whether or not to accept the ARC's recommendation. As your request for placement is still in the review process, a final determination regarding housing and placement has not been made.

Ashley Dowell, LCPC, CCHP-MH
 Deputy Chief- Prisons Division
 Idaho Department of Correction



Idaho Department of Correction Grievance Form

Offender Name: EDMO, MASON DEAN

Location: ISCI

Offender Number: 94691

Number: II 150000413

Category: COMPLAINT AGAINST

Offender Grievance Information

Date Received: 04/22/2015

The problem is:

Cpl. Elliot keeps calling / using gender pronouns when talking to me, he uses "Mr Edmo", "Sir" and "he". I've told him about policy 401.06.03.501 on 04-14-15, and on 04-15-15 and 04-16-15 he continues to disregard this policy, making me feel humiliated. Cpl. Elliot states he was told I am not in the GID program anymore - GID is not a program.

I have tried to solve this problem informally by:

Talking to Cpl. Elliot on 04-14-15, writing concern to Elliot on 04-16-15 and talking to Lt. Clark on 04-16-15.

I suggest the following solution for the problem:

Cpl. Elliot be given reprimands for disregarding IDOC policy.

Level I - Initial Response

Date Forwarded: 04/23/2015

Date Returned: 04/24/2015

Date Due Back: 05/07/2015

Level I Responder: MELDRUM,

The response from the staff member or person in charge of the area/operation being grieved:

Offender Edmo-

While I respect your concern of Cpl. Elliot's comments, I remind you that ISCI has approximately 1600 male offenders so unfortunately, mistakes will happen. I will work with Cpl. Elliot to ensure that he is made aware of and follows policy 401.06.03.501.

II 150000413 EDMO, MASON L 94691

Level 2 - Reviewing Authority Response

Date Forwarded:	04/27/2015	Grievance Disposition:	MODIFIED
Date Due Back:	05/13/2015	Level 2 Responder:	PENEKU, LEROY
Date Returned:	04/28/2015	Response sent to offender:	04/30/2015

Your grievance has been reviewed and I find:

Inmate Edmo - Sgt Meldrum will remind his staff how to appropriately address inmates.

Offender Appeal

Offender Comments:

The incident involving Cpl. Elliott is not an isolated incident. This is a common, re-occurring problem with staff that I encounter about daily. It is very obvious I am trans and undergoing sex reassignment treatment per IDOC SOP 401.06.03.501. I believe in my circumstances it's not a mistake but a mere purposeful behavior directed towards me as a trans-woman. Sgt. Meldrums 1600 male offender excuse is an institutional excuse that is a generalization of not being accountable for staff behaviors. This causes me great humiliation, embarrassment and highly increases my gender dysphoria of my male genitalia. More effort and awareness is crucially needed.

Level 3 - Appellate Authority Response

Date Appealed:	05/18/2015	Grievance Disposition:	MODIFIED
Date Forwarded:	05/19/2015	Level 3 Responder:	YORDY, HOWARD
Date Due Back:	06/05/2015	Response sent to offender:	06/09/2015
Date Returned:	06/08/2015		

Your appeal has been reviewed and I find:

Supervisors are addressing the issue with staff. I can appreciate you wanting staff to follow the gender neutral guidelines you are entitled to but I don't think staff are doing it intentionally. This is a male facility and staff become accustomed to saying male identifiers. We will continually work on this issue.

Warden Yordy



Idaho Department of Correction Grievance Form

OCT 16 2015

Offender Name:	EDMO, MASON DEAN	Location:	ISCI
Offender Number:	94691	Number:	II 150000191
		Category:	SECURITY

Offender Grievance Information

Date Received: 02/17/2015

The problem is:

On 02-07-15 Cpt. SchlienZ authorized my placement into unit 8 because of feminem behaviors due to my gender dysphoria. Overall feminem appearance / effeminate hairstyle as noted to be a violation of IDOC policy #325, which is also a violation of my constitutional rights.

I have tried to solve this problem informally by:

Sending concern form to Cpt. SchlienZ and speaking with Warden Yordy about "feminem hairstyles" and what that exactly entails - no answer.

I suggest the following solution for the problem:

This grievance forwarded to a IDOC administrator better positioned to clarify what a "feminem hairstyle" is exactly defined as for offenders with gender dysphoria.

Level 1 - Initial Response

Date Forwarded:	02/19/2015	Date Returned:	02/19/2015
Date Due Back:	03/05/2015	Level 1 Responder:	SCHLIENZ, RODNEY

The response from the staff member or person in charge of the area/opercation being grieved:

After reviewing the related documents regarding this issue, I concur with the statement of authorizing the placement of this inmate into restrictive housing. However, placement was for a deliberate indifference to the direction Cpl. Bollman had given regarding the removal of the feminine and/or effeminate hair style and failure to comply with SOP 325.

Level 2 - Reviewing Authority Response

Date Forwarded:	02/19/2015	Grievance Disposition:	MODIFIED
Date Due Back:	03/07/2015	Level 2 Responder:	PENEKU, LEROY
Date Returned:	02/27/2015	Response sent to offender:	03/02/2015

Your grievance has been reviewed and I find:

Inmate Edmo - According to the reports, you were placed in restrictive housing because you failed to follow the instructions of a correctional staff. Per the response Warden Yordy provided in grievance #II 140000914, he stated the following,

"The policy states the warden is to make the decision on whether an offender's hair style is effeminate or not. The direction I gave Edmo was if staff felt the hairstyle was effeminate, they were to photograph the style and I would make that determination later. The offender was to follow staff's immediate direction at the time. I don't believe I could give a definition of what an effeminate

II 150000191

EDMO, MASON DEAN

94691

hairstyle is other than the stylers intent to make it feminine in nature. The hairstyles I would be concerned with are those I believe are intended to look female"

In his response the Warden states that "you are to follow staff's immediate direction at the time". You failed to do so, and for that you were placed in restrictive housing. It's in your best interest to follow and comply with the rules, policies, SOP's and laws established within the IDOC.

Offender Appeal

Offender Comments:

It is clearly not noted that I had in fact corrected the issue and complied with staffs direct order to "remove hair from a bun". Policy #325 does not specifically state "ear level" or below for a ponytail, therefore, I had not violated IDOC SOP's, rules, laws or policies as Dep. Warden Peneku states. In DOR #150854, the DOR in conjunction with this grievance / appeal clearly states I had obeyed correctional staff. Pony tails I wear are not intended to be feminine in nature. As indicated by Warden Yordy if the staff are in question, a picture should be taken and sent to Yordy for determination, which had not happened. This is clearly malicious harassment by staff because of my mental condition of gender dysphoria, a violation of the U.S. constitution and Idaho code section 18 chpts. 7301 and Idaho code sect. 67.

Level 3 - Appellate Authority Response

Date Appealed:	03/05/2015	Grievance Disposition:	DENIED
Date Forwarded:	03/09/2015	Level 3 Responder:	YORDY, HOWARD
Date Due Back:	03/25/2015	Response sent to offender:	03/23/2015
Date Returned:	03/23/2015		

Your appeal has been reviewed and I find:

Staff gave you clear direction in addressing your hair that you repeatedly chose not to follow. The captain appropriately removed you from general population after you continued to ignore staff's direction. The actions of staff were fair and consistent with policy.

Warden Yordy



Idaho Department of Correction Grievance Form

Offender Name:	EDMO, MASON DEAN	Location:	ISCI
Offender Number:	94691	Number:	II 140001365
		Category:	MEDICAL/HEALTHCARE

Offender Grievance Information

Date Received: 12/17/2014

The problem is:

Not being allowed panties as a medically necessary undergarment approved by Dr. Whinnery, IDOC states, it does not allow for panties.

I have tried to solve this problem informally by:

Submitting HSR #716481, & concern form to Dr. Whinnery on 11-16-14.

I suggest the following solution for the problem:

Be given a medical memo to possess / purchase panties from commissary as approved by Director Rienke, Dr. Whinnery, and IDOC A.R.C.

Level 1 - Initial Response

Date Forwarded:	12/17/2014	Date Returned:	12/19/2014
Date Due Back:	12/31/2014	Level 1 Responder:	CARLSON LESLIE

The response from the staff member or person in charge of the area/operation being grieved:

Panties are not, " medically necessary." This is a comfort issue. Please take this issue up with Idaho Department of Corrections.

Level 2 - Reviewing Authority Response

Date Forwarded:	12/19/2014	Grievance Disposition:	DENIED
Date Due Back:	01/02/2015	Level 2 Responder:	VALLEY, RYAN
Date Returned:	12/19/2014	Response sent to offender:	12/22/2014

Your grievance has been reviewed and I find:

Edmo,
There is no medical need for you to be given panties to wear. If you would like to request panties, this needs to be made to the Idaho Department of Corrections.

II 140001365

EDMO, MASON DL

94691

Offender Appeal

Offender Comments:

As decided by A.R.C. Medical would have determine appropriateness, and Dr. Whinnery clearly states she would provide a medical memo for women's underwear on concern form dated Nov. 16, 2014. This is deliberate indifference to a serious medical need. Panties and underwear are medical necessities, IDOC allows @ SBWCC, I am a similarly situated individual. There is no substantial penological concern justifying denial of a clearly stated medical need indicated by my provider Dr. Whinnery. IDOC is contracted w/Corizon therefore both need be able to allow for such medical necessities.

Level 3 - Appellate Authority Response

Date Appealed:	12/30/2014	Grievance Disposition:	DENIED
Date Forwarded:	12/30/2014	Level 3 Responder:	SIEGERT, RONA
Date Due Back:	01/15/2015	Response sent to offender:	01/09/2015
Date Returned:	01/08/2015		

Your appeal has been reviewed and I find:

Revised Grievance Appeal Response Dated 1/8/15:

Offender Edmo:

Upon further research and discussion, the response I provided to Grievance II 40001365 is incorrect. Female underpants are only allowed when determined to be medically necessary not based on a GID diagnosis.

Rona Siegert RN, CCHP-RN
ISCI Health Services Director



Idaho Department of Correction Grievance Form

OCT 16 2015

Offender Name: EDMO, MASON DEAN

Location: ISCI

Offender Number: 94691

Number: II 140001365

Category: MEDICAL/HEALTHCARE

Offender Grievance Information

Date Received: 12/17/2014

The problem is:

Not being allowed panties as a medically necessary undergarment approved by Dr. Whinnery, IDOC states, it does not allow for panties.

I have tried to solve this problem informally by:

Submitting HSR #716481, & concern form to Dr. Whinnery on 11-16-14.

I suggest the following solution for the problem:

Be given a medical memo to possess / purchase panties from commissary as approved by Director Rienke, Dr. Whinnery, and IDOC A.R.C.

Level 1 - Initial Response

Date Forwarded: 12/17/2014

Date Returned:

12/19/2014

Date Due Back: 12/31/2014

Level 1 Responder:

CARLSON LESLIE

The response from the staff member or person in charge of the area/operation being grieved:

Panties are not, "medically necessary." This is a comfort issue. Please take this issue up with Idaho Department of Corrections.

Level 2 - Reviewing Authority Response

Date Forwarded: 12/19/2014

Grievance Disposition:

DENIED

Date Due Back: 01/02/2015

Level 2 Responder:

VALLEY, RYAN

Date Returned: 12/19/2014

Response sent to offender:

12/22/2014

Your grievance has been reviewed and I find:

Edmo,
There is no medical need for you to be given panties to wear. If you would like to request panties, this needs to be made to the Idaho Department of Corrections.

11 140001365

EDMO, MASON DEAN

94691

Offender Appeal

Offender Comments:

As decided by A.R.C. Medical would have determine appropriateness, and Dr. Whinnery clearly states she would provide a medical memo for women's underwear on concern form dated Nov. 16, 2014. This is deliberate indifference to a serious medical need. Panties and underwear are medical necessities, IDOC allows @ SBWCC, I am a similarly situated individual. There is no substantial penological concern justifying denial of a clearly stated medical need indicated by my provider Dr. Whinnery. IDOC is contracted w/Corizon therefore both need be able to allow for such medical necessities.

Level 3 - Appellate Authority Response

Date Appealed:	12/30/2014	Grievance Disposition:	MODIFIED
Date Forwarded:	12/30/2014	Level 3 Responder:	SIEGERT, RONA
Date Due Back:	01/15/2015	Response sent to offender:	12/30/2014
Date Returned:	12/30/2014		

Your appeal has been reviewed and I find:

Offender Edmo:

Medical has determined that special undergarments are not medically necessary. With a GID diagnosis you are allowed to have the same undergarments that the other female offenders have. Please contact your Unit Sergeant for the process on how to be issued female undergarments.

Rona Siegert RN, CCHP-RN
IDOC Health Services Director

Previous appeal
response was
incorrect.
Attached is
the completed,
corrected
grievance
appeal.
Dw. Hittington
Grievance
Coordinator



Idaho Department of Correction Grievance Form

Offender Name: EDMO, MASON DEAN
Offender Number: 94691

Location: ISCI
Number: II 140001364
Category: ADMINISTRATION

Offender Grievance Information

Date Received: 12/17/2014

The problem is:

I have not been able to have a new IDOC offender ID badge made with a new picture and a gender change from male to female on the IDOC card.

I have tried to solve this problem informally by:

Sending concern forms to IDOC / ISCI ID officer, and concern form to Dr. Craig dated 11-10-14 & 11-15-14.

I suggest the following solution for the problem:

Scheduled a time to have a new picture taken, and the gender / sex marker on the IDOC badge changed from male to female as soon as possible.

Level I - Initial Response

Date Forwarded: 12/17/2014 Date Returned: 12/23/2014
Date Due Back: 12/31/2014 Level I Responder: THOMPSON,

The response from the staff member or person in charge of the area/operation being grieved:

On 12-10-14, at about 1330 hours, I captured new portrait and profile photos for your offender file. Also, I printed a new IDOC offender ID badge for you at that time. We discussed your concern about the sex which is printed on the ID card. I informed you that ISCI staff cannot alter the sex listed in your file. Finally, I advised you to seek legal resources which may assist you in making the desired changes through the courts.

II 140001364 EDMO, MASON DL 94691

Level 2 - Reviewing Authority Response

Date Forwarded:	12/23/2014	Grievance Disposition:	MODIFIED
Date Due Back:	01/08/2015	Level 2 Responder:	COBURN, GARRETT
Date Returned:	12/29/2014	Response sent to offender:	12/29/2014

Your grievance has been reviewed and I find:

You were provided with a new ID, However due to the fact that your physical gender is male, we will not be changing your ID to reflect you being a female.

Offender Appeal

Offender Comments:

I do not understand - this decision to reflect any real security concern other than personal intentions to inflict more emotional stress from IDOC staff, specifically - ISCI administration. I am asking the appellate authority to thoroughly review my request and holistically make a decision to consider my request. D.W. Coburn's reply clearly depicts a lack of knowledge about an offender diagnosed with a mental condition of gender dysphoria. Sex is the biological genetic make up of a person, as gender is a societal structured behavior and or perception a society follows, two clearly different associations. Dr. Eliason has signified I changed genders from male to female, as well as Dr. Whinnery. This is also part of sex reassignment treatment being provided to me by IDOC in contract with Corizon medical providers.

Level 3 - Appellate Authority Response

Date Appealed:	12/31/2014	Grievance Disposition:	DENIED
Date Forwarded:	12/31/2014	Level 3 Responder:	YORDY, HOWARD
Date Due Back:	01/16/2015	Response sent to offender:	01/12/2015
Date Returned:	01/12/2015		

Your appeal has been reviewed and I find:

We are not going to change your sex on your ID card. Our facility has correctly identified you as male.

Warden Yordy



Idaho Department of Correction Grievance Form

Offender Name:	EDMO, MASON DEAN	Location:	ISCI
Offender Number:	94691	Number:	II 140000914
		Category:	ADMINISTRATION

Offender Grievance Information

Date Received: 08/08/2014

The problem is:

Had an incident concerning my "hair style" on 07-9-14. Concerned Warden Yordy & sent letter to Yordy dated 07-09-14 Re: Incident w/ C/O White. Warden Yordy will not provide me with a accurate direction of what a "feminine hairstyle" is or is not.

I have tried to solve this problem informally by:

Sending letter to Warden Yordy on 07-09-14; sending concern form to Warden yordy on 07-09-14 addressing this issue.

I suggest the following solution for the problem:

Being given a direct definition of what a "feminine hairstyle is according to a offender diagnosed as GID and undergoing sex reassignment treatment!

Level 1 - Initial Response

Date Forwarded: 08/12/2014 Date Returned: 08/12/2014

Date Due Back: 08/26/2014 Level 1 Responder:

The response from the staff member or person in charge of the area/operation being grieved:

No level one response due to nature of grievance.

Level 2 - Reviewing Authority Response

Date Forwarded: 08/12/2014 Grievance Disposition: DENIED

Date Due Back: 08/28/2014 Level 2 Responder:

Date Returned: 08/12/2014 Response sent to offender:

Your grievance has been reviewed and I find:

No level two response due to nature of grievance.

II 140000914 EDMO, MASON DEAN 94691

Offender Appeal

Offender Comments:

See above.

Level 3 - Appellate Authority Response

Date Appealed:	08/12/2014	Grievance Disposition:	DENIED
Date Forwarded:	08/12/2014	Level 3 Responder:	YORDY, HOWARD
Date Due Back:	08/28/2014	Response sent to offender:	09/02/2014
Date Returned:	09/02/2014		

Your appeal has been reviewed and I find:

The policy states the warden is to make the decision on whether an offender's hair style is effeminate or not. The direction I gave Edmo was if staff felt the hairstyle was effeminate, they were to photograph the style and I would make that determination later. The offender was to follow staff's immediate direction at the time. I don't believe I could give a definition of what an effeminate hairstyle is other than the styler's intent to make it feminine in nature. The hairstyles I would be concerned with are those I believe are intended to look female.

Warden Yordy



Idaho Department of Correction Grievance Form

Offender Name:	EDMO, MASON DEAN	Location:	ISCI
Offender Number:	94691	Number:	II 140000312
		Category:	MEDICAL/HEALTHCARE

Offender Grievance Information

Date Received: 03/07/2014

The problem is:

Sent concern form to HSA about issues concerning Gender Reassignment surgery. Mallet #8769 responded that Gender Reassignment surgery is unavailable. S. Mallet #8769 is not a M.D. to make this decision, nor is Regional Director Young qualified to base decisions through concern forms without seeing me personally.

I have tried to solve this problem informally by:

Submitting HSR's, talking to clinicians, submitting concern forms.

Note: Only one concern form is submitted with grievance.

I suggest the following solution for the problem:

Allowed to be seen by a GID evaluator specialist.

Level 1 - Initial Response

Date Forwarded:	03/17/2014	Date Returned:	03/17/2014
Date Due Back:	03/21/2014	Level 1 Responder:	PILOTE, KIMBERLY

The response from the staff member or person in charge of the area/operation being grieved:

Dr. Young is a qualified health care provider and is capable of making decisions regarding your care. However, gender re-assignment surgery is not medically necessary. Please submit an HSR if your have any other issues. Thanks.

3-20-14 - this is the correct copy. We had the wrong name for the 1st responder. Sorry.
JW

II 140000312 EDMO, MASON DE. 94691

Level 2 - Reviewing Authority Response

Date Forwarded:	03/17/2014	Grievance Disposition:	DENIED
Date Due Back:	03/31/2014	Level 2 Responder:	VALLEY, RYAN
Date Returned:	03/17/2014	Response sent to offender:	03/18/2014

Your grievance has been reviewed and I find:

You have been seen by medical providers that are licensed to practice in the State of Idaho. Your gender re-assignment surgery is not medically necessary and therefore has not been recommended by our providers.

Offender Appeal

Offender Comments:

Level 3 - Appellate Authority Response

Date Appealed:	Grievance Disposition:
Date Forwarded:	Level 3 Responder:
Date Due Back:	Response sent to offender:
Date Returned:	

Your appeal has been reviewed and I find:

✓



Idaho Department of Correction Grievance Form

Offender Name: EDMO, MASON DEAN

Location: ISCI

Offender Number: 94691

Number: II 140000312

Category: MEDICAL/HEALTHCARE

Offender Grievance Information

Date Received: 03/07/2014

The problem is:

Sent concern form to HSA about issues concerning Gender Reassignment surgery. Mallet #8769 responded that Gender Reassignment surgery is unavailable, S. Mallet #8769 is not a M.D. to make this decision, nor is Regional Director Young qualified to base decisions through concern forms without seeing me personally.

I have tried to solve this problem informally by:

Submitting HSR's, talking to clinicians, submitting concern forms.

Note: Only one concern form is submitted with grievance.

I suggest the following solution for the problem:

Allowed to be seen by a GID evaluator specialist.

Level 1 - Initial Response

Date Forwarded: 03/17/2014

Date Returned: 03/17/2014

Date Due Back: 03/21/2014

Level 1 Responder: PILOTE, KIMBERLY

The response from the staff member or person in charge of the area/operation being grieved:

Dr. Young is a qualified health care provider and is capable of making decisions regarding your care. However, gender re-assignment surgery is not medically necessary. Please submit an HSR if you have any other issues. Thanks.

II 140000312 EDMO, MASON L 94691

Level 2 - Reviewing Authority Response

Date Forwarded:	03/17/2014	Grievance Disposition:	DENIED
Date Due Back:	03/31/2014	Level 2 Responder:	VALLEY, RYAN
Date Returned:	03/17/2014	Response sent to offender:	03/18/2014

Your grievance has been reviewed and I find:

You have been seen by medical providers that are licensed to practice in the State of Idaho. Your gender re-assignment surgery is not medically necessary and therefore has not been recommended by our providers.

Offender Appeal

Offender Comments:

Response to Level 2 responder: I have not been seen by your providers, or anyone in medical dealing with my gender reassignment request, medical refused to schedule any appt., especially when I state gender reassignment on the HSR. Of course your providers have not recommended gender reassignment, I have not been able to see anyone in medical to address this issue. IDOC medical / Corizon is discriminating against me because of my gender. I am being denied access to medical care - when I cannot even have an appt. to address this issue. I need a specialist dealing with GID patients, as it is a serious medical need.

Level 3 - Appellate Authority Response

Date Appealed:	03/24/2014	Grievance Disposition:	MODIFIED
Date Forwarded:	03/24/2014	Level 3 Responder:	SIEGERT, RONA
Date Due Back:	04/09/2014	Response sent to offender:	03/26/2014
Date Returned:	03/26/2014		

Your appeal has been reviewed and I find:

Offender Edmo:

Your medical record shows that you have been seen by the ISCI providers in the chronic disease program (CDP). Your last visit was March 6, 2014 with Dr. Whinnery. You are followed in the CDP for GID. Please address your questions regarding gender reassignment surgery at your next CDP appointment.

Rona Siegert RN, CCHP
IDOC Health Services Director



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of September , 2017, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Dylan Eaton
deaton@parsonsbehle.com

J. Kevin West
kwest@parsonsbehle.com

Attorneys for Corizon Defendants

Brady James Hall
brady@melawfirm.net

Attorney for IDOC Defendants

/s/ - Lori E. Rifkin
Lori E. Rifkin

From: ecf@id.uscourts.gov
To: CourtMail@idd.uscourts.gov
Subject: Activity in Case 1:17-cv-00151-BLW Edmo v. Corizon Incorporated et al Amended Complaint
Date: Friday, September 1, 2017 3:56:21 PM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

District of Idaho (LIVE Database)Version 6.1

Notice of Electronic Filing

The following transaction was entered by Rifkin, Lori on 9/1/2017 at 3:57 PM MDT and filed on 9/1/2017

Case Name: Edmo v. Corizon Incorporated et al

Case Number: [1:17-cv-00151-BLW](#)

Filer: Adree Edmo

Document Number: [36](#)

Docket Text:

AMENDED COMPLAINT (Second) and Exhibits A & B in Support against All Defendants, filed by Adree Edmo. (Attachments: # (1) Summons re Defendant Jeff Zmuda)(Rifkin, Lori)

1:17-cv-00151-BLW Notice has been electronically mailed to:

Brady James Hall brady@melawfirm.net, deann@melawfirm.net, doreen@melawfirm.net, shawna@melawfirm.net, stacy@melawfirm.net

Craig Durham chd@fergusondurham.com, durhamlaw@outlook.com

Dan Stormer dstormer@hadsellstormer.com

Deborah A Ferguson daf@fergusondurham.com

Dylan Alexander Eaton deaton@parsonsbehle.com, docket@parsonsbehle.com, fax@parsonsbehle.com, lehredt@parsonsbehle.com

J Kevin West kwest@parsonsbehle.com, docket@parsonsbehle.com, jcafferty@parsonsbehle.com, jpaulson@parsonsbehle.com

ER 3695

Lori E Rifkin lrifkin@hadsellstormer.com, jessicav@hadsellstormer.com

1:17-cv-00151-BLW Notice will be served by other means to:

Amy Whelan
National Center for Lesbian Rights
870 Market Street, Suite 370
San Francisco, CA 94102

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1089316566 [Date=9/1/2017] [FileNumber=1730416-0]
[58da324a77fce12e3ea289f00752162fd5aabdda9537eb39645a7534086da67b6137
92729749717c70f83c19ae098e7e83f72e47f6f542aeecc76484c61e5411b]]

Document description:Summons re Defendant Jeff Zmuda

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1089316566 [Date=9/1/2017] [FileNumber=1730416-1]
[50dddb30e84ef9d598f2d92fcee6cbe7bee8d1b7a0867969a7b9864645448fe3a0a
d0b49eccf4c9c8c07bf857b23122c6a96b2c97b0de30ba387c3804f3b340]]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ADREE EDMO,

Plaintiff,

v.

IDAHO STATE BOARD OF
CORRECTION; IDAHO
DEPARTMENT OF CORRECTIONS;
CORIZON INC.; KEVIN KEMPF;
RICHARD CRAIG; RONA SIEGERT;
AARON HOFER; HOWARD KEITH
YORDY; SCOTT ELIASON; MURRAY
YOUNG; and CATHERINE
WHINNERY,

Defendants.

Case No. 1:17-cv-00151-BLW

ORDER

IT IS ORDERED:

1. The parties' Joint Motion and Stipulation to Vacate and Reset Deadlines (Dkt. 29) is GRANTED. The parties shall follow the deadlines set forth in the Stipulation.
2. Pursuant to the Stipulation, Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (Dkt. 7) is DENIED without prejudice.



DATED: **June 23, 2017**



B. Lynn Winmill
Chief Judge
United States District Court

From: ecf@id.uscourts.gov
To: CourtMail@idd.uscourts.gov
Subject: Activity in Case 1:17-cv-00151-BLW Edmo v. Corizon Incorporated et al
Date: Friday, June 23, 2017 2:08:01 PM

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U.S. District Court

District of Idaho (LIVE Database)Version 6.1

Notice of Electronic Filing

The following transaction was entered on 6/23/2017 at 2:08 PM MDT and filed on 6/23/2017

Case Name: Edmo v. Corizon Incorporated et al

Case Number: [1:17-cv-00151-BLW](#)

Filer:

Document Number: [30](#)

Docket Text:

ORDER. IT IS ORDERED: The parties' Joint Motion and Stipulation to Vacate and Reset Deadlines (Dkt. [29]) is GRANTED. The parties shall follow the deadlines set forth in the Stipulation. Pursuant to the Stipulation, Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (Dkt. [7]) is DENIED without prejudice. Signed by Judge B. Lynn Winmill. Motions terminated: [7] MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by Adree Edmo. (km)

1:17-cv-00151-BLW Notice has been electronically mailed to:

Brady James Hall brady@melawfirm.net, deann@melawfirm.net, doreen@melawfirm.net, shawna@melawfirm.net, stacy@melawfirm.net

Craig Durham chd@fergusondurham.com, durhamlaw@outlook.com

Deborah A Ferguson daf@fergusondurham.com

Dylan Alexander Eaton deaton@parsonsbehle.com, docket@parsonsbehle.com, fax@parsonsbehle.com, lehredt@parsonsbehle.com

J Kevin West kwest@parsonsbehle.com, docket@parsonsbehle.com,

ER 3698

jcafferty@parsonsbehle.com, jpaulson@parsonsbehle.com

1:17-cv-00151-BLW Notice will be served by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1089316566 [Date=6/23/2017] [FileNumber=1707322-0
] [2ebd629f3782457abe93b8c2560b404d67e63a440770dbcbe4dd8dc35671e96323a
b810ec5cde79ab00aef51eece9af12bde859a364d4478b4502e0f326ace63]]

Craig H. Durham
Deborah A. Ferguson
FERGUSON DURHAM, PLLC
223 N. 6th Street, Suite 325
Boise, Idaho 83702
Telephone: (208)-345-5183
Facsimile: (208)-906-8663
Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

ADREE EDMO,

Plaintiff,

v.

IDAHO STATE BOARD OF
CORRECTION, et al.,

Defendants.

Case No. 1:17-cv-00151-BLW

**JOINT MOTION AND
STIPULATION TO VACATE
AND RESET DEADLINES**

Based on the Court's Initial Review Order in which the Court granted Plaintiff's motion for the appointment of counsel (Dkt. 12, p. 20), and based on counsel's recent appearance for Plaintiff (Dkts. 26, 27), the parties stipulate and move the Court to vacate and reset the current case management deadlines, as follows:

1. The current deadline of June 29, 2017, for Defendants to file answers to Plaintiff's Amended Complaint (Dkt. 25) and responses to Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction Order (Dkt. 7) should be vacated.

2. The parties consent to Plaintiff filing a second amended complaint on or before September 1, 2017.

3. Defendants shall file their answers within 21 days of service of a second amended complaint.

4. Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction Order (Dkt. 7) will be withdrawn, without prejudice to refiling at a later date.

DATED THIS 22nd day of June, 2017.

/s/Craig H. Durham

/s/Deborah A. Ferguson

Counsel for Plaintiff

/s/Brady James Hall

Counsel for all IDOC Defendants

/s/Dylan Eaton

/s/J. Kevin West

Counsel for all Corizon Defendants

CERTIFICATE OF SERVICE

I CERTIFY that on the 22nd day of June, 2017, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Dylan Eaton
deaton@parsonsbehle.com

J. Kevin West
kwest@parsonsbehle.com

Attorneys for Corizon Defendants

Brady James Hall
brady@melawfirm.net

Attorney for IDOC Defendants

/s/ Craig H. Durham

From: ecf@id.uscourts.gov
To: CourtMail@idd.uscourts.gov
Subject: Activity in Case 1:17-cv-00151-BLW Edmo v. Corizon Incorporated et al Stipulation
Date: Thursday, June 22, 2017 3:41:49 PM

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U.S. District Court

District of Idaho (LIVE Database)Version 6.1

Notice of Electronic Filing

The following transaction was entered by Durham, Craig on 6/22/2017 at 3:42 PM MDT and filed on 6/22/2017

Case Name: Edmo v. Corizon Incorporated et al
Case Number: [1:17-cv-00151-BLW](#)
Filer: Adree Edmo
Document Number: [29](#)

Docket Text:

STIPULATION and joint motion to vacate and reset filing deadlines by Adree Edmo. (Durham, Craig)

1:17-cv-00151-BLW Notice has been electronically mailed to:

Brady James Hall brady@melawfirm.net, deann@melawfirm.net, doreen@melawfirm.net, shawna@melawfirm.net, stacy@melawfirm.net

Craig Durham chd@fergusondurham.com, durhamlaw@outlook.com

Deborah A Ferguson daf@fergusondurham.com

Dylan Alexander Eaton deaton@parsonsbehle.com, docket@parsonsbehle.com, fax@parsonsbehle.com, lehredt@parsonsbehle.com

J Kevin West kwest@parsonsbehle.com, docket@parsonsbehle.com, jcafferty@parsonsbehle.com, jpaulson@parsonsbehle.com

1:17-cv-00151-BLW Notice will be served by other means to:

The following document(s) are associated with this transaction:

ER 3703

Document description:Main Document

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21f7202b581463fea0affaab574fefcf49397d29b608af828250627b1cf33]]

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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

ADREE EDMO

Plaintiff,

v.

IDAHO STATE BOARD OF
CORRECTIONS, et al.,

Defendants.

Case No. 1:17-cv-00151-BLW

ENTRY OF APPEARANCE

Deborah A. Ferguson of Ferguson Durham, PLLC, appears in this case as counsel for the Plaintiff, Adree Edmo. All pleadings and papers should be served on counsel for Ms. Edmo at the contact information provided above.

DATED this 19th day of June, 2017.

/s/ Deborah A. Ferguson

FERGUSON DURHAM, PLLC

CERTIFICATE OF SERVICE

I CERTIFY that on the 19th day of June, 2017, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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Attorney for IDOC Defendants

/s/ Deborah A. Ferguson

From: ecf@id.uscourts.gov
To: CourtMail@idd.uscourts.gov
Subject: Activity in Case 1:17-cv-00151-BLW Edmo v. Corizon Incorporated et al Notice of Appearance
Date: Monday, June 19, 2017 12:26:44 PM

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Case Name: Edmo v. Corizon Incorporated et al

Case Number: [1:17-cv-00151-BLW](#)

Filer: Adree Edmo

Document Number: [27](#)

Docket Text:

NOTICE of Appearance by Deborah A Ferguson on behalf of Adree Edmo (Ferguson, Deborah)

1:17-cv-00151-BLW Notice has been electronically mailed to:

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1:17-cv-00151-BLW Notice will be served by other means to:

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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

ADREE EDMO

Plaintiff,

v.

IDAHO STATE BOARD OF
CORRECTIONS, et al.,

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Case No. 1:17-cv-00151-BLW

ENTRY OF APPEARANCE

Craig H. Durham of Ferguson Durham, PLLC, appears in this case as counsel for the Plaintiff, Adree Edmo. All pleadings and papers should be served on counsel for Ms. Edmo at the contact information provided above.

DATED this 19th day of June, 2017.

/s/ Craig H. Durham

FERGUSON DURHAM, PLLC

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Attorney for IDOC Defendants

/s/ Craig H. Durham

1:17-CV-00151-REB
Case No: _____ Inmate Name: Adree Edmo
Date: 05/17/2017 Inmate IDOC#: 94691
Document Title: Amended Complaint
Total Pages: 43 Inmate Initials Verifying Page Count: AG
Document(s) 1 of 42

Adree Edmo
IDOC # 94691
P.O. BOX 14
Boise, Idaho 83707
plaintiff

UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF IDAHO

ADREE EDMO,
Plaintiff,

v.

IDAHO STATE BOARD OF
CORRECTIONS, ROBIN SANDY,
DAVID MCCLUSKY, CINDY
WILSON; CORZON INCORPOR-
ATED; KEVIN KEMPF;
RICHARD CRAIG, RONA SIEGERT;
HOWARD KETH LORRY;
SCOTT ELIASON; MURRAY YOUNG;
and CATHERINE WHINNERY;
(Including Successor(s) in
office),
Defendants.

1:17-CV-00151-REB

Case No.

AMENDED
COMPLAINT

JURY TRIAL DEMANDED

AMENDED COMPLAINT - 1

INTRODUCTION

1. Plaintiff, Adree Edmo,¹ ("plaintiff" or "Ms. Edmo") has been imprisoned within the Idaho State Prison since April 2012. Throughout her incarceration she has suffered from Gender Identity Disorder ("GID"), now known as Gender Dysphoria ("GD"), a serious medical condition characterized by (1) a strong cross-gender identification, which is the desire to be, or the insistence that one is of the other gender, and (2) a persistent discomfort about one's assigned sex, or a sense of inappropriateness in the gender role of that sex. GD causes significant distress or impairment of social, occupational, or other areas of important functioning. The most common forms of treatment are hormonal therapy, the "real-life" experience of living full-time within the desired gender, and sex reassignment surgery to change the secondary sex characteristics.

¹ Although plaintiff was born a biological male she identifies as female and wishes to be referred to using the feminine pronoun. She changed her legal name to Adree Edmo. Accordingly, throughout this pleading she will be referred to by the feminine pronoun.

AMENDED COMPLAINT-2

2. Prior to incarceration, Ms. Edmo lived full-time as a woman, dressing in women's clothes and wearing women's cosmetics. She sought treatment when she became aware that Defendant Idaho State Board of Corrections adopted a formal policy for the treatment of offenders with GD. Beginning in September 2012, through this filing of this lawsuit, Ms. Edmo submitted approximately 75 separate requests for treatment relating to her severe GD.

3. The plaintiff's requests fell on deaf ears. Despite her repeated requests, Defendants, the Idaho State Board of Corrections and its successors in office, agents, officers and employees have shown deliberate and persistent indifference to her serious medical condition in violation of, (1) the Idaho State Board of Corrections' directives relating to the care of offenders with GD, and (2) The United States Constitution.

4. Specifically, Defendants failed to follow their own directives to apply an appropriate standard of care, as previously required under Idaho Department of Corrections directive # 401.06.03.501, to evaluate plaintiff for her worsening GD symptoms. Despite clear evidence suggesting severe gender dysphoria, Defendants failed to appoint qualified medical professionals to evaluate plaintiff.

AMENDED COMPLAINT - 3

5. Upon learning that Defendants denied her treatment in February 2014, plaintiff attempted suicide.

6. Following the suicide attempt, plaintiff has submitted approximately 50 different inmate concern/request forms to Defendants requesting reasoning behind Defendants' declaration that she is receiving appropriate/adequate medical treatment.

7. Still Defendants failed to respond. As a result of her inability to secure adequate treatment, September 2015, Ms. Edmo first attempted self-castration of cutting open her scrotum with a razor blade. Attending prison guard discovered a note in her cell stating, "I do not want to die, but I am a woman, and women do not have these." Over a year later, on December 31, 2016, she cut her scrotum again, this time pulling out her right testicle and almost severing the entire testicle, and had to be taken to St. Alphonsus Medical Center for surgery to attempt to repair her testicle.

8. In a male-to-female transgender person (MTF), feminizing medications, the "real-life" experience of living full-time in the desired gender role, and sex reassignment surgery can also improve mood stability, decrease mental illness, and relieve anxiety.

AMENDED COMPLAINT -4

withholding appropriate hormone therapy, living full-time in the desired gender role and sex reassignment surgery can lead to continued depression, suicidal ideation and self-injury.

9. Defendants recognize that the Plaintiff requires hormone therapy and the "real-life" experience of living full-time within her female gender role, but have refused to allow her to live full-time within her female gender, along with access to female cosmetics, underwear (panties), facial hair removal, and sex reassignment surgery. The Plaintiff brings this action for an order requiring that Defendants provide appropriate treatment of feminizing hormones with the "real-life" experience of living full-time within her female gender role, access to female cosmetics, access to female undergarments (specifically, women's panties), sex reassignment surgery, and psychological counseling by a mental health professional with substantial training and experience, and/or expertise in the diagnosis and treatment of individuals with GD. The Plaintiff further seeks an order appointing a medical or mental health professional with sub-

AMENDE COMPLAINT-5

Substantial experience in the diagnosis and/or treatment, and knowledge of the World Professional Association of Transgender Health ("WPATH") Standards of Care with GID to serve as a member of the Management and Treatment Committee for a minimum of one year, to ensure the proper implementation of the Court's Order as it relates to the Plaintiff, as well as the Idaho Department's Correction's directives relating to GID.

PARTIES

10. Plaintiff, Adree Edmo, a citizen of the United States of America. She is currently a resident of the Idaho State Correctional Institution ("ISCI") in Boise Idaho. Plaintiff's address is 13500 South, Pleasant valley Road, Kuna, Idaho 83634; mailing address of P.O. Box 14, Boise, Idaho 83707. Ms. Edmo's ID. # is 94691.
11. Defendant, Idaho State Board of Corrections, ("Board of Corrections") is a political subdivision of the State of Idaho, as defined in Idaho Code Section 20-201. Business address is 1299 N. Orchard Ave., Suite 110, Boise, Idaho 83704.
12. Defendant Board of Corrections members, Robin sandy (chairman), David McClusky (Vice chairman), Cindy Wilson (secretary), were, or are, currently duly appointed members of the Board of Corrections, and were acting Course and Scope of their duties as members, agents, servants,

AMENDED COMPLAINT - 4

and employees (including successor(s) in office) of the State of Idaho at all material times hereto. Address of 1299 N. Orchard Ave., Suite 110, Boise, Idaho 83706. Defendants Board of Corrections; Sandy, McClusky, and Wilson are sued in their official capacities, insofar, that it pertains to injunctive relief.

13. Defendant, Kevin Kempf, was at all times material hereto and up until, or on about January 2017 the duly appointed Director of IDOC as well as Chief Administrative Officer and Business Manager of the State Penitentiary pursuant to Idaho Code Section 20-217A. Defendant Kempf was employed by IDOC, and was acting within course and scope of his duties as Director, Chief Administrative Officer, and Business Manager, and as the agent, servant, and employee (including successor in office) of the State of Idaho at all material times hereto. Address of 1299 N. Orchard Ave., Suite 110, Boise, Idaho 83706. Defendant Kempf is sued in his official and Individual capacity. Defendant Kempf is sued in his official capacity, insofar, that it pertains to injunctive relief.

14. Defendant, Howard Keith Yordy, was at all times material hereto, as the ISCI Warden. Defendant Yordy was employed by IDOC, and was acting within the Course and Scope of his duties

AMENDED COMPLAINT - 7

as Warden, and as the agent, servant, and employee (including successor in office) of the State of Idaho at all material times. Address of 1209 N. Orchard Ave., Ste. 110 Boise, Idaho 83700. Defendant Yordy is sued in official capacity, insofar, that it pertains to injunctive relief, and his individual capacity.

15. Defendant, Corizon Incorporated, ("Corizon Health Services") is a corporation doing business in the State of Idaho. Pursuant to contractual agreements with IDOC, Corizon Health Services provides comprehensive medical and/or mental health services for inmates, (including plaintiff). Corizon Incorporated main office address is 12467 Olive Boulevard, St. Louis, Missouri 63141.

16. Defendant, Catherine Whinnery, was at all times material hereto a medical doctor at ISCI, either under contract to provide medical services to inmates in IDOC, or employed directly by IDOC to provide medical care to inmates in IDOC (including Plaintiff).

17. Defendant Whinnery, was acting within course and scope of her duties as a medical doctor at ISCI to inmates in IDOC (including plaintiff), and as the agent, servant, employee (including successor in office) of the state of Idaho. Address is unknown. Defendant Whinnery is sued in her official and individual capacities.

AMENDED COMPLAINT-8

18. Defendant, Scott Eliason, was at all times material hereto, a Psychiatrist at ISCI, either under contract to provide medical/mental health services at IDOC, or employed directly by IDOC to provide medical/mental health services to inmates (including Plaintiff). Defendant Eliason, was acting within course and scope of his duties as a Psychiatrist to IDOC inmates (including Plaintiff), and as the agent, servant, employee (including successor in office) of the State of Idaho. Defendant is sued in his Official and Individual Capacities.

19. Defendant, Richard Craig, was at all times material hereto until the end of 2015, IDOC's chief Psychologist at ISCI, either under contract to provide medical/mental health services to IDOC inmates. Defendant Craig was acting within course and scope of his duties Chief Psychologist to IDOC inmates, (including Plaintiff), and as the agent, servant, employee (including successor in office) of the State of Idaho. Address of 1299 N. Orchard Ave., Ste. 110, Boise Idaho 83706. Defendant Craig is sued in his individual and official capacities.

20. Defendant, Rona Siegert was at all times material hereto the Health Service Authority and/or Health Services Director at ISCI either ~~at~~ under contract to provide medical services to IDOC inmates, or

AMENDED COMPLAINT-9

employed directly by IDOC to provide medical services to inmates. Defendant Siegert was acting within course and scope of her duties as Health Services Director to IDOC inmates (including Plaintiff), and as the agent, servant, employee (including successor in office) of the state of Idaho. Address of 13500 South Pleasant valley Road, Kuna, Idaho 83634. Defendant Siegert is sued in her official and individual capacities.

21. Defendant, Murray Young, was at all times material hereto Regional Medical Director at ISCI, either under contract to provide medical services for inmates at IDOC, or employed by IDOC to provide medical services to inmates. Defendant Young was acting within course and scope of his duties as Regional Medical Director to IDOC inmates (including Plaintiff) and as the agent, servant, employee (including successor in office) of the state of Idaho. Address of 1209 N. Orchard Ave., Ste., 110 Boise, Idaho 83706. Defendant Young is sued in his individual and Official Capacities.

22. Each and all of the acts of Defendants alleged herein, were done by the Defendants, not just as individuals, but under the color of law, and pretense of the statutes, ordinances, regulations, customs and practises and usages of the state of Idaho, and under authority of the Defendants as public officials

AMENDED COMPLAINT-10

for the state of Idaho.

JURISDICTION & VENUE

23. This action arises under the U.S. Constitution of the United States, particularly, under the provisions of the Eighth and Fourteenth Amendments, and under Federal law, particularly 42 U.S.C. § 1983.

24. This Court has subject matter jurisdiction of this cause under 28 U.S.C. § 1331, because this action seeks redress and damages for violation of 42 U.S.C. § 1983, and the Federal claims are not insubstantial.

25. Plaintiff seeks declaratory relief pursuant to 28 U.S.C. §§ 2201, 2202. Plaintiff's injunctive relief are authorized pursuant 28 U.S.C. § 1326. This Court has jurisdiction of Plaintiff's Pendent State Claims under 28 U.S.C. § 1367.

The Plaintiff filed a notice of claim on 02/10/2017, concerning the concurrences complained of herein with the Comptroller of the State of Idaho, within 180 days of these occurrences, as required by Idaho Code § 6-901, and the Comptroller has failed to settle the Plaintiff's claims.

26. Plaintiff's claims for injunctive relief are authorized pursuant to 28 U.S.C. §§ 2283 and 2284, and 28 U.S.C. § 1326. This Court has personal jurisdiction because, upon information and belief, Defendants

Amended COMPLAINT- 11

reside in this District and a substantial part of the events or omissions giving rise to the claims occurred in this District, and/or, Defendants are domiciled within Idaho.

27. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), because, upon information and belief, a substantial part of the events or omissions giving rise to the claims occurred in this District.

GID IS A SERIOUS MEDICAL CONDITION THAT REQUIRES ADEQUATE MEDICAL TREATMENT

28. Ms. Edmo was diagnosed with GID/GID, July 19, 2012 by Claudelia K. Lake, Psy. D., a mental health professional employed either through Contract with IDOC, or directly by IDOC.

29. GID is a recognized and diagnosable and treatable condition characterized by (1) a strong cross-gender identification, which is the desire to be or the insistence that one is ~~one~~ of the other gender, and (2) a persistent discomfort about one's assigned sex, or a sense of inappropriateness within the gender role of that sex. GID is a recognized, diagnosable, and treatable condition listed within the American Psychiatric's Diag-

AMENDED COMPLAINT-11

Diagnostic and Statistical Manual of Mental Disorders, Fifth (5th) Edition (2013), ("DSM-V"). The World Health Organization (WHO) also recognized the discordance between anatomical sex and gender as a disorder in its 1990 publication, The International Classification of Diseases, ("ICD-10"), but uses the nomenclature of transsexualism.

30. The World Health Association of Transgender Health ("WPATH"), formerly known as, The Harry Benjamin International Gender Dysphoria's Association's Standards of Care for Gender Identity Disorders ("Standards of Care") articulate the professional consensus about the psychiatric, psychological and medical, and surgical management of GID within the United States. WPATH is an international multi-disciplinary professional association with extensive expertise in accepted standards for transgender health. The WPATH promulgates Standards of Care for Gender Identity Disorders, which set forth clinical protocols for treating persons with GID.

31. WPATH has published its 7th version of Standards of Care. Standards of Care for the Health of Transsexual, and Gender non-conforming people, within the International Journal of Transgenderism, 13:165-232 (2011). WPATH has also designated a section entitled; XIV Applicability of The Standards of Care to People Living in Institutional Environments; which states in relevant part:

AMENDED COMPLAINT-12

The SOC [Standards of Care] in their entirety apply to all transsexual, transgender and gender non-conforming people, irrespective of their housing situation. People should not be discriminated against in their access to appropriate health care based on where they live, including institutional environments, such as prisons, or long-term intermediate healthcare facilities. Healthcare for transsexual, transgender and gender non-conforming people living in institutional environments should mirror that which would be available to them if they were living in a non-institutional setting within the same community.

(WPATH Standards of Care at p. 207).

32. According to the Standards of Care, and the DSM-V, people with ED who do not receive appropriate medical treatment are at risk of genital self-harm (a form of surgical self-treatment of auto-castration or auto penectomy that can lead to serious even life threatening injuries, depression, anxiety and suicide attempts.)

33. The goal of medical treatments for ED according to the Standards of Care are as follows: (1) to alleviate clinically significant distress and impairment of functioning associated with ED; (2) to achieve long-lasting personal comfort with the gendered

AMENDED COMPLAINT-13

self in order to maximize overall psychological well-being and self-fulfillment. The Standards of Care provide that there are three medically appropriate treatment options to treat GD: (1) hormones of the desired gender, (2) the "real-life" experience (i.e., [cosmetics of and wearing clothing of the opposite gender]) as the prerequisite of surgery, and (3) surgery to change the sex characteristics of the person suffering from GD. These treatment options are frequently referred to as the triadic therapy and are the accepted and appropriate treatment for GD.

34. Further, The standards of Care are intended to be flexible in order to meet the diverse healthcare needs of transsexual, transgender, and gender non-conforming people. While flexible, they offer standards for promoting optimal healthcare and guidelines. Gender nonconformity is not the same ~~as~~ as Gender Dysphoria: Gender nonconformity refers to the extent to which a person's gender identity, role, or expression from cultural norms proscribed for people of a particular sex (Institute of Medicine, 2011).

35. Gender dysphoria refers to discomfort or distress that is caused by a discrepancy between a person's gender identity, and that person's sex assigned at birth. Only some gender nonconforming people experience gender dysphoria at "some"

AMENDED COMPLAINT-14

point in their lives. Treatment is available to assist people with such distress to explore their gender identity and find a gender role that is comfortable for them. Treatment is individualized: what helps one person alleviate gender dysphoria might ~~not~~ be very different from what helps another person. This process may or may not involve a change of gender expression or body modifications.

Medical treatment options include, for example, feminization or masculinization of the body through hormone therapy, and/or surgery, which are effective in alleviating gender dysphoria and are medically necessary for many people. Gender identities and expressions are diverse, and hormones and surgery are just two options of many options available to assist people with achieving comfort with self and identity. (WPATH Standards of Care at p. 167-68).

36. Gender dysphoria can be in large part alleviated through treatment. Hence while transsexual, transgender, and gender non-conforming people may experience gender dysphoria at some points in their lives, many individuals who receive treatment will find a gender role and expression that is comfortable for them, even if these differ from those associated with their sex assigned at birth, or from prevailing gender norms and expectations.

(AMENDED COMPLAINT-15

(WPATH Standards of Care at p. 168).

37. Options for Psychological and Medical Treatments of Gender Dysphoria: For individuals seeking care for gender dysphoria, a variety of therapeutic options can be considered. The number and type of interventions applied and the other in which these take place may differ from person to person (emphasis applied, mine.) Treatment options include: Changes in order in gender expression and role (which may involve living part time or full time in another gender role, consistent with one's gender identity); Hormone therapy to feminize or masculinize the body; Surgery to change primary and/or secondary sex characteristics (e.g. breasts/chest, external and/or internal genitalia, facial features, body contouring); Psychotherapy (individual, couple, family or group) for purposes such as exploring gender identity, role, and expression; Addressing the negative impact of gender dysphoria, and stigma on mental health; ~~Addressing the~~ Alleviating internalized transphobia; enhancing social and peer support; improving body image; or promoting resilience. (WPATH Standards of Care at 171-72).

38. As such, Plaintiff cannot obtain her own medical services, therefore, the U.S. Constitution requires Defendants to provide her with "reasonable adequate medical care." "Adequate" medical services are services at a level reasonably commensurate with modern medical science and of a quality acceptable within

AMENDED COMPLAINT-110

prudent professional standards, and, as a level of health services reasonably designed to meet routine and emergency medical, dental, psychological, or psychiatric care. Defendants are required to follow certain and specific policies and directives for the treatment of offenders with GD. Defendants failed to do so.

39. According to the Standards of Care, after a diagnosis is made by a competent, prudent medical professional, the therapeutic approach usually and normally includes the administration of hormones of the desired gender, and the "real-life" experience in the desired gender role.

Further, the standards of care, Cross-Sex hormonal therapy and the "real-life" experience ~~of~~ are often medically necessary for patients suffering from GD.

Not only do these improve the quality of life, but they also limit psychiatric co-morbidity (the development of additional mental disorders), which often accompanies lack of treatment. In some, not all, patients using hormonal therapy alone may provide sufficient symptomatic relief of the obviated need for "cross living" in the desired gender, which is not in Ms. Edmo's case, providing symptom relief.

~~DEFENDANTS KNOW AND HAVE KNOWN OF EDMO'S GENDER DYSPHORIA, FAIL AND CONTINUE TO REFUSE ADEQUATE MEDICAL TO TREAT EDMO'S SEVERE GENDER DYSPHORIA~~

40. Defendant IDOC adopted the "Harry Benjamin Standards," now known as WPATH Standards of Care, for the diagnosis and treatment of GD prior to 2007, and thereafter, removed such standards of care without

AMENDED COMPLAINT - 17

any legitimate or logical purpose. In addition, Defendants failed to follow their own directives for the treatment of offenders with GID. IDOC Directive 401.00.03.501, entitled, "Gender Identity Disorder: Healthcare for Offenders with," governs the establishment "guidelines for the diagnosis, treatment, management, and placement of offenders diagnosed with gender identity disorder (GID) to ensure offender safety and access to appropriate and necessary medical and mental health treatment." Previously, prior to removal, Section 05 of this directive provided, "diagnosis of GID will be based on the DSM-IV criteria and Harry Benjamin standards, and must be assigned and/or approved by the Management and Treatment Committee."

41. The Directive further provides, that the MTC is "composed of the health authority [health services director], chief ~~Psychiatrist~~ Psychologist, psychiatrist, psychologist, medical Director, and facility head, ~~and~~ Other mental health, ~~and~~ medical, human services and security staff may be requested to attend in a recommendational capacity by the health authority."

42. At no time did Defendants comply with the requirements or WPATH Standards of Care, initially adopted, removed by Defendant IDOC. Despite Defendants' knowledge of Plaintiff's serious medical condition and Plaintiff's requests for treatment, Defendants know and/or must have known Ms. Edmo's

AMENDED COMPLAINT -18

serious medical condition, and high risk of self-harm as demonstrated by her medical files, requests for treatment, and actions of self-harm, but Defendants have responded with denials of treatment and persistent deliberate indifference.

43. Despite Defendants' knowledge of Plaintiff's serious medical condition and Plaintiff's requests for treatment, Defendants use IDOC Directive # 325.02.01.001, entitled, "Prison Rape Elimination," as a pretext cover to punish, and/or deny Plaintiff medically necessary treatment of living the "real-life" experience in her female gender role, which is demeaning, hurtful, and contradictive of accepted and effective treatment for Plaintiff's ED. Examples of Disciplinary Offense Reports (DOR) are, but not limited to the following:

- (a.) 07/26/2016, DOR # 1646886, "Destruction of Property under # 25," for turning state issued men's underwear into female underwear for more support, resulting in Restitution of \$8.16.
- (b.) 05/12/2016, DOR # 163026, "Disobedience to Orders," for wearing "eyeliner makeup" resulting in commissary restriction for 15 days.
- (c.) 09/27/2015, DOR # 150084, "possession of unauthorized property," of having, "black eyelash makeup with an eyelash applicator," resulting in 20 days commissary and 25 days recreation restriction.
- (d.) 02/07/2015, DOR # 150824, "Disobedience to Orders," for "hair in a bun that was above ear line

AMENDED COMPLAINT-19

which violates policy directive #325.02.01.001, "resulting in 5 days of segregated housing unit detention.

(e.) ~~02/23/2014~~, DOR # ~~unknown~~¹⁴¹¹²⁴, "Disobedience to Orders," for "hair in a high pony tail styled in a feminine fashion," which had been dismissed.

(f.) ~~04/26/2014~~ 07/14/2013, DOR # 134217, for "Disobedience to Orders" for, "the hairstyle that offender Edmo was a feminine hairstyle," resulting in 20 days commissary restriction and 20 days recreation restriction.

44. Furthermore, Defendants know or must have known, following being diagnosed with GD in 2012, Plaintiff has communicated through Corizon Health Service Request ("HSR") Forms, and IDOC Offender Concern Forms ("concern forms") of her medical needs of women's cosmetics, female underwear (panties), electrolysis for facial hair removal, change of gender marker on her IDOC Offender Identification Card, and Sex Reassignment Surgery ("SRS"); which all have fallen on deaf ears; deliberately delayed, refused, and medical judgment interfered with by non-medical factors and/or staff.

45. Examples of Defendants' knowledge and inadequate responses of plaintiff's requests for medical care include, but are not limited to the following HSR's and concern forms:

AMENDED COMPLAINT-20

(a.) 12/03/2012, Defendant Whinnery recorded within Plaintiff's medical record, "discussed that I've been informed policy is to maintain current doses..." IDOC instituted a policy of limiting estrogen dosages to 3 mg. for all trans patients in IDOC regardless of individual needs.

(b.) 10/16/2013 HSP# 617852, requesting a medical memo for possession of bras and panties for treating her GD. A medical decision was based on IDOC policy rather than individualized treatment plan. A medical Request disposition Response was given, stating "IDOC does not allow female panties for male panties."

(c.) 11/16/2013 # HSP# 617583, requesting, "medication heightened or changed to decrease facial hair." Plaintiff was seen approximately one and a half months later by Defendant Young in which he performed a cursory medical exam of Plaintiff and refused to discuss any changes to medications as necessary based on IDOC policy.

(d.) 12/16/2013, Provider's clinic with Defendant Young where Ms. Edmo requested a medical memo for the medical necessity of bras and panties for treating her GD. Defendant Young had indicated within a medical note that Defendant Young would check with security for prescribing a medically necessary treatment, and for undergarment for Plaintiff.

AMENDED COMPLAINT - 21

(e) 12/22/2013, HSP # 628606, Plaintiff @ requested another medical memo for the medical necessity of bras and panties for treating her GD. Idaho - Correctional Institution - Orofino ("ICI-O")

Warden Terema Carlin interfered and denied HSP. Warden Carlin is not a medical health professional, and not ~~licensed~~ ~~licensed~~ a medical staff.

(f) 02/11/2014, HSP # 626652 and 628253, requesting sex reassignment surgery, and an appointment with a GI specialist. ICI-O Health Service Administrator ("HSA") Linda Gercke coordinated with Defendant Young and a refusal was determined, "not medically necessary," upon cursory exam evaluation, and upon information and belief, Defendants, and Defendant Corizon ~~does~~ policies do not cover sex reassignment surgery.

(g) 02/11/2014, HSP # 646197, requesting SRS, and refusal by Defendant Craig. Not otherwise indicated.

(h) 03/12/2014, Concern form to Defendant Yordy explaining MS. Edmo's need to present her female gender/expression for the medical necessity of treating Plaintiff's GD. Defendant Yordy refused to allow Plaintiff live in her female gender because she is "housed within a male prison."

(i) 06/14/2014, Plaintiff sent a concern form to Defendant Craig requesting an institution move to the ~~Idaho~~ Pocetello's Women's Correctional Center ("PWCC"). Defendant Craig denied request "pursuant

AMENDED COMPLAINT-22

to current IDOC policy of housing inmates according to primary genitalia."

(J.) 07/03/2014, a medical provider visit with Defendant Whinnery at which Plaintiff requested an evaluation for the medical necessity of sex reassignment surgery. Defendant Whinnery refused and stated, "IDOC will not allow me to approve or recommend any medical treatment regarding SRS without a court order."

(K.) 09/20/2014, HSP # 665491, requesting to be seen by a "qualified gender identity evaluator," pursuant to IDOC directive 4d. 06.03.501. This HSP was not answered.

(L.) 10/08/2014, a medical provider visit with Defendant Whinnery again requesting approval to wear, access and purchase women's underwear. Defendant Whinnery refused and re-cited "IDOC policy not to issue a medical memo for female underwear to EID offenders."

(M.) 01/08/2015, a medical provider visit with Defendant Whinnery requesting an evaluation for SRS. Defendant Whinnery refused based on "not without a court order."

(N.) 05/11/2015, 09/29/2015, Plaintiff attempted to self castrate her testicle with a razor blade requiring sutures to close laceration. Plaintiff was

AMENDED COMPLAINT-23

taken to suicide watch for approximately 72 hours and then removed and housed into ISCI Bldg without any further medical treatment.

(Q.) 04/20/2016, Ms. Edmo was seen by Defendant Eliason, and requested sex reassignment surgery. Defendant Young had indicated he would review such requirements for SRS. Defendant Eliason then stated, "it would be a lot easier if you acted like a man, got out, and then you could do anything you want."

(P.) 05/18/2016. Defendant Eliason recorded into Ms. Edmo's medical file, "SRS has not yet been determined."

(Q.) 12/31/2016, Ms. Edmo again attempted to rid her body of testosterone, by cutting her scrotum with a razor blade, this time pulling out the entire right testicle. Ms. Edmo was transported by ambulance to Boise's St. Alphonsus Medical Center for surgery to repair her genitalia. Attending Urologist, Dr. King, recorded, Ms. Edmo, "attempted to self remove right testicle... degree of symptoms is severe."

45. Plaintiff should be allowed to access, wear and purchase female underwear, similarly as she is allowed to access, wear and purchase female bra's. The possibility that women's underwear could be misused, or for any further restriction must be balanced any medical or psychological ~~harm~~ harm to Ms. Edmo resulting from

AMENDED COMPLAINT-24

such denial of women's underwear. Defendants' decision must not be influenced by bias, nor may Defendants apply a categorical rule as they previously did that denies an inmate female underwear simply because she is transgender or is housed in a men's institution.

46. Even after such attempts at self-castrating herself, Defendants still fail and refuse to provide plaintiff with adequate and appropriate medical treatment for her ED.

47. EXHAUSTION OF ADMINISTRATIVE

REMEDIES PURSUANT TO 42 U.S.C. SECTION 1915

Plaintiff has exhausted all administrative remedies in respect to all claims and allegations contained herein.

Plaintiff has attached hereto complaint true and correct copies of grievances and appeals, as they relate to such claims and allegations herein as ("Exhibit B"). Such Grievances and Appeals are listed as follows:

- (a.) Grievance / Appeal # II 150001187, 11/16/2016;
- (b.) 05/19/2016, Grievance / Appeal # 160000391;
- (c.) 01/11/2016, Grievance / Appeal # II 15 0001348;
- (d.) 08/31/2015, Grievance / Appeal # II 150000749;
- (e.) 06/15/2015, Grievance / Appeal # II 150000555;
- (f.) 06/16/2015, Grievance / Appeal # II 15 0000413;
- (g.) 03/23/2015, Grievance / Appeal # II 15 0000191;
- (h.) 01/12/2015 Grievance / Appeal # 14 00001364;
- (i.) 01/09/2015, Grievance / Appeal # 14 0001365;

AMENDED COMPLAINT-25

- (G) 09/02/2014, Grievance / Appeal # # 140000914;
(K) 03/26/2014, Grievance / Appeal # II 140000312;
48. Any further IDOC grievances / Appeals containing "any" complaint or problem similar to the above listed is considered "grieved" and not allowed any further process, and returned to Plaintiff as such.

49. FIRST CAUSE OF ACTION
(Against All Defendants in their Individual and Official Capacities; Violation of the Eighth Amendment to the U.S. Constitution; Actionable Pursuant to 42 U.S.C. Section 1983 - Cruel and Unusual Punishment - Inadequate Medical Care)

50. Plaintiff incorporates paragraphs 1 through 49 above.

51. Plaintiff is a biological male who suffers from Gender Identity Disorder ("GID") now known as Gender Dysphoria ("GD") or transsexualism. Plaintiff has been incarcerated at IDOC since April 2012. As a result of her GID, Plaintiff has attempted self-castration on herself twice, most recently December 2016.

52. Even after Plaintiff's attempts of self-castration, Defendants refuse to treat her for severe GID symptoms. As a result, Plaintiff continues to suffer emotionally and physically due to her worsening and severe GID condition. Defendants' refusal to provide Plaintiff

AMENDED COMPLAINT-26

With facial hair removal of electrolysis, female cosmetics, ID change of gender, female undergarments (panties), the "real-life" experience surgery, which has caused Plaintiff to seek self-castration in order to treat her disorder.

53. The only treatment offered by Defendants (specifically, Defendants Craig, Eliason, Siegert, Hofer, Whinnery and Young) is cross-sex hormonal therapy. Plaintiff, however, has consistently and clearly indicated to Defendants that in her view of her severe GD condition, she should be receiving an opportunity to live full-time as female with female cosmetics, facial hair removal by electrolysis, undergarments (Panties), a change of the male gender to female gender on her "IDOC Offender Identification Card"; including her "Idaho State Identification Card", and sex reassignment surgery. Plaintiff expresses no regret for her attempts of self-castration and is adamant to taking action to treat herself for her disorder.

54. Adequate medical care requires treatment by qualified personnel, who provide services that are of a quality acceptable when measured by prudent professional standards in the community. Adequate medical care is tailored to an inmate's particular medical need(s) and is based on medical considerations. Absent legitimate countervailing penological considerations, adequate care addresses the cause of the person's suffering rather than merely the symptoms. Medical professionals with expertise in the

AMENDED COMPLAINT-27

diagnosis and treatment of GID, agree that cross-sex hormonal therapy with the "real-life" experience, and sex reassignment surgery is medically, surgically and psychologically appropriate, and the importance of female attire and cosmetics is to provide Plaintiff with an ego-syntonic state of mind.

55. Refusing to give Plaintiff facial hair electrolysis, female undergarments, female face cosmetics, ID change of gender, and sex reassignment surgery are likely to increase gender dysphoric symptoms, leading to depression, irritability, overall diminished mental health, and possible overt suicidality. None of the Defendants is qualified to diagnose or treat GID. None of the Defendants ever provided Plaintiff with access to a prudent medical provider competent, and/or ~~expte~~ experienced within the WPATH standards of care.

56. The IDOC Management and Treatment Committee never convened to evaluate Plaintiff for her worsening GID symptoms, despite her repeated requests for medical treatment, even after her attempts of self-castration. Defendants Craig, Siegert, Yordy and Young did not convene the MTC to evaluate Plaintiff because they felt there were no issues to discuss concerning a individualized treatment plan for the Plaintiff's worsening GID or further specialized psychological needs associated with "cross-sex" hormonal therapy, and the "real-life" experience of living with Plaintiff's female gender role.

AMENDED COMPLAINT-28.

57. Defendants Kempf, Craig, Seigert, Whinnery, Young, Eliason were members of the Management and Treatment Committee at all material times. Upon and information belief, none of the Defendants has any relevant experience or expertise in EID diagnosis, treatment and/or experience in the WPATH Standards of Care, nor have Defendants ever referred a IDOC Inmate to a EID specialist competent using the WPATH standards of care for diagnosis or treatment.

58. These acts or omissions complained of herein were undertaken by Defendants with deliberate indifference to Plaintiff's serious medical needs. Defendants intentionally denied, delayed and interfered with Plaintiff's attempts to obtain appropriate medical treatment. In particular, Defendants acted with deliberate indifference to Plaintiff's health and safety by their delay in treating Plaintiff for her severely worsening EID, their lack of competence in diagnosing and treating Plaintiff's condition and their failure to do so, and their ongoing failure to address Plaintiff's serious medical needs.

59. Plaintiff's EID condition qualifies as a serious medical need because a reasonable doctor or patient would find it important of comment and treatment. Plaintiff's EID condition qualifies as a serious medical because the failure to treat his condition can result in further significant injury and unnecessary wanton

AMENDED COMPLAINT-29

infliction of pain.
60. Plaintiff's medical condition poses a substantial risk of serious harm, which risk and harm Defendants know, have known and been aware of and disregarded. To the extent any treatment was provided, the chosen course of treatment was medically unacceptable under the circumstances. Thus, Defendants have acted with deliberate indifference to the serious risks posed by the Plaintiff's medical condition.

61. Each of the Defendants acted under color of State law as to the matters set forth herein. All of the acts or omissions complained of herein are the result of specific decisions, official policies, and customs of Defendants. Each of the Defendants knows of and is responsible for the acts and omissions set forth herein. Defendants have a duty to provide adequate medical care to Plaintiff and other State prisoners. Defendants failed to keep such duty resulting in significant physical harm to ~~Defe~~ Plaintiff.

62. Defendants' acts and omissions herein amount to deliberate indifference to Plaintiff's serious medical needs and therefore constitute cruel and unusual punishment in violation of the Eighth Amendment to the U.S. Constitution as incorporated by the Fourteenth Amendment.

63. Defendants' acts and omissions complained of herein have caused Plaintiff to suffer economic

AMENDED COMPLAINT-30

and non-economic damages in an amount to be determined at trial.

¶4. Plaintiff also seeks a judgment declaring the acts and omissions complained of herein are prohibited by the Eighth Amendment of the U.S. Constitution and 42 U.S.C. Section 1983 and seeks injunctive relief set forth in the prayer for relief.

SECOND CAUSE OF ACTION

(Against All Defendants in their individual and Official Capacities - Violation of The Eighth Amendment to the U.S. Constitution - Actionable Pursuant to 42 U.S.C. Section 1983 - Cruel and Unusual Punishment - Inadequate Medical Care)

¶5. Plaintiff incorporates paragraphs 1 through ¶4 above.

¶6. The Board of Correction is responsible pursuant to Idaho Code section 20-209 for the control, direction and management of correctional facilities and for the provisions of care and maintenance for all prisoners in state custody. Additionally, the Board of Corrections is responsible pursuant to Idaho Code section 20-214 for the training, employment and fixing of duties for all assistants, officers and other persons necessary for the proper and efficient management/administration of the Idaho Department of Correction.

¶7. Pursuant to Idaho Code section 20-210, the Board of Correction may adopt, repeal, suspend or amend such rules as it deems necessary to the efficient management and control of function under the

AMENDED COMPLAINT-31

Board of Corrections' authority and all properties used in connection therewith. These rules have the force and effect of law, shall precede over policy and procedure statements, division directives or field memoranda.

68. According to IDOC Policy Number 401, entitled, Clinical Services and Treatment, the Director serves as the Chief Administrative Officer and Business Management Authority for the Idaho Department of Corrections. The Director may, at his discretion, designate and assign an administrator to oversee the medical services at a IDOC facility. Further IDOC Policy Directive 401, the Medical Authority shall act as the Department Health Authority, as approved by the Director. Along with the Director, the Medical Authority is responsible for establishment of written health care standards for IDOC facilities. In addition upon information and belief, the Medical Authority serves on the MTC.

69. Upon information and belief, the Warden at each IDOC facility is the person with primary responsibility to oversee, manage, and/or operate an IDOC facility. In addition, upon information and belief, the facility head serves on the MTC. Upon information and belief, Craig, Young, Whinnery and Eliason, have provided, or currently provide inmates, with (including Plaintiff) with comprehensive medical services, either under contract as employees of Corizon and/or directly employed by IDOC.

70. Upon information and belief, none of the

AMENDED COMPLAINT - 32

Defendants, including Craig, Eliason, Whinnery, and Young has any particular experience or expertise in diagnosing or treating individuals with GID. Upon information and belief, none of the medical care providers directly employed by IDOC, or employed by Corizon, under contractual agreements with IDOC, has any particular experience or expertise in diagnosing or treating individuals with GID.

71. As part of their supervisory duties, Defendants know or must have known, medical care providers providing medical services to prisoners at IDOC custody are not qualified to diagnose and/or treat GID.

72. Defendants also know or must have known, of a custom, practice or usage of interfering with, or providing delayed and/or inadequate medical care to prisoners, particularly, mental health care, more particularly, medical care for GID, and therefore, created a custom, practice, or usage of delivery of unconstitutional inadequate medical care to prisoners (including plaintiff) at IDOC.

73. Defendants know or must have known, the consequences of failing to provide medically appropriate treatment to inmates with GID by way of accepted medical literature, advocacy organizations, prisoner grievances, and other means, but have failed to take reasonable corrective action. Defendants fail to provide adequate ~~fee~~ recruitment, retention, supervision, and discipline policies relating to the delivery of

AMENDED COMPLAINT - 33

Medical care, in particular, as related to diagnosis and treatment for GID.

74. Defendants' aforementioned actions and omissions constituted a state policy, custom or persistent practice, which acts and omissions amount to deliberate indifference to the Constitutional rights of Plaintiff, and other prisoners. Each of the Defendants acted under color of state law as to the matters set forth herein.

75. All of the acts and omissions complained of herein are the result of specific decisions, official policies, and customs of Defendants.

76. Each of the Defendants knows of and is responsible for the acts and omissions set forth herein.

Defendants have a duty to provide adequate medical care to Plaintiff and other state prisoners. Defendants' acts and omissions complained of herein amount to deliberate indifference to Plaintiff's serious medical needs and therefore constitute cruel and unusual punishment in violation of the Eighth Amendment to the U.S. Constitution as incorporated by the Fourteenth Amendment. Defendants' acts or omissions complained of herein caused Plaintiff to suffer economic and non-economic damages to be determined at trial.

77. Plaintiff also seeks judgment declaring the acts and omissions complained of herein are prohibited by the Eighth Amendment of the U.S. Constitution and 42 U.S.C. section 1983 and seeks

AMENDED COMPLAINT-34

injunctive relief set forth in the prayer for relief.

THIRD CAUSE OF ACTION

(Against All Defendants in Their Individual and Official Capacities; Violation of the Fourteenth Amendment to The U.S. Constitution - Actionable Pursuant to 42 U.S.C Section 1983 - Equal Protection)

78. Plaintiff incorporates paragraphs 1-77 above.

79. IDOC's policies require that mentally disordered inmates incarcerated at IDOC's prison facilities, including ISCI, be provided with appropriate medical care and psychiatric care by Defendants. For example, IDOC Directive # 401.06.03.035, entitled, "Mental Health Care/Evaluation and Assessment," provides that "[M]entally disordered and developmentally disabled inmates must be identified and their treatment needs addressed as soon as possible." "Those inmates who require acute mental health services beyond those available at the prison will be transferred to an appropriate facility which may include a facility in the community." Also, IDOC Directive # 401.06.03.001, entitled, "Access to Care," provides "Non-healthcare services staff (i.e., security staff) must not be allowed to approve or deny requests for healthcare made by an offender (Non-healthcare services staff must forward requests for healthcare at the facility for review and action if necessary."

80. Upon information and belief, inmates with mental disorders other than EIP are diagnosed and treated Defendants according to IDOC Directive # 401.06.03.035, regardless of whether such diagnosis and/or

AMENDED COMPLAINT-35.

treatments are not common practices, or unpopular treatments.

81. IDoc inmates such as Plaintiff who suffer from GD are not provided with medical care that is appropriate for their condition. Inmates such as Plaintiff who suffer from GD require acute mental health services beyond those currently made available at IDoc. IDoc inmates, such as Plaintiff who suffer GD are not transferred to an appropriate facility for proper diagnosis and treatment. Inmates with GD who were not diagnosed or treated with GD prior to incarceration, or believed to not be a genuine transgender, are refused, delayed and interrupted diagnosis and treatment by Defendants.

82. Plaintiff was not diagnosed with or treated for GD prior to incarceration. Defendants have refused to provide Plaintiff with appropriate treatment for GD.

83. Defendants intentionally discriminated against Plaintiff, by providing because of membership within a suspect class, namely, the class of inmates with Gender Dysphoria ("GD"). Defendants discriminate against inmates with GD (including Plaintiff) by providing them inferior medical care as compared to inmates medical/mental health disorders other than GD.

84. Defendants have no rational basis in a legitimate governmental interest for intentionally discriminating against Plaintiff because of her status as an inmate.

REMITTED COMPLAINT-36

with EID. Defendants' Policy 325.02.01.001, and the implementation of that policy represent an absolute ban on appropriate and necessary medical treatment for those inmates who are diagnosed with EID, and the policy provides no exceptions to this ban regardless of the seriousness of Plaintiff's EID problems. For example, prison personnel have stated in writing, "you cannot appear feminine, This is a male facility."

85. Each of the Defendants acted under color of State Law as to the matters set forth herein. All of the acts or omissions complained of herein Complaint are the result of specific decisions, official policies, or customs of Defendants. Each of the Defendants know of and is responsible for the acts or omissions set forth herein.

85. Defendants' acts and omissions complained of herein amount to a denial of Equal Protection by discriminating against inmates with EID, such as Plaintiff, without any rational basis. Defendants' acts and omissions complained of herein caused Plaintiff to suffer economic and non-economic damages in an amount to be determined at trial.

86. Plaintiff further seeks a judgment declaring the acts and omissions complained of herein are prohibited by the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. section 1983, and seeks injunctive relief set forth in the prayer for relief.

87. Furthermore, Plaintiff has alleged negligence by Defendants. The Defendants have a duty to

AMENDED COMPLAINT-37--

provide medical care to Plaintiff for her serious medical needs of Gender Dysphoria, such duty has been breached. Defendants breached and failed in their duties to provide such medical care to Plaintiff through accepted Standards of Care for her serious and severe GID condition, resulting in Plaintiff's further ~~unnecessary~~ unnecessary suffering, and suffering due to two attempts at self-castration on 09/15/2015, and 12/31/2016, in which Plaintiff was transported to a local hospital for surgery to repair her genitalia, at which, Plaintiff will continue to suffer physically, mentally, and emotionally.

PRAYER FOR RELIEF

88. Plaintiff has suffered, and will continue to suffer immediate and irreparable injury as a result of the unlawful acts, omissions, policies, and practices of the Defendants alleged herein, unless Ms. Edmo is provided medically appropriate treatment for her GID. The declaratory and injunctive relief sought by Plaintiff is necessary to prevent continued and further injury.

89. WHEREFORE, Plaintiff requests a declaratory statement pursuant to 28 U.S.C. §§ 2201, 2202 in

AMENDED COMPLAINT-38

42 U.S.C. § 1983 against Defendants stating that the acts, policies, customs, and omissions described herein violated the Plaintiff's rights under the Constitution and Laws of the United States.

90. Plaintiff prays for a preliminary and permanent injunction against Board of Corrections, Sandy, McClusky, Wilson, Conzon, Kempf, Eliason, Young, Gordy, Whinnery, and Seigert as follows:

a.) an Order requiring Defendants Board of Corrections, Sandy, McClusky, Wilson, Conzon, Kempf, Eliason, Young, Gordy, Whinnery and Seigert provide Plaintiff within (14) days of the Order:

(1) treatment with appropriate feminizing hormones;

(2) the "real-life" experience of living within her female gender while in prison;

(3.) a change of gender from male to female on Plaintiff's "ID or Offender Identification" card, and any subsequent documents reflecting Plaintiff's designation of gender to female;

(4) medical treatment consistent with WPATH standards of care;

AMENDED COMPLAINT-39

(5) placement into an appropriate female IDOC institution;

(6.) medical and/or mental health professional with substantial training and experience in treatment of persons with ED to evaluate plaintiff for the purpose of sex reassignment surgery; and

(7.) Psychological Counseling by a medical and/or mental health professional with substantial training and experience of WPATH Standards of Care, and treatment of persons with ED, which treatment and counseling shall continue throughout plaintiff's incarceration in the Idaho Department's Corrections System;

9i. b.) an Order appointing a medical and/or mental health professional with substantial training and experience of treatment of persons with ED to serve as a member of the MTC for a minimum of (1) year to ensure the proper implementation of the Court's Order in (a.) above ~~at~~ as well as IDOC Directive no.s 401.06.03.501, regarding the health care of ED offenders and, 303.02.01.002, regarding the classification, management, and placement of offenders with ED.;

AMENDED COMPLAINT-40

92. c.) Compensatory and general damages against Defendants Corizon, Kempf, Craig, Young, Yordy, Whinnery, Eliason and Siegert, in jointly and severally, in an amount to be determined at trial;
93. d.) Substantial punitive damages against Defendants Corizon, Kempf, Craig, Young, Yordy, Whinnery, Eliason and Siegert separately, in an amount to be determined at trial;
94. e.) Plaintiff's costs in this suit;
95. f.) Such other and further relief as the Court deems just.

I have read the ^{VERIFICATION} foregoing Amended Complaint, and hereby verify the matters alleged herein are true, except as to the matters alleged on information and belief, and as to those, I believe them to be true also, pursuant 28 USC § 1746, the foregoing is true and correct to the best of my knowledge.

AMENDED COMPLAINT - 41

Executed at Boise, Idaho on 05/17/2017

Adree Edmo
Adree Edmo, Plaintiff

(SEAL)

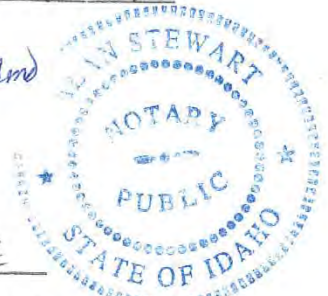
State of Idaho,

County of Ada ⁷⁵⁵

Subscribed and sworn/Affirmed before me on
this 18 day of May 2017

Mason Edmo
AKA Adree Edmo

[Signature]
Notary Public for Idaho
EXPIRES 8/16/2022



CERTIFICATE OF SERVICE

I, Adree Edmo, certify, I mailed a true and correct copy of Amended Complaint into ISCI Legal Resource Center ~~pro~~ for processing into the U.S. Mail Addressed to the following:

DATED this 17th day of May 2017.

Adree Edmo
Adree Edmo, Plaintiff

UNITED STATES District Court
James A. McClure Fed. Bldg. / Courthouse
550 W. Fort Street
Boise, ID 83724

AMENDED COMPLAINT - 42

From: ecf@id.uscourts.gov
To: CourtMail@idd.uscourts.gov
Subject: Activity in Case 1:17-cv-00151-BLW Edmo v. Corizon Incorporated et al Amended Complaint
Date: Friday, June 9, 2017 9:41:07 AM

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District of Idaho (LIVE Database)Version 6.1

Notice of Electronic Filing

The following transaction was entered on 6/9/2017 at 9:41 AM MDT and filed on 6/8/2017

Case Name: Edmo v. Corizon Incorporated et al

Case Number: [1:17-cv-00151-BLW](#)

Filer: Adree Edmo

Document Number: [25](#)

Docket Text:

AMENDED COMPLAINT against Corizon Incorporated, Richard Craig, Scott Eliason, Idaho State Board of Corrections, Kevin Kempf, David McClusky, Robin Sandy, Rona Siegert, Catherine Whinnery, Cindy Wiison, Howard Keith Yordy, and Murray Young, filed by Adree Edmo. (Attachments: # (1) amended complaint continued, # (2) amended complaint continued, # (3) amended complaint continued)(st)

1:17-cv-00151-BLW Notice has been electronically mailed to:

Brady James Hall brady@melawfirm.net, deann@melawfirm.net, doreen@melawfirm.net, shawna@melawfirm.net, stacy@melawfirm.net

Dylan Alexander Eaton deaton@parsonsbehle.com, docket@parsonsbehle.com, fax@parsonsbehle.com, lehredt@parsonsbehle.com

J Kevin West kwest@parsonsbehle.com, docket@parsonsbehle.com, jcafferty@parsonsbehle.com, jpaulson@parsonsbehle.com

1:17-cv-00151-BLW Notice will be served by other means to:

Adree Edmo

94691
ISCI
PO box 14
Boise, ID 83707

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

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Document description: amended complaint continued

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1089316566 [Date=6/9/2017] [FileNumber=1702700-1]
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Document description: amended complaint continued

Original filename:n/a

Electronic document Stamp:

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Document description: amended complaint continued

Original filename:n/a

Electronic document Stamp:

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ADREE EDMO,

Plaintiff,

v.

IDAHO STATE BOARD OF
CORRECTIONS; IDAHO
DEPARTMENT OF CORRECTIONS;
CORIZON INC.; KEVIN KEMPF;
RICHARD CRAIG; RONA SIEGERT;
AARON HOFER; HOWARD KEITH
YORDY; SCOTT ELIASON;
MURRAY YOUNG; and CATHERINE
WHINNERY,

Defendants.

Case No. 1:17-cv-00151-REB

**ORDER GRANTING MOTION TO
AMEND and ORDER OF
REASSIGNMENT**

Plaintiff Adree Edmo, a prisoner in the custody of the Idaho Department of Correction, filed the instant civil rights action on April 6, 2017. Plaintiff has also filed a Motion for Temporary Restraining Order and Preliminary Injunction Order and a Motion for Leave to Amend. (Dkt. 7, 20.)

IT IS ORDERED:

1. Because a responsive pleading or Rule 12 motion has not yet been filed in this case, Plaintiff may amend her Complaint once as a matter of course. *See* Fed. R. Civ. P. 15(a)(1). Therefore, Plaintiff's Motion for Leave to Amend (Dkt. 20) is **GRANTED**. The Clerk of Court shall file the

Amended Complaint (currently Dkt. 20-1 through Dkt. 20-4) as a separate docket entry in this case.

2. Defendants shall respond to Plaintiff's Amended Complaint, as well as to Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction Order, **within 21 days** after entry of this Order.
3. The undersigned does not have jurisdiction to adjudicate Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction Order because not all parties who have appeared have consented to the jurisdiction of a United States Magistrate Judge to conduct all proceedings in this case in accordance with 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73. Accordingly, this case is **REASSIGNED** to the Hon. B. Lynn Winmill, Chief United States District Judge.



DATED: **June 8, 2017**

A handwritten signature in black ink, appearing to read "Ronald E. Bush".

Honorable Ronald E. Bush
United States Magistrate Judge

From: ecf@id.uscourts.gov
To: CourtMail@idd.uscourts.gov
Subject: Activity in Case 1:17-cv-00151-BLW Edmo v. Corizon Incorporated et al Notice of Case Number Change
Date: Friday, June 9, 2017 8:53:50 AM

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Case Number: [1:17-cv-00151-BLW](#)

Filer:

Document Number: No document attached

Docket Text:

DOCKET ENTRY NOTICE of Case Number Change. Per Order (docket #24), this case has been reassigned to Judge B. Lynn Winmill. Please use case number 1:17-cv-00151-BLW on all future pleadings. (st)

1:17-cv-00151-BLW Notice has been electronically mailed to:

Brady James Hall brady@melawfirm.net, deann@melawfirm.net, doreen@melawfirm.net, shawna@melawfirm.net, stacy@melawfirm.net

Dylan Alexander Eaton deaton@parsonsbehle.com, docket@parsonsbehle.com, fax@parsonsbehle.com, lehredt@parsonsbehle.com

J Kevin West kwest@parsonsbehle.com, docket@parsonsbehle.com, jcafferty@parsonsbehle.com, jpaulson@parsonsbehle.com

1:17-cv-00151-BLW Notice will be served by other means to:

Adree Edmo
94691
ISCI
PO box 14

ER 3758

From: ecf@id.uscourts.gov
To: CourtMail@idd.uscourts.gov
Subject: Activity in Case 1:17-cv-00151-BLW Edmo v. Corizon Incorporated et al Order Reassigning Case
Date: Friday, June 9, 2017 8:50:05 AM

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U.S. District Court

District of Idaho (LIVE Database)Version 6.1

Notice of Electronic Filing

The following transaction was entered on 6/9/2017 at 8:50 AM MDT and filed on 6/8/2017

Case Name: Edmo v. Corizon Incorporated et al

Case Number: [1:17-cv-00151-BLW](#)

Filer:

Document Number: [24](#)

Docket Text:

ORDER GRANTING MOTION TO AMEND AND ORDER OF REASSIGNMENT. Plaintiff's Motion for Leave to Amend [20] is GRANTED. The Clerk of Court shall file the Amended Complaint (currently Dkt. 20-1 through Dkt. 20-4) as a separate docket entry in this case. Defendants shall respond to Plaintiff's Amended Complaint, as well as to Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction Order, within 21 days after entry of this Order. This case is REASSIGNED to the Hon. B. Lynn Winmill, Chief United States District Judge. Signed by Judge Ronald E. Bush. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (st)

1:17-cv-00151-BLW Notice has been electronically mailed to:

Brady James Hall brady@melawfirm.net, deann@melawfirm.net, doreen@melawfirm.net, shawna@melawfirm.net, stacy@melawfirm.net

Dylan Alexander Eaton deaton@parsonsbehle.com, docket@parsonsbehle.com, fax@parsonsbehle.com, lehredt@parsonsbehle.com

J Kevin West kwest@parsonsbehle.com, docket@parsonsbehle.com, jcafferty@parsonsbehle.com, jpaulson@parsonsbehle.com

1:17-cv-00151-BLW Notice will be served by other means to:

Adree Edmo
94691
ISCI
PO box 14
Boise, ID 83707

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Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1089316566 [Date=6/9/2017] [FileNumber=1702679-0]
[460e7769cf51309f1aca0a93affe73d017aff9026e433fa4f795894ee8e6b0299e36
295714534ec4dbad67aa49ef7cdc11e605a981fd45bc1a0fc82b0a178ec6]]

Brady J. Hall (ISB No. 7873)
Moore Elia Kraft & Hall, LLP
Post Office Box 6756
Boise, Idaho 83707
Telephone: (208) 336-6900
Facsimile: (208) 336-7031
brady@melawfirm.net

Attorneys for Defendants Kevin Kempf, Richard Craig,
Rona Siegert, and Howard Keith Yordy

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

ADREE EDMO,)	Case No. 1:17-cv-151-REB
)	
Plaintiffs,)	DEFENDANTS KEVIN KEMPF,
)	RICHARD CRAIG, RONA SIEGERT AND
vs.)	HOWARD KEITH YORDY'S NON-
)	OPPOSITION TO PLAINTIFF'S MOTION
CORIZON, INC.; KEVIN KEMPF,)	FOR LEAVE TO AMEND (Doc. 20)
RICHARD CRAIG; RONA SIEGERT;)	
HOWARD KEITH YORDY; SCOTT)	
ELIASON; MURRAY YOUNG; AND)	
CATHERINE WHINNERY)	
)	
Defendants.)	
_____)	

COME NOW Defendants Kevin Kempf, Richard Craig, Rona Siegert and Howard Keith Yordy (“IDOC Defendants”), by and through their counsel of record, Moore Elia Kraft & Hall, LLP, and hereby give notice that the IDOC Defendants do not oppose Plaintiff’s *Motion for Leave to Amended* (Doc. 20) to the extent she seeks to add as Defendants David McClusky, Cindy Wilson, and Robin Sandy in their official capacity.

However, counsel feels compelled to notify Plaintiff that Ms. Sandy is no longer the Chairperson of the Board of Correction. Debbie Field was appointed to the Board in 2015 as Ms. Sandy’s successor. If Plaintiff wishes to add Ms. Field instead of Ms. Sandy, then the IDOC

Defendants do not oppose. In providing this non-opposition, the IDOC Defendants do not waive any defenses available in either law or equity.

DATED this 7th day of June, 2017.

Moore Elia Kraft & Hall, LLP

/s/Brady J. Hall

Brady J. Hall

Attorneys for Defendants Kevin Kempf, Richard Craig, Rona Siegert, and Howard Keith Yordy

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of June, 2017, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

J. Kevin West
Email: kwest@parsonsbehle.com
Dylan A. Eaton
Email: deaton@parsonsbehle.com

AND I FURTHER CERTIFY that I also caused to be served a true and correct copy of the foregoing document, by the method indicated below, and addressed to the following:

Adree Edmo
IDOC #94691
ISCI / BHU 16
P.O. Box 14
Boise, ID 83707-0014

U.S. Mail, postage prepaid
 Hand Delivered
 Facsimile Transmission
 E-Mail

/s/Brady J. Hall
Brady J. Hall

From: ecf@id.uscourts.gov
To: CourtMail@idd.uscourts.gov
Subject: Activity in Case 1:17-cv-00151-REB Edmo v. Corizon Incorporated et al Response to Motion
Date: Wednesday, June 7, 2017 10:11:57 PM

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U.S. District Court

District of Idaho (LIVE Database)Version 6.1

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Case Name: Edmo v. Corizon Incorporated et al
Case Number: [1:17-cv-00151-REB](#)
Filer: Richard Craig
Kevin Kempf
Rona Siegert
Howard Keith Yordy

Document Number: [23](#)

Docket Text:

[RESPONSE to Motion re \[20\] MOTION to Amend/Correct \[3\] Complaint filed by Richard Craig, Kevin Kempf, Rona Siegert, Howard Keith Yordy. Replies due by 6/21/2017.\(Hall, Brady\)](#)

1:17-cv-00151-REB Notice has been electronically mailed to:

Brady James Hall brady@melawfirm.net, deann@melawfirm.net, doreen@melawfirm.net, shawna@melawfirm.net, stacy@melawfirm.net

Dylan Alexander Eaton deaton@parsonsbehle.com, docket@parsonsbehle.com, fax@parsonsbehle.com, lehredt@parsonsbehle.com

J Kevin West kwest@parsonsbehle.com, docket@parsonsbehle.com, jcafferty@parsonsbehle.com, jpaulson@parsonsbehle.com

1:17-cv-00151-REB Notice will be served by other means to:

Adree Edmo
94691
ISCI
PO box 14
Boise, ID 83707

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Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1089316566 [Date=6/7/2017] [FileNumber=1702294-0]
[b25a14c9ceecc3acd4daa3f66f830bcc09316b29d031f48f8e7eeef2fbe0a0ee16b0
dc43779785d81d3ba329d747c740dec4b83b540f1aed3307bfb3fb094757]]

J. Kevin West, ISB #3337
Email: KWest@parsonsbehle.com
Dylan A. Eaton, ISB #7686
Email: DEaton@parsonsbehle.com
Parsons, Behle & Latimer
800 W. Main Street, Suite 1300
Boise, Idaho 83702
Telephone: (208) 562-4900
Facsimile: (208) 562-4901

Counsel for Defendants Corizon Inc., Scott Eliason, Murray Young, and Catherine Whinnery

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ADREE EDMO,

Plaintiff,

v.

IDAHO STATE BOARD OF
CORRECTIONS; IDAHO DEPARTMENT
OF CORRECTIONS; CORIZON INC.;
KEVIN KEMPF; RICHARD CRAIG;
RONA SIEGERT; AARON HOFER;
HOWARD KEITH YORDY; SCOTT
ELIASON; MURRAY YOUNG; AND
CATHERINE WHINNERY

Defendants.

CIVIL ACTION FILE

NO. 1:17-cv-151-REB

**DEFENDANTS CORIZON INC., SCOTT
ELIASON, MURRAY YOUNG, AND
CATHERINE WHINNERY'S NON-
OPPOSITION TO PLAINTIFF'S
MOTION FOR LEAVE TO AMEND
(DOC. 20)**

COME NOW Defendants, Corizon Inc., Scott Eliason, Murray Young, and Catherine Whinnery ("Corizon Defendants"), by and through their counsel of record, Parsons Behle & Latimer, and provide notice of their non-opposition to Plaintiff's Motion for Leave to Amend

(Doc. 20). Specifically, Corizon Defendants file this non-opposition to the extent that Plaintiff is requesting to add Robin Sandy, David McClusky, Cindy Wilson as Defendants in this present matter.

DATED this 7th day of June, 2017.

PARSONS BEHLE & LATIMER

By: /s/Dylan A. Eaton

Dylan A. Eaton
Counsel for Defendants Corizon Inc.,
Scott Eliason, Murray Young, and
Catherine Whinnery

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of June, 2017, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Brady J. Hall
Moore Elia Kraft & Hall, LLP
brady@melawfirm.net
*Counsel for Defendants Kevin Kempf,
Richard Craig, Rona Siegert, and Howard
Keith Yordy*

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Registered Participants in the manner indicated:

Adree Edmo (#94691)
ISCI
P.O. Box 14
Boise, ID 83707
(*Pro Se*)

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Telecopy
- Email

By: /s/Dylan A. Eaton
Dylan A. Eaton

From: ecf@id.uscourts.gov
To: CourtMail@idd.uscourts.gov
Subject: Activity in Case 1:17-cv-00151-REB Edmo v. Corizon Incorporated et al Response to Motion
Date: Wednesday, June 7, 2017 3:50:14 PM

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U.S. District Court

District of Idaho (LIVE Database)Version 6.1

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Case Name: Edmo v. Corizon Incorporated et al
Case Number: [1:17-cv-00151-REB](#)
Filer: Corizon Incorporated
Scott Eliason
Catherine Whinnery
Murray Young

Document Number: [22](#)

Docket Text:

[RESPONSE to Motion re \[20\] MOTION to Amend/Correct \[3\] Complaint filed by Corizon Incorporated, Scott Eliason, Catherine Whinnery, Murray Young. Replies due by 6/21/2017.\(Eaton, Dylan\)](#)

1:17-cv-00151-REB Notice has been electronically mailed to:

Brady James Hall brady@melawfirm.net, deann@melawfirm.net, doreen@melawfirm.net, shawna@melawfirm.net, stacy@melawfirm.net

Dylan Alexander Eaton deaton@parsonsbehle.com, docket@parsonsbehle.com, fax@parsonsbehle.com, lehredt@parsonsbehle.com

J Kevin West kwest@parsonsbehle.com, docket@parsonsbehle.com, jcafferty@parsonsbehle.com, jpaulson@parsonsbehle.com

1:17-cv-00151-REB Notice will be served by other means to:

ER 3769

Adree Edmo
94691
ISCI
PO box 14
Boise, ID 83707

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1089316566 [Date=6/7/2017] [FileNumber=1702187-0]
[20527b7f24f8463856d483dafcd347179265a19955661dfb86d586fdd12426506bd4
77df0c2aabd363068d066f089c5012042e30bacc83d6743f9df7739fe3d2]]

Adree Edmo
IDOC # 94691
P.O. Box 14
Boise, Idaho 83701
plaintiff

Case No: 1:17-cv-00151-REB Inmate Name: Adree Edmo
Date: 05/17/2017 Inmate IDOC#: 94691
Document Title: Motion For Leave to Amend
Total Pages: 10 Inmate Initials Verifying Page Count: AE
Document(s) 1 of 10

UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF IDAHO

ADREE EDMO,
Plaintiff,

v.

IDAHO STATE BOARD
OF CORRECTIONS,
et. al.,
Defendants.

1:17-cv-00151-REB
Case No.

MOTION FOR LEAVE
TO AMEND

Plaintiff, Adree Edmo, pursuant the Initial Review Order, p. 26 at 11; Fed. R. Civ. P. 15(a), Plaintiff hereby requests leave to amend her original complaint submitted herewith.

Pursuant to Dist. Idaho Loc. R. 15.1, states, "In addition, any motion to amend a pleading must be accompanied by a version of the proposed amended pleading that shows - through redlining,

MOTION FOR LEAVE TO AMEND - 1

underlining, strikeouts or other similarly effective methods - how the proposed amended pleading differs from the operative pleading; provided, however, the prose litigant shall be exempted from this requirement."

1. The plaintiff in her original Complaint named John Doe 1 (Compl. 11-12), member of the Idaho State Board of Corrections ("Board of Corrections"). Defendant Board of Corrections is sued in its official capacity, insofar, that it pertains to injunctive relief. (Am. Compl. 11-12). Since the filing of the Complaint, the plaintiff has determined that the name of John Doe 1 is Robin Sandy, Chairperson of the Board of Corrections. In the proposed amended complaint, paragraphs 2, 3, 4, 5, 6, 7, 11, 12, 49-57 (cause of actions), and prayer for relief paragraphs 88-95, are amended to reflect the identity and actions of Defendant Sandy. Defendant Sandy is sued in her official capacity, insofar, that it pertains to injunctive relief.

2. Plaintiff in her original complaint named John Doe 2 (Compl. 11-12), member of the Board of Corrections. Since the filing of the Complaint, Plaintiff has determined that the name of John

MOTION FOR LEAVE TO AMEND-2

2 is David McClusky, vice-chairman of the Board of Corrections. In the proposed amended complaint, paragraphs 2, 3, 4, 5, 6, 7, 11, 12, 49-87 (causes of actions) and prayer for relief paragraphs 88-95 are amended to reflect the identity and actions of Defendant McClusky. Defendant McClusky is sued in his official capacity, insofar, that it pertains to injunctive relief.

3. Plaintiff in her original complaint named John Doe 3, member of the Board of Corrections. Since the filing of the complaint, Plaintiff has determined that the name of John Doe 3 is Cindy Wilson, Secretary of the Board of Corrections.

Since the filing of the complaint, and amended complaint, paragraphs, 2, 3, 4, 5, 6, 7, 8, 11, 12, 49-87 (causes of actions) and prayer for relief paragraphs 88-95 are amended to reflect the identity and actions of Defendant Wilson. Defendant Wilson is sued in her official capacity, insofar, that it pertains to injunctive relief.

4. Defendant Board of Corrections is composed of (3) members: Defendants Sundry, McClusky and Wilson, who are responsible to administer to

MOTION FOR LEAVE TO AMEND-3

McClusky, Wilson are duly appointed members and are responsible for the overall management and oversight of all IDOC facilities, including ISCI. The defendants Sandy, McClusky, Wilson, are also responsible for the implementation of all IDOC Standard Operating Procedures ("SOP"), including SOP directive #401.06.03.501 governing the medical care offenders with EID (including Plaintiff), and Policy directives and statements that manage and operate all IDOC facilities, as defined in Idaho codes § 20-201 - § 20-249.

5. Additionally, the defendants Sandy, McClusky, Wilson are directly involved with IDOC prisons concerning the staffing, implementation, and training of such persons. Defendant Board of Corrections is sued in its official capacity, and Defendants Sandy, McClusky, and Wilson are sued in their official capacities, insofar, for declaratory and injunctive relief.

6. The Plaintiff in her original complaint named John Doe 4 (compl. 6-7). Since the filing of the complaint the Plaintiff has determined that John Doe 4 is hereby removed from her complaint.

7. The Plaintiff in her original complaint named John Doe 5 (compl. 6-7). Since the filing of the

MOTION FOR LEAVE - 4

Of the Complaint Plaintiff has determined that John Doe 5 is hereby removed from her Complaint.

8. This Court should grant freely to amend a complaint Foman v. Davis, 371 U.S. 178, 1952 (1962).

Dated this 17th day of May 2017.

Respectfully Submitted,



Adreo Edmo

IDOC #94691

P.O. Box 14

Boise, Idaho 83707

Plaintiff

MOTION FOR LEAVE TO AMEND-5

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 17th day of May, 2017, I
mailed a true and correct copy of MOTION FOR LEAVE TO
AMEND AFFIDAVIT via prison
mail system for processing to the U.S. mail system to:

U.S. Courts
550 W. Fort Street
Boise, Idaho 83707


Signature

MOTION FOR LEAVE TO AMEND - 6
AFFIDAVIT OF _____ - PG. _____
Revised 10/24/05

RECEIVED

APR 19 2017

ATTORNEY GENERAL'S OFFICE
CORRECTION SECTION

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

ADREE EDMO,

Plaintiff,

v.

IDAHO STATE BOARD OF
CORRECTIONS; IDAHO
DEPARTMENT OF CORRECTIONS;
CORIZON INC.; KEVIN KEMPF;
RICHARD CRAIG; RONA SIEGERT;
AARON HOFER; HOWARD KEITH
YORDY; SCOTT ELIASON;
MURRAY YOUNG; and CATHERINE
WHINNERY,

Defendants.

Case No. 1:17-cv-00151-REB

INITIAL REVIEW ORDER

The Clerk of Court conditionally filed Plaintiff Adree Edmo's Complaint as a result of Plaintiff's status as an inmate and in forma pauperis request. The Court now reviews the Complaint to determine whether it or any of the claims contained therein should be summarily dismissed under 28 U.S.C. §§ 1915 and 1915A. Having reviewed the record, and otherwise being fully informed, the Court enters the following Order.

INITIAL REVIEW ORDER - 1

ER 3777

REVIEW OF COMPLAINT

1. Factual Allegations

Plaintiff is a male-to-female transgender prisoner, in the custody of the Idaho Department of Correction (“IDOC”), who has been diagnosed with Gender Dysphoria (“GD”). Although Plaintiff remains anatomically male, she identifies herself as female. As a result of the IDOC’s policy of assigning an inmate to a men’s or a women’s facility in accordance with the inmate’s primary sexual characteristics, Plaintiff is confined in a men’s prison and is currently incarcerated at Idaho State Correctional Institution (“ISCI”). (Compl. at 1, 11-12.)

According to Plaintiff, there are four standard types of GD treatment: (1) hormonal therapy; (2) the “‘real-life’ experience of living full-time within the desired gender”; (3) sex reassignment surgery (“SRS”); and (4) psychotherapy. (*Id.* at 2, 5.) Treatment must be individualized, and what works for one person with GD might not work for another. (*Id.* at 16.)

Plaintiff’s GD treatment during incarceration has been determined by a Management and Treatment Committee (“MTC”) consisting of the following prison officials and medical providers: Defendants Kempf, Craig, Siegert, Whinnery, Young, and Eliason. (*Id.* at 30.) Defendant Yordy is the warden of ISCI, and Defendant Corizon is the private company providing medical care to Idaho state inmates under contract with the IDOC.

Plaintiff receives hormonal therapy for her GD, but asserts that it is not adequately treating her symptoms. Plaintiff claims that the MTC has denied her requests for any GD

treatment other than hormonal therapy, and that these denials were not based on an individualized treatment plan. Instead, they were allegedly based on blanket policies or customs established by IDOC and Corizon. (*Id.* at 29.) Plaintiff claims that the MTC did not even convene to discuss any GD treatment for Plaintiff other than hormonal therapy. (*Id.*)

Further, with respect to her hormonal therapy, Plaintiff alleges that the IDOC or Corizon has a policy that inmates with GD who receive hormonal therapy must continue to receive the same dosage throughout their incarceration—regardless of whether a provider might determine that a dosage change was appropriate. According to Plaintiff, she was denied a dosage change not because her treating provider determined within his or her medical judgment that a change was not medically necessary, but rather because of this blanket policy. (*Id.* at 10.)

According to Plaintiff, none of the Defendants is qualified to treat individuals with GD. (*Id.* at 29-30.) Further, Defendants have never referred Plaintiff, or any other inmate with GD for that matter, to a GD specialist. (*Id.* at 30.) Plaintiff's mental health has declined, allegedly because of the lack of adequate treatment for her GD, and she has attempted to castrate herself at least twice, the most recent time being in December 2016. (*Id.* at 4-5.)

Plaintiff brings claims for declaratory and injunctive relief against numerous Defendants. (*Id.* at 38-40.) Although Plaintiff does not include a request for monetary damages in her prayer for relief, other statements in the Complaint suggest that Plaintiff

is seeking such damages. (See Compl. at 30-31, 34 & 37 (discussing “economic” damages).) Thus, the Court construes the Complaint as also asserting claims for monetary relief.¹

2. Standard of Law for Summary Dismissal

The Court is required to review complaints filed in forma pauperis, or complaints filed by prisoners seeking relief against a governmental entity or an officer or employee of a governmental entity, to determine whether summary dismissal is appropriate. The Court must dismiss a complaint or any portion thereof that states a frivolous or malicious claim, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §§ 1915(e)(2) & 1915A(b).

A complaint fails to state a claim for relief under Rule 8 of the Federal Rules of Civil Procedure if the factual assertions in the complaint, taken as true, are insufficient for the reviewing court plausibly “to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

“Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* In other words, although Rule 8 “does not require detailed factual allegations, . . . it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Id.* (internal quotation marks omitted). If the facts pleaded are

¹ Plaintiff should be aware that, even if she establishes a constitutional violation, Defendants could still avoid liability for monetary damages based on the doctrine of qualified immunity. See *Saucier v. Katz*, 533 U.S. 194, 201 (2001), modified by *Pearson v. Callahan*, 555 U.S. 223 (2009). However, the Court concludes that, under the facts as alleged in the Complaint, considering qualified immunity at the initial screening stage, in this case, is inappropriate.

“merely consistent with a defendant’s liability,” the complaint has not stated a claim for relief that is plausible on its face. *Id.* (internal quotation marks omitted).

Plaintiff brings claims under 42 U.S.C. § 1983, the civil rights statute. To state a valid claim under § 1983, a plaintiff must allege a violation of rights protected by the Constitution or created by federal statute proximately caused by the conduct of a person acting under color of state law. *Crumpton v. Gates*, 947 F.2d 1418, 1420 (9th Cir. 1991).

Prison officials generally are not liable for damages in their individual capacities under § 1983 unless they personally participated in the alleged constitutional violations. *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989); *see also Iqbal*, 556 U.S. at 677 (“[E]ach Government official, his or her title notwithstanding, is only liable for his or her own misconduct.”). However, “[a] defendant may be held liable *as a supervisor* under § 1983 ‘if there exists . . . a sufficient causal connection between the supervisor’s wrongful conduct and the constitutional violation.’” *Starr v. Baca*, 652 F.3d 1202, 1207 (9th Cir. 2011) (quoting *Hansen v. Black*, 885 F.2d 642, 646 (9th Cir. 1989)) (emphasis added).

A plaintiff can establish this causal connection by alleging that a defendant (1) “set[] in motion a series of acts by others”; (2) “knowingly refus[ed] to terminate a series of acts by others, which [the supervisor] knew or reasonably should have known would cause others to inflict a constitutional injury”; (3) failed to act or improperly acted in the “training, supervision, or control of his subordinates”; (4) “acquiesc[ed] in the constitutional deprivation”; or (5) engag[ed] in “conduct that showed a reckless or callous indifference to the rights of others.” *Id.* at 1205-09. A plaintiff cannot simply restate these

INITIAL REVIEW ORDER - 5

standards of law in a complaint; instead, a plaintiff must provide specific facts supporting the elements of such a claim, and she must allege facts showing a causal link between each defendant and Plaintiff's injury or damage. Alleging "the mere possibility of misconduct" is not enough. *Iqbal*, 556 U.S. at 679. A plaintiff may also seek injunctive relief from officials who have direct responsibility in the area in which the plaintiff seeks relief. *See Rounds v. Or. State Bd. of Higher Educ.*, 166 F.3d 1032, 1036 (9th Cir. 1999).

To bring a § 1983 claim against private entity performing a government function (such as Corizon), a plaintiff must plausibly allege that the execution of an official policy or an unofficial custom inflicted the injury of which the plaintiff complains, as required by *Monell v. Department of Social Services*, 436 U.S. 658, 694 (1978). *See also Tsao v. Desert Palace, Inc.*, 698 F.3d 1128, 1139 (9th Cir. 2012) (applying *Monell*, which dealt with § 1983 liability of municipalities, to private entities performing state functions). Under *Monell*, the requisite elements of a § 1983 claim against a private entity performing a government function are the following: (1) the plaintiff was deprived of a constitutional right; (2) the entity had a policy or custom; (3) the policy or custom amounted to deliberate indifference to the plaintiff's constitutional right; and (4) the policy or custom was the moving force behind the constitutional violation. *Mabe v. San Bernardino Cnty.*, 237 F.3d 1101, 1110-11 (9th Cir. 2001). Further, a municipality or private entity performing a state function "may be held liable under § 1983 when the individual who committed the constitutional tort was an official with final policy-making authority or such an official ratified a subordinate's unconstitutional decision or action

INITIAL REVIEW ORDER - 6

and the basis for it.” *Clouthier v. County of Contra Costa*, 591 F.3d 1232, 1250 (9th Cir. 2010).

An unwritten policy or custom must be so “persistent and widespread” that it constitutes a “permanent and well settled” practice. *Monell*, 436 U.S. at 691 (quoting *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 167-168 (1970)). “Liability for improper custom may not be predicated on isolated or sporadic incidents; it must be founded upon practices of sufficient duration, frequency and consistency that the conduct has become a traditional method of carrying out policy.” *Trevino v. Gates*, 99 F.3d 911, 918 (9th Cir. 1996).

3. Defendants Who Are Immune from Suit or Unidentified in the Complaint

The Eleventh Amendment prohibits a federal court from entertaining a suit brought by a citizen against a state. *Hans v. Louisiana*, 134 U.S. 1, 16-18 (1890). The Supreme Court has consistently applied the Eleventh Amendment’s jurisdictional bar to states and state entities “regardless of the nature of the relief sought.” *See Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 100 (1984). Therefore, Plaintiff may not proceed against either the IDOC or the Idaho Board of Correction. Moreover, Plaintiff may not proceed on any claim seeking a judgment “against state officers declaring that they violated federal law in the past.” *Puerto Rico Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 146 (1993).

It also appears that Plaintiff intends to name Defendants whose identity is currently unknown. (*See* Compl. at 6-7.) Although the use of “Doe” to identify a defendant is not favored, flexibility is allowed in some cases where the identity of the

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parties will not be known prior to filing a complaint but can subsequently be determined through discovery. *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980).

Service of process cannot be effected upon unidentified parties. If the true identity of any of the Doe Defendants comes to light during discovery, Plaintiff may move to amend the Complaint to assert claims against those Defendants. Plaintiff is advised, however, that any claims included in the initial Complaint, but not asserted in an amended complaint, are considered waived. *See Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997) (“[An] amended complaint supersedes the original, the latter being treated thereafter as non-existent.”), *overruled in part on other grounds by Lacey v. Maricopa County*, 693 F.3d 896, (9th Cir. 2012) (en banc); *Hal Roach Studios, Inc. v. Richard Feiner and Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1990) (holding that the district court erred by entering judgment against a party named in the initial complaint, but not in the amended complaint).

4. Defendant Hofer

Plaintiff’s Complaint names Aaron Hofer, the Health Service Administrator at ISCI, as a Defendant. (Compl. at 1, 8.) However, Hofer is not listed as a member of the MTC, and Plaintiff has included no allegations against Hofer other than that Hofer provided Plaintiff with “cross-sex hormonal therapy.” (*Id.* at 28.) This is insufficient for the Court to reasonably infer that Hofer had anything to do with Plaintiff’s medical care other than the initial provision of hormone treatment; Plaintiff does not identify Hofer as an individual who refused to alter the hormone dosage. Therefore, Plaintiff may not proceed against Defendant Hofer.

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5. Claims against the Remaining Defendants: Corizon, Kempf, Craig, Siegert, Yordy, Eliason, Young, and Whinnery

A. Eighth Amendment Medical Treatment Claims

The Eighth Amendment to the United States Constitution protects prisoners against cruel and unusual punishment. To state a claim under the Eighth Amendment, a prisoner must show that she is “incarcerated under conditions posing a substantial risk of serious harm,” or that she has been deprived of “the minimal civilized measure of life’s necessities” as a result of Defendants’ actions. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994) (internal quotation marks omitted). An Eighth Amendment claim requires a plaintiff to satisfy “both an objective standard—that the deprivation was serious enough to constitute cruel and unusual punishment—and a subjective standard—deliberate indifference.” *Snow v. McDaniel*, 681 F.3d 978, 985 (9th Cir. 2012), *overruled in part on other grounds by Peralta v. Dillard*, 744 F.3d 1076 (9th Cir. 2014) (en banc). The Eighth Amendment includes the right to adequate medical care in prison, and prison officials or prison medical providers can be held liable if their “acts or omissions [were] sufficiently harmful to evidence deliberate indifference to serious medical needs.” *Estelle v. Gamble*, 429 U.S. 97, 106 (1976).

Regarding the objective standard for prisoners’ medical care claims, the Supreme Court of the United States has explained that “[b]ecause society does not expect that prisoners will have unqualified access to health care, deliberate indifference to medical needs amounts to an Eighth Amendment violation only if those needs are ‘serious.’”

Hudson v. McMillian, 503 U.S. 1, 9 (1992). The Ninth Circuit has defined a “serious medical need” in the following ways:

failure to treat a prisoner’s condition [that] could result in further significant injury or the unnecessary and wanton infliction of pain[;] . . . [t]he existence of an injury that a reasonable doctor or patient would find important and worthy of comment or treatment; the presence of a medical condition that significantly affects an individual’s daily activities; or the existence of chronic and substantial pain

McGuckin v. Smith, 974 F.2d 1050, 1059-60 (9th Cir. 1992) (internal citations omitted), *overruled on other grounds*, *WMX Techs., Inc. v. Miller*, 104 F.3d 1133 (9th Cir. 1997) (en banc).

As to the subjective standard, “deliberate indifference entails something more than mere negligence, [but] is satisfied by something less than acts or omissions for the very purpose of causing harm or with knowledge that harm will result.” *Farmer*, 511 U.S. at 835. A prison official or prison medical provider acts with “deliberate indifference . . . only if the [prison official] knows of and disregards an excessive risk to inmate health and safety.” *Gibson v. Cnty. of Washoe*, 290 F.3d 1175, 1187 (9th Cir. 2002) (citation and internal quotation marks omitted). “Under this standard, the prison official must not only ‘be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists,’ but that person ‘must also draw the inference.’” *Toguchi v. Chung*, 391 F.3d 1051, 1057 (9th Cir. 2004) (quoting *Farmer*, 511 U.S. at 837).

“If a [prison official or medical provider] should have been aware of the risk, but was not, then [that person] has not violated the Eighth Amendment, no matter how severe

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the risk.” *Gibson*, 290 F.3d at 1188. However, “[w]hether a [defendant] had the requisite knowledge of a substantial risk is a question of fact subject to demonstration in the usual ways, including inference from circumstantial evidence, . . . and a factfinder may conclude that a [defendant] knew of a substantial risk from the very fact that the risk was obvious.” *Farmer*, 511 U.S. at 842; *see also Lolli v. County of Orange*, 351 F.3d 410, 421 (9th Cir. 2003) (“[D]eliberate indifference to medical needs may be shown by circumstantial evidence when the facts are sufficient to demonstrate that a defendant actually knew of a risk of harm.”).

In the medical context, a conclusion that a defendant acted with deliberate indifference requires that the plaintiff show “a purposeful act or failure to respond to a prisoner’s pain or possible medical need and . . . harm caused by the indifference.” *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006). Deliberate indifference can be “manifested by prison doctors in their response to the prisoner’s needs or by prison guards in intentionally denying or delaying access to medical care or intentionally interfering with the treatment once prescribed.” *Estelle*, 429 U.S. at 104-05 (footnotes omitted).

Non-medical prison personnel generally are entitled to rely on the opinions of medical professionals with respect to the medical treatment of an inmate. However, if “a reasonable person would likely determine [the medical treatment] to be inferior,” the fact that an official is not medically trained will not shield that official from liability for deliberate indifference. *Snow*, 681 F.3d at 986 (internal quotation marks omitted); *see also McGee v. Adams*, 721 F.3d 474, 483 (7th Cir. 2013) (stating that non-medical

personnel may rely on medical opinions of health care professionals unless “they have a reason to believe (or actual knowledge) that prison doctors or their assistants are mistreating (or not treating) a prisoner” (internal quotation marks omitted).

Differences in judgment between an inmate and prison medical providers regarding appropriate medical diagnosis and treatment are not enough to establish a deliberate indifference claim. *Sanchez v. Vild*, 891 F.2d 240, 242 (9th Cir. 1989). “[T]o prevail on a claim involving choices between alternative courses of treatment, a prisoner must show that the chosen course of treatment ‘was medically unacceptable under the circumstances,’ and was chosen ‘in conscious disregard of an excessive risk’ to the prisoner’s health.” *Toguchi*, 391 F.3d at 1058 (alteration omitted) (quoting *Jackson v. McIntosh*, 90 F.3d 330, 332 (9th Cir. 1996)).

Mere indifference, medical malpractice, or negligence will not support a cause of action under the Eighth Amendment. *Broughton v. Cutter Labs.*, 622 F.2d 458, 460 (9th Cir. 1980) (per curiam). A delay in treatment does not constitute a violation of the Eighth Amendment unless the delay causes further harm. *McGuckin*, 974 F.2d at 1060. If medical personnel have been “consistently responsive to [the inmate’s] medical needs,” and there has been no showing that the medical personnel had “subjective knowledge and conscious disregard of a substantial risk of serious injury,” there has been no Eighth Amendment violation. *Toguchi*, 391 F.3d at 1061.

~~Plaintiff’s Complaint contains plausible Eighth Amendment claims under § 1983.~~
~~Plaintiff asserts that one or more of the following treatments are generally considered~~

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acceptable in the treatment of individuals with GD: (1) hormone therapy, (2) “real-life” experience, (3) SRS, and (4) psychological counseling. (Compl. at 2, 5.) She also asserts that her current dosage of hormone therapy is not effectively treating her GD and that the hormone therapy is insufficient, by itself, to constitute appropriate treatment for her GD. Although not necessarily dispositive of the proposition, the fact that Plaintiff has attempted self-castration more than once supports a reasonable inference that her GD is not under control with the treatment she is currently receiving.

Plaintiff states that Defendants have refused to provide her with alternate GD therapies based on general, “blanket,” policies of the IDOC and Corizon—policies she says do not allow prison medical providers (1) to alter the dosage of hormones received by inmates with GD, or (2) provide a GD inmate with SRS—rather than on individualized medical judgment. The failure to consider Plaintiff’s individual medical needs could constitute deliberate indifference to a serious medical need. Therefore, Plaintiff has stated a plausible claim that Defendants’ refusal to provide her with different hormone therapy or with SRS violates the Eighth Amendment.

Plaintiff also contends that Defendants’ refusal to allow Plaintiff the “real-life” experience of living as a female—wearing feminine clothes, makeup, and hairstyles, for example—constitutes cruel and unusual punishment. According to the Complaint, this refusal appears to be based on the IDOC’s policy, promulgated pursuant to the Prison Rape Elimination Act, that inmates in a men’s prison are prohibited from openly appearing more feminine than absolutely necessary. (Compl. at 8.) Further, Defendant

Craig refused to transfer Plaintiff to a women's prison based on the IDOC's policy of assigning inmates to gender-specific facilities based on their primary sexual characteristics rather than their asserted gender identity.

Taken by themselves, neither of these policies—either that regarding an inmate's feminine appearance or that regarding anatomically-based housing—amounts to deliberate indifference to Plaintiff's serious medical needs. Indeed, these policies appear to be based on the IDOC Defendants' belief that such policies are necessary to secure the physical safety of Idaho inmates—in which case the subjective prong of the Eighth Amendment analysis would not be met. As this Court noted in a previous case, the policy “requiring anatomically male inmates to refrain from using makeup or otherwise appearing more feminine” is “based on the laudable goal of reducing inmate-on-inmate sexual violence” in a men's prison. *Stover v. CCA*, No. 1:12-cv-00393, Dkt. 16 at 17 (D. Idaho March 15, 2013). Additionally, the IDOC's policy of housing anatomically male inmates in a men's prison regardless of their asserted gender identity appears to be based on the IDOC's important interest in ensuring the safety of female prisoners by housing them separately from anatomically male inmates.

However, the constitutional problem arises when these two policies are considered in conjunction with the alleged policy that SRS is never provided as a treatment for GD.

If a male-to-female transgender prisoner like Plaintiff were provided with SRS, then she would no longer be anatomically male and would, presumably, be transferred to a women's prison. If transferred to a women's prison, that inmate could, in fact, have a

real-life experience as a female—another standard treatment for GD that is not provided in the men's prison pursuant to the feminine-appearance policy.

Therefore, as a result of the IDOC's and Corizon's blanket policies and without consideration of Plaintiff's unique medical treatment requirements, Defendants are allegedly refusing Plaintiff the one treatment that would render her capable of being housed in a women's prison and to have a real-life experience as a woman in a way that would not implicate the safety and security concerns behind the IDOC's feminine-appearance and anatomically-based housing policies. For these reasons, the Court concludes that Plaintiff has stated plausible Eighth Amendment medical care claims regarding her treatment for GD, against Corizon and the members of Plaintiff's MTC—Defendants Kempf, Craig, Siegert, Eliason, Young, and Whinnery. Because Defendant Yordy is the warden of the prison in which Plaintiff is currently confined, Plaintiff may also proceed on her injunctive relief claims against him.² See *Rounds*, 166 F.3d at 1036.

That Plaintiff might not yet have a recommendation of a medical provider that she should be allowed to live in prison as a female, receive SRS, or receive a different hormone dosage, the lack of such a recommendation is not fatal to her claims at this early stage of litigation. See *Rosati v. Igbinoso*, 791 F.3d 1037, 1040 (9th Cir. 2015) (holding that a complaint stated a plausible claim even though the plaintiff “lack[ed] a medical opinion recommending SRS,” because the plaintiff “plausibly allege[d] that this is

² However, Plaintiff may not proceed on her damages claims against Yordy, as the Complaint does not plausibly allege that Yordy was on the MTC or was otherwise directly involved in any decisions regarding Plaintiff's medical treatment.

because the state has failed to provide her access to a physician competent to evaluate her”).

B. Equal Protection Claims

The Fourteenth Amendment guarantees every person equal protection of the law. “[T]he purpose of the equal protection clause of the Fourteenth Amendment is to secure every person within the State’s jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through duly constituted agents.” *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000) (internal citation and quotation marks omitted). Under the Equal Protection Clause, “all persons similarly circumstanced shall be treated alike” by governmental entities. *F.S. Royster Guano Co. v. Virginia*, 253 U.S. 412, 415 (1920). However, “[t]he Constitution does not require things which are different in fact or opinion to be treated in law as though they were the same.” *Tigner v. Texas*, 310 U.S. 141, 147 (1940).

Equal protection claims alleging disparate treatment or classifications are subject to a heightened standard of scrutiny if they involve a “suspect” or “quasi-suspect” class, such as race, national origin, or sex, or when they involve a burden on the exercise of fundamental personal rights protected by the Constitution. *See, e.g., City of Cleburne v. Cleburne Living Ctr., Inc.*, 473 U.S. 432, 440 (1985). Otherwise, equal protection claims are subject to a rational basis inquiry. *See Heller v. Doe*, 509 U.S. 312, 319-20 (1993).

In a rational basis analysis, the relevant inquiry is whether Defendants’ action is “patently arbitrary and bears no rational relationship to a legitimate governmental

interest.” *Vermouth v. Corrothers*, 827 F.2d 599, 602 (9th Cir. 1987) (quotation omitted). Under this rational basis test, Plaintiff can prevail only if she is similarly situated with persons who are treated differently by Defendants, and if Defendants have no rational basis for the disparate treatment. Stated another way, prison officials need show only a rational basis for dissimilar treatment in order to defeat the merits of Plaintiff’s claim. *Id.*, 984 F.2d at 271.

Classifications based on sexual orientation are generally subjected to heightened scrutiny under the Fourteenth Amendment. *See SmithKline Beecham Corp. v. Abbott Labs.*, 740 F.3d 471, 481 (9th Cir. 2014). Following the rationale set forth in *SmithKline*, discrimination based on a person’s gender identity might also be subject to heightened scrutiny outside prison walls. However, in the prison context, equal protection claims are generally subject to a deferential reasonableness analysis—“specifically, whether the actions of prison officials are ‘reasonably related to legitimate penological interests.’” *Walker v. Gomez*, 370 F.3d 969, 974 (9th Cir. 2004) (quoting *Turner v. Safley*, 482 U.S. 78, 89 (1987)).

Plaintiff contends that inmates with mental illnesses other than GD are provided with treatment that is appropriate to their individual medical requirements, but that inmates with GD are subjected to the blanket policies or customs identified above. Plaintiff’s allegations support a reasonable inference that Defendants do, in fact, treat inmates differently depending on whether they have GD or some other mental health issue. At this early stage of the proceedings, this is sufficient to state a plausible equal

protection claim against Defendants Corizon, Kempf, Craig, Siegert, Yordy, Eliason, Young, and Whinnery.

C. State Law Claims

Plaintiff also asserts medical malpractice claims (against the medical provider defendants) and negligence claims (against the non-medical provider defendants), both which arise under Idaho law. (Compl. at 37.) A district court may exercise supplemental jurisdiction over state law claims when they are “so related” to the federal claims “that they form part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367(a). In other words, the supplemental jurisdiction power extends to all state and federal claims which one would ordinarily expect to be tried in one judicial proceeding. *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 725 (1966). Because the allegations here all involve a “common nucleus of operative fact,” *id.*, the Court will exercise its supplemental jurisdiction over Plaintiff’s state law claims.

“In a negligence action the plaintiff must establish the following elements: ‘(1) a duty, recognized by law, requiring the defendant to conform to a certain standard of conduct; (2) a breach of duty; (3) a causal connection between the defendant’s conduct and the resulting injuries; and (4) actual loss or damage.’” *Jones v. Starnes*, 245 P.3d 1009, 1012 (Idaho 2011) (quoting *Hansen v. City of Pocatello*, 184 P.3d 206, 208 (Idaho 2008)). Negligence claims against a political subdivision or an employee of a political subdivision must be dismissed unless the plaintiff has complied with the Idaho Tort Claims Act. See Idaho Code §§ 6-901 *et seq.*

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Additionally, to succeed on a medical malpractice claim against a medical provider, a plaintiff must “affirmatively prove by direct expert testimony and by a preponderance of all the competent evidence” that the defendant medical provider “negligently failed to meet the applicable standard of health care practice of the community in which such care allegedly was or should have been provided.” Idaho Code § 6-1012. A plaintiff asserting a medical malpractice claim must first submit the claim to a prelitigation screening panel in accordance with Idaho Code § 6-1001.

Plaintiff has stated plausible state-law claims for negligence or medical malpractice against Defendants Corizon, Kempf, Craig, Siegert, Yordy, Eliason, Young, and Whinnery. She will be allowed to proceed on those claims.

6. Statute of Limitations Issue

Some of the allegations described in the Complaint occurred more than two years prior to the filing of that Complaint.³ (See Compl. at 9-11.) Plaintiff should be aware that any such claims appear to be barred by Idaho’s two-year statute of limitation, though the Court will not summarily dismiss them at this stage. See Idaho Code § 5-219 (two-year statute of limitations for personal injury actions); see also *Wilson v. Garcia*, 471 U.S. 261, 280 (1985) (state statute of limitation for personal injury actions governs § 1983 actions), *abrogated on other grounds by Jones v. R.R. Donnelley & Sons Co.*, 541 U.S.

³ Prisoners are usually entitled to the benefit of the “mailbox rule,” which provides that a legal document is deemed filed on the date a petitioner delivers it to the prison authorities for filing by mail, rather than the date it is actually filed with the clerk of court. See *Houston v. Lack*, 487 U.S. 266, 270-71 (1988); *Douglas v. Noelle*, 567 F.3d 1103, 1107 (9th Cir. 2009) (applying the mailbox rule to civil rights actions).

369 (2004); *Brown v. Valoff*, 422 F.3d 926, 943 (9th Cir. 2005) (statute of limitations is tolled while inmate exhausts administrative grievance procedures pursuant to the Prison Litigation Reform Act).

MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff also seeks appointment of counsel. (Dkt. 5.) Unlike criminal defendants, prisoners and indigents in civil actions have no constitutional right to counsel unless their physical liberty is at stake. *Lassiter v. Dep't of Soc. Servs.*, 452 U.S. 18, 25 (1981).

Whether a court appoints counsel for indigent litigants is within the court's discretion. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

In civil cases, counsel should be appointed only in "exceptional circumstances." *Id.* To determine whether exceptional circumstances exist, the court should evaluate two factors: (1) the likelihood of success on the merits of the case, and (2) the ability of the plaintiff to articulate the claims pro se in light of the complexity of legal issues involved. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). Neither factor is dispositive, and both must be evaluated together. *Id.*

The Court concludes that Plaintiff has demonstrated some likelihood of success in this litigation and that the complexity and novelty of the issues would support the appointment of pro bono counsel. Good cause appearing, the Court will grant in part Plaintiff's Motion for Appointment of Counsel and instruct court staff to begin a search for pro bono counsel for Plaintiff.

Plaintiff should be aware that the federal court has no authority to require attorneys to represent indigent litigants in civil cases under 28 U.S.C. § 1915(d). *Mallard v. U.S. Dist. Court for Southern Dist. of Iowa*, 490 U.S. 296, 298 (1989). Rather, when a Court “appoints” an attorney, it can only do so if the attorney voluntarily accepts the assignment. *Id.* The Court has no funds to pay for attorney’s fees in civil matters, such as this one, and it is often difficult to find attorneys willing to work on a case without payment. For these reasons, Plaintiff should continue to attempt to obtain her own counsel on a contingency or other basis, if at all possible. If the Court is unable to locate pro bono counsel, and if Plaintiff is unable to find her own counsel, then Plaintiff will have to continue to litigate this case pro se.

Furthermore, until the Court succeeds in finding an attorney willing to represent Plaintiff and appoints that attorney, Plaintiff must (unless she finds her own attorney) continue to litigate this case by herself, and she must continue to meet required deadlines and otherwise comply with the Court’s procedural rules. If counsel is later appointed to represent Plaintiff, the Court will consider reopening briefing periods or discovery, and may take any other action the Court deems necessary, to allow counsel to submit new briefing or other evidence as the case requires.

CONCLUSION

Plaintiff may proceed as outlined above. This Order does not guarantee that any of Plaintiff’s claims will be successful; it merely finds that some are colorable, meaning that

the claims will not be summarily dismissed at this stage. This Order is not intended to be a final or a comprehensive analysis of Plaintiff's claims.

Defendants may file a motion for dismissal on any basis other than failure to state a claim.⁴ Because (1) prisoner filings must be afforded a liberal construction, (2) prison officials often possess the evidence prisoners need to support their claims, and (3) many defenses are supported by incarceration records, an early motion for summary judgment—rather than a motion to dismiss—is often a more appropriate vehicle for asserting defenses such as entitlement to qualified immunity or the statute of limitations. In such instances, the parties may be required to exchange limited information and documents directly relevant to the defense at issue.

ORDER

IT IS ORDERED:

1. Plaintiff may proceed on (1) her Eighth Amendment medical treatment claims, (2) her related negligence or medical malpractice claims, and (3) her equal protection claims, against Defendants Corizon, Kempf, Craig, Siegert, Yordy, Eliason, Young, and Whinnery, as set forth above. Plaintiff may not proceed on any other claims against any other Defendants at this time. If Plaintiff later discovers facts sufficient to support a claim upon which Plaintiff has not yet been allowed to proceed, she may move to amend her complaint to assert such claims.

⁴ The standards for a motion to dismiss for failure to state a claim under Rule 12(b)(6) are the same standards that the Court has used to screen the Complaint under §§ 1915 and 1915A.

2. Plaintiff's Motion for Appointment of Counsel (Dkt. 5) is GRANTED IN PART, to the extent that court staff shall begin a search for pro bono counsel for Plaintiff. If the Court is able to find counsel willing to represent Plaintiff, it will issue an appropriate order. Unless and until the Court issues such an order—or Plaintiff retains her own attorney—Plaintiff must continue to litigate this case pro se. Deadlines and other procedural requirements will not be excused simply because the Court has not found pro bono counsel for Plaintiff.
3. Defendants Corizon, Kempf, Craig, Siegert, Yordy, Eliason, Young, and Whinnery shall be allowed to waive service of summons by executing, or having their counsel execute, the Waiver of Service of Summons as provided by Fed. R. Civ. P. 4(d) and returning it to the Court within **30 days**. If Defendants choose to return the Waiver of Service of Summons, the answer or pre-answer motion shall be due in accordance with Rule 12(a)(1)(A)(ii). Accordingly, the Clerk of Court shall forward a copy of the Complaint (Dkt. 3), a copy of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction Order (Dkt. 7), a copy of this Order, and a Waiver of Service of Summons to the following counsel:
 - a. **Mark Kubinski**, Deputy Attorney General for the State of Idaho, Idaho Department of Corrections, 1299 North Orchard, Ste. 110, Boise, Idaho 83706, on behalf of the IDOC Defendants.

- b. **Kevin West and Dylan Eaton**, Parsons Behle & Latimer, 800 W. Main Street, Suite 1300, Boise, Idaho, 83702, on behalf of the Corizon Defendants.
4. Because the Court will allow Defendants an opportunity to waive service of process, Plaintiff's Motion for Service by a U.S. Marshal (Dkt. 6) is MOOT.
5. Should any entity determine that the individuals for whom counsel for the entity was served with a waiver are not, in fact, its employees or former employees, or that its attorney will not be appearing for the entity or for particular former employees, it should file a notice within the CM/ECF system, with a copy mailed to Plaintiff, indicating which individuals for whom service will not be waived.
6. If Plaintiff receives a notice from Defendants indicating that service will not be waived for an entity or for certain individuals, Plaintiff shall have an additional **90 days** from the date of such notice to file a notice of physical service addresses of the remaining Defendants, or claims against them may be dismissed without prejudice without further notice.
7. The parties shall not engage in any discovery until an answer has been filed. Within 30 days after an answer has been filed, the parties shall provide each other with the following initial disclosures: all relevant information pertaining to the claims and defenses in this case, including the

names of individuals likely to have discoverable information, along with the subject of the information, as well as any relevant documents in their possession, in a redacted form if necessary for security or privilege purposes; and, if necessary, they shall provide a security/privilege log sufficiently describing any undisclosed relevant documents which are alleged to be subject to nondisclosure. Any party may request that the Court conduct an in camera review of withheld documents or information.

8. If, instead of filing an answer, Defendant files a motion to dismiss under Federal Rule of Civil Procedure 12(b) or a motion for summary judgment under Rule 56 that addresses preliminary procedural issues rather than the merits, then disclosures and discovery shall be automatically stayed with the exception that Defendant shall submit with any exhaustion-of-administrative-remedies motion a copy of all grievance-related forms and correspondence, including a copy of original handwritten forms submitted by Plaintiff that either fall within the relevant time period or that otherwise relate to the subject matter of a claim. **Submission of an earlier motion for summary judgment addressing procedural or preliminary issues (such as exhaustion and early assertion of immunity defenses) does not foreclose any party from later filing a motion for summary judgment on the merits or to assert immunity or other defenses after full discovery.**

9. Each party shall ensure that all documents filed with the Court are simultaneously served upon the opposing party (through counsel if the party has counsel) by first-class mail or via the CM/ECF system, pursuant to Federal Rule of Civil Procedure 5. Each party shall sign and attach a proper mailing certificate to each document filed with the court, showing the manner of service, date of service, address of service, and name of person upon whom service was made.
10. The Court will not consider *ex parte* requests unless a motion may be heard *ex parte* according to the rules and the motion is clearly identified as requesting an *ex parte* order, pursuant to Local Rules of Civil Practice before the United States District Court for the District of Idaho 7.2. (“*Ex parte*” means that a party has provided a document to the court, but that the party did not provide a copy of the document to the other party to the litigation.)
11. All Court filings requesting relief or requesting that the Court make a ruling or take an action of any kind must be in the form of a pleading or motion, with an appropriate caption designating the name of the pleading or motion, served on all parties to the litigation, pursuant to Federal Rule of Civil Procedure 7, 10 and 11, and Local Rules of Civil Practice before the United States District Court for the District of Idaho 5.1 and 7.1. The Court will not consider requests made in the form of letters.

12. Discovery shall not be filed with the Clerk of Court, but shall be exchanged between parties, only, as provided for in the Federal Rules of Civil Procedure. Motions to compel discovery must not be filed unless the parties have first attempted to work out their disagreements between themselves.
13. No party may have more than three pending motions before the Court at one time, and no party may file a motion on a particular subject matter if that party has another motion on the same subject matter then pending before the Court. Motions submitted in violation of this Order may be stricken, summarily denied, or returned to the moving party unfiled.
14. Plaintiff must notify the Court immediately if Plaintiff's address changes. Failure to do so may be cause for dismissal of this case without further notice.



DATED: April 14, 2017

A handwritten signature in black ink, appearing to read "Ronald E. Bush".

Honorable Ronald E. Bush
United States Magistrate Judge

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Adree Edmo
IDOC #94691
P.O. Box 14
Boise, Idaho 83707
Plaintiff

1:17-CV-00151-REB
Case No: _____ Inmate Name: Adree Edmo
Date: 04/13/2017 Inmate IDOC#: 94691
Document Title: Memo. of Law in Support of Motion for
a TRO and Preliminary Injunction.
Total Pages: 8 Inmate Initials Verifying Page Count: AE
Document(s) 1 of 8

UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF IDAHO

ADREE EDMO,
Plaintiff

v.

IDAHO STATE BOARD
OF CORRECTIONS, et. al.,
Defendants.

1:17-CV-00151-REB
Case Number

MEMORANDUM OF LAW IN
SUPPORT OF MOTION FOR A
TRO AND PRELIMINARY
INJUNCTION

Statement of the Case

1. This is a civil rights case action brought under Title 42 U.S.C. section 1983 by an Idaho State prisoner, Adree Edmo, who suffers from severe Gender Dysphoria; a debilitating medical condition in which a person may feel innately the opposite sex other than the sex assigned at birth. The plaintiff twice attempted self-castration of her testicles due to the exasperating symptoms of her Gender Dysphoria.

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR
A TRO AND PRELIMINARY INJUNCTION - 1

2. The plaintiff seeks a temporary restraining order and a preliminary injunction to ensure that she receives appropriate and adequate medical care, in which defendants refused, and further refuse treatment for her severe Gender Dysphoria.

Statement of the facts

3. As stated in the affidavit submitted with the accompanying motion, the Plaintiff was injured as a result of prison's staff deliberate, and persistent indifference to her serious medical condition requiring Plaintiff to be taken to Boise's St. Alphonisus Medical Center for emergency repair surgery on 12/31/2016. Plaintiff has requested a temporary restraining order ("TRO") to receive appropriate and necessary medical treatment for her severe Gender Dysphoria.

4. The defendants against who relief is sought are, respectively, IDOC Director, Health Services Director and/or Health Service Administrator, Chief Psychologist, ISC1 Warden, and IDOC Medical Director who are responsible for arranging specialized medical care that cannot be provided in the prison, and the ISC1 Deputy Warden for Administration, who is responsible for getting prisoners to their outside medical appointments.

ARGUMENT

POINT 1

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR
ATRO AND PRELIMINARY INJUNCTION -2

THE PLAINTIFF IS ENTITLED TO A TEMPORARY RESTRAINING ORDER

ANDA PRELIMINARY INJUNCTION

5. In determining whether a party is entitled to a temporary restraining order or a preliminary injunction, courts generally consider several factors: whether the party will suffer irreparable injury; the "balance of hardships" between the parties; the likelihood of success on the merits; and the public interest. Each of these factors ~~grant~~ support the grant of this motion.

A. The Plaintiff is threatened with irreparable harm.

6. The Plaintiff alleges she has been denied medical care for a serious medical need contrary to Defendants' policies and procedures and physician. Such conduct by prison officials is a clear violation of the Eighth Amendment. Estelle v. Gamble, 429 U.S. 97, 105, 96 S.Ct. 285 (1976) (noting that "unnecessary and wanton infliction of pain" is a form of unlawful deliberate indifference).

7. As a matter of law, the continuing deprivation of constitutional rights constitutes irreparable harm. Eldred v. Burns, 427 U.S. 347, 373 96 S. Ct. 2673 (1976); American Trucking Associations, Inc., v. City of Los Angeles, 559 F.3d 1046, 1058-59 (9th Cir. 2009). This principle has been applied in prison litigation generally,

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR ATRO AND TEMPORARY INJUNCTION - 3

See, Jolly v. Coughlin, 76 F.3d 468, 482 (2d Cir. 1996); Newsom v. Norris, 888 F.2d 371, 378 (6th Cir. 1989); Mitchell v. Cuomo, 748 F.2d 804, 806 (2d Cir. 1984); Alboro v. County of Onondaga, N.Y. 627 F.Supp. 1280, 1287 (N.D.N.Y. 1986); Williams v. Lane, 646 F. Supp. 1379, 1409 (N.D. Ill. 1986); aff'd 851 F.2d 867 (7th Cir. 1988), cert. denied, 109 S.Ct. 879 (1989), and specifically in prison medical care cases. Phillips v. Michigan Dept. of Corrections, 731 F.Supp. 792, 801 (W.D. Mich. 1990), aff'd 932 F.2d 949 (6th Cir. 1991).

8. In addition, the Plaintiff is threatened with irreparable harm because of the nature of her injury; mental disorder of Gender Dysphoria and scars due to sutures resulting from attempts to sever her testicles couple with extreme ideation of future attempts of self-castration and heightened ideation of suicide attempts. If she does not receive proper treatment at the proper time, she is highly likely to develop comorbid mental health and medical conditions that otherwise can be averted.

B. The Balance of Hardships Favors The Plaintiff

9. As the Supreme Court has held, "a policy of judicial restraint cannot encompass any failure to take cognizance of valid constitutional claims whether arising in a federal or state institution."

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR
A TRO AND PRELIMINARY INJUNCTION - 4

Kosilek v. Spencer, 889 F. Supp. 2d 190 (2010) (citations omitted); quoting Procunier v. Martinez, 416 U.S. 396, 405, 94 S. Ct. 1800, 40 L. Ed. 2d 224 (1974)).

10. In deciding whether to grant TRO's and preliminary injunctions, courts ask whether the suffering of the moving party if the motion is denied will outweigh the suffering of the non-moving party if the motion is granted. See, e.g., Mitchell v. Cuomo, 748 F.2d 804, 808 (2d. Cir. 1984) (holding that dangers posed by prison overcrowding outweighed staff's financial and administrative concerns); Duran v. Anaya, 642 F. Supp. 510, 527 (D.N.M. 1986) (holding that prisoner's interest in safety and medical care outweighed state's interest in saving money by cutting staff.)

11. In this case, the present suffering of the Plaintiff with severe Gender Dysphoria and her potential suffering if she permanently loses her ability to function in daily activities is enormous. Individuals who do not receive appropriate medical treatment are at risk of genital self-harm (a form of surgical self-treatment of auto-castration or auto-penectomy that can lead to serious, even life-threatening injuries, depression, anxiety, and suicide attempts.)

12. Further, according to the Standards of Care for treating Gender Dysphoria, entitled, "Rationale for

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR
ATRO AND PRELIMINARY INJUNCTION - 5

for preoperative, 12-month experience of living in an identity-congruent gender role," states in relevant part, "The criterion noted above for some types of genital surgeries - i.e., that patients engage in 12 continuous months of living in the gender role that is congruent with their gender identity - is based on expert clinical consensus that this experience provides ample opportunity for patients to experience and socially adjust in their desired gender role, before undergoing irreversible surgery," is a prerequisite to sex reassignment surgery ("SRS").

B. The "suffering" the Defendants will experience if the court grants the order will consist of taking the Plaintiff to a suitable, licensed, prudent medical doctor - and then carrying out the doctor's orders - something that the Defendants do, and are obligated to do, for members of the prison population on a daily basis. The Defendants' hardship amounts to no more than business as ~~usual~~ ~~so~~ casual.

C. The Plaintiff is likely to succeed on the merits.

A. The Plaintiff has a great likelihood of success on the merits, what Defendants have done - "unnecessary

1 World Professional Association for Transgender Health ("WPATH") Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People; International Journal of Transgenderism; 13: 105-232 (2011).

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR
ATRO AND PRELIMINARY INJUNCTION - 6

and wanton infliction of pain" — was specifically singled out by the Supreme Court as an example of unconstitutional "deliberate indifference" to prisoner's medical needs. Estelle v. Gamble, 429 U.S. 97, 105, 97 S.Ct. 285 (1976).

15. Defendants know and have known, continually since 2012 until the filing of this case that Plaintiff is diagnosed with Gender Dysphoria; a serious medical condition that can be life threatening and fatal if not adequately treated.

16. A prison official acts with deliberate indifference when "the official knows of and disregards an excessive risk to inmate or safety." Farmer v. Brennan, 511 U.S. 825, 834, 114 S.Ct. 1970 L. Ed. 2nd 811 (1994); Cucco v. Moritsugu, 222 F.3d. 99, 106, (2d Cir. 2000) and cases cited; White v. Farrier, 849 F.2d. 322, 325 (8th Cir. 1988); Meriweather v. Faulkner, 821 F.2d. 408, 411-13 (7th Cir. 1987); Phillips v. Michigan Dept of Corrections, 731 F. Supp. 792, 799-800 (W.D. Mich. 1990) aff'd 932 F.2d 969 (6th Cir. 1991).

D. The Relief Sought will Serve The Public Interest.

17. In the case, the grant of relief will serve the public interest because it is always in the public interest for prison officials to obey the law, especially the Constitution.

Phelps-Roper v. Nixon, 545 F.3d 685, 690 (8th Cir. 2008); Duran v. Anaya, 642 F. Supp. 520, 527 (D.N.M. 1986) ("Respect for law, particularly by officials responsible for the State's correctional system, is in itself a matter of the highest public interest."); Llewellyn v. Oakland County Prosecutor's

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR
ATRO AND PRELIMINARY INJUNCTION -

Office, 402 F. Supp. 1379, 2393 (E.D. Mich. 1975) (stating "the Constitution is the ultimate ultimate expression of the public interest.")

POINT II

The Plaintiff should not be required to post Security.

18. Usually a litigant who obtains interim injunctive relief is asked to post security. Rule 65(c) Fed. R. Civ. P. However, the plaintiff is a indigent prisoner and has applied for forma pauperis status and is unable to post security. The Court has discretion to excuse an impoverished litigant from posting security. See, Appalachian Reg'l Healthcare, Inc., v. Coventry Life Health & Life Ins. Co., 714 F.3d 424, 431-432 (6th Cir. 2013) (though district court must consider propriety of bond, both amount of bond and whether one is needed at all are within court's discretion...); Hoechst Diafoil Co. v. Nan Ya Plastics Corp., 174 F.3d 411, 421-422 n.3 (4th Cir. 1996) (Court may not simply disregard bond requirement; bond may be set at a nominal sum or even at zero, but only after consideration of proper factors); Elliot v. Kieseletter, 98 F.3d 47, 60 (6th Cir. (3d Cir. 1996) (stating that district courts have discretion to waive bond requirement contained in Rule 65(c) of the Federal Rules of Civil Procedure if "the balance of the [] equities weighs overwhelmingly in favor of the party seeking injunction"); Moltan v. Eagle-Pitcher Industries Inc., 55 F.3d 1171, 1176

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR
ATRO AND PRELIMINARY INJUNCTION - 7

16th Cir. 1995).

19. In view of the serious medical danger confronting the plaintiff, the Court should grant the relief requested without requiring the posting of security.

Conclusions

For the foregoing reasons, the Court the motion in its entirety.

DATED This 13th day of April 2017.

Adree Edmo
Adree Edmo, Plaintiff

Certificate of Service

I, ADREE EDMO, Certify, I mailed a true and correct copy of Memorandum of Law in support of Motion for a TRO and Preliminary Injunction into ISEI's legal resource center mailing system for processing into the U.S. mail system addressed to the following.

DATED This 13th day of April 2017.

Adree Edmo
Adree Edmo, Plaintiff

U.S. Courts
James A. McClure Fed. Bldg. Courthouse
550 W. Fort St.
Boise, ID 83724
AE 04/13/17

MEMORANDUM OF LAW OF SUPPORT OF MOTION FOR A TRO AND PRELIMINARY INJUNCTION - 8

Adree Edmo
IDOC # 94691
P.O. Box 14
Boise, ID 83707
Plaintiff

Case No: _____ Inmate Name: Adree Edmo
Date: 04/06/2017 Inmate IDOC #: 94691
Document Title: Plaintiff's Motion For Temporary Re-
straining Order & Preliminary Injunction
Total Pages: 2 Inmate Initials Verifying Page Count: _____
Document(s) 1 of 2 AE

UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF IDAHO

ADREE EDMO,
Plaintiff
v.
IDAHO STATE BOARD
OF CORRECTIONS, et al.,
Defendants

Case Number _____

PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION ORDER

ADREE EDMO, Plaintiff in above entitled matter, moves this Court to GRANT the following order to show Cause and Temporary Restraining Order ("TRO") based on accompanying Order to show Cause and Temporary Restraining Order; Declaration in Support of TRO and Preliminary Injunction; and Memorandum of Law in Support of Motion for TRO and Preliminary Injunction.

DATED this 30th day of March 2017.

PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION ORDER -
PG 1

Adma
ADREE EDMO, PLAINTIFF

CERTIFICATE OF SERVICE

I, ADREE EDMO, hereby certify I placed a true and correct copy of PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION ORDER into ISCI's Legal Resource's Center for processing into the U.S. Mail addressed to the following:
Dated this 30th day of March, 2017.

EX] U.S. District Court
James A. McClure Fed. Bldg. Courthouse
550 Front St.
Boise, ID 83724

Adma
ADREE EDMO, PLAINTIFF

PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION ORDER -
PG. 2

Adree Edmo
IDOC #044091
P.O. Box 14
Boise, ID 83707-0014
Plaintiff

Case No: _____ Inmate Name: Adree Edmo
Date: 04/06/2017 Inmate IDOC#: 944091
Document Title: Plaintiff's Affidavit in Support of Motion for Temporary Restraining Order
Total Pages: 5 Inmate Initials Verifying Page Count: AE
Document(s) 1 of 5

UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF IDAHO

ADREE EDMO,
Plaintiff,
v.
IDAHO STATE BOARD OF
CORRECTIONS, et. al.,
Defendants

Case Number _____
PLAINTIFF'S AFFIDAVIT
IN SUPPORT OF MOTION
FOR TEMPORARY RESTRAIN-
ING ORDER AND PRE-
LIMINARY INJUNCTION

STATE OF IDAHO
County of Ada | Affidavit of Adree Edmo

ADREE EDMO, first being duly sworn upon,
deposes and says as follows:
i. I am the Plaintiff in this case. I make this affidavit
in support of my motion for TRO and a Preliminary

PLAINTIFF'S AFFIDAVIT IN SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION - 1

injunction to ensure I receive necessary and adequate medical treatment required under the provisions of the Eighth Amendment of Cruel and Unusual Punishment (Inadequate Medical Care), as incorporated by Fourteenth Amendment of the United States Constitution.

2. As set forth in the Complaint in this case, I was not, and am not, provided necessary and adequate medical care of appropriate Cross-Sex Hormonal Therapy, the "Real-life" experience of living full-time as a female, according to established ("WPATH") Standards of Care, and Sex Reassignment Surgery ("SRS").

3. On two occasions: 09/29/2015, I, first attempted to self-castrate myself, right testicle with a razor blade at the Idaho State Correctional Institution, following, and subsequently on 12/31/2016, the second attempt at self-castrating my right testicle with a razor blade by completely cutting the scrotal sac, and pulling out the entire right testicle resulting in being transported via ambulance to Boise's St. Alphonsus Medical Center for surgery to attempt to repair testicle.

4. Upon arrival back at the Idaho State Correctional Institution ("ISCI"), ISCI's physician's

PLAINTIFF'S AFFIDAVIT IN SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION - 2

have not and will not provide me any further medical treatment for exacerbating symptoms of Gender Dysphoria ("GD"), only still offering Cross-Sex Hormonal Therapy "per IDOC policy," and nothing further based on individual basis.

5. Such medical treatment is not individualized or based on my particular medical risk profile, but due to contractual agreements between Defendants IDOC and Corizon Health Services, and financial restraints.

6. Other offenders diagnosed with other mental health disorders other than Gender Dysphoria are treated, regardless if such offender had diagnosis prior to incarceration, and upon notification of having disorder other than Gender Dysphoria ("GD").

7. I am denied adequate and appropriate medical care for GD because of my membership of a suspect class, namely, the Class of inmates with GD. There is no rational penological reason for denial of appropriate and adequate medical care.

For the reasons set forth in the Plaintiff's memorandum of law filed subsequently with this

PLAINTIFF'S AFFIDAVIT IN SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION - 3

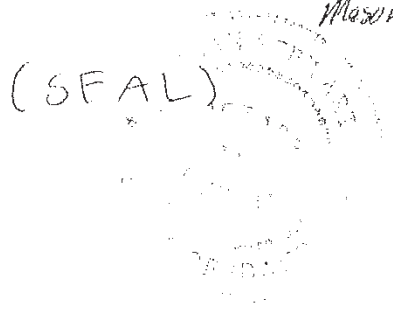
affidavit, the Plaintiff is entitled to a TRO requiring Defendants to arrange for an individualized medical examination, and a plan of treatment by a qualified, prudent, specialist with substantial experience and/or expertise in treating individuals with gender dysphoria, and to a preliminary injunction requiring the Defendants to carry out that plan of treatment by such specialist.

For the foregoing reasons, the Court should GRANT the Plaintiff's motion in all respects.

DATED this 30th day of March 2017.
Adree Edmo 04/06/2017 AE
Adree Edmo, Plaintiff

SUBSCRIBED AND SWORN TO BEFORE ME
This 6 day of April 2017.
[Signature]
Notary For Idaho

[Signature]
Commission Expires
Mason Edmo AKA Adree Edmo



PLAINTIFF'S AFFIDAVIT IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION - 4

CERTIFICATE OF SERVICE

I, ADREE EDMO, Certify I mailed a true and correct copy of PLAINTIFFS AFFIDAVIT OF SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION ORDER within the ISCI's Legal Resource Centers' mail for processing via U.S. mail addressed to following address.

Dated This 30th day of March 2017.

EX] U.S. District Court
James A. McClure Fed. Bldg. / Courthouse
550 Fort Street
Boise, ID 83724
A. Delmo
Adree Edmo, Plaintiff

PLAINTIFFS AFFIDAVIT IN SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION - 5

ADREE EDMO
IDOC # 94691
P.O. Box 14
Boise, ID 83707-0014
Plaintiff

Case No: _____ Inmate Name: Adree Edmo
Date: 04/06/2017 Inmate IDOC#: 94691
Document Title: Order to Show Cause & Temporary Restraining Order
Total Pages: 3 Inmate Initials Verifying Page Count: AE
Document(s) 1 of 3

UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF IDAHO

Adree Edmo,
Plaintiff
v.
IDAHO STATE BOARD
OF CORRECTIONS,
et al.,
Defendants

Case Number _____
ORDER TO SHOW CAUSE
AND TEMPORARY
RESTRAINING ORDER

upon the supporting affidavit of the Plaintiff and the accompanying memorandum of law, it is,

ORDERED, Defendants Young, Eliason, Whinnery, Siegert, Kempf (including successors in office) show cause in room _____ of the United States Courthouse; James A. McClure Federal Building Courthouse, 550 Fort Street, Boise, Idaho 83724, on _____ day of _____, 2017, at _____ o'clock why preliminary injunction should

ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER - 1

not issue pursuant to Rule 65(a), Fed. R. Civ. P., enjoining said Defendants, their successors in office, agents, servants, and employees and all other persons acting in concert and participation with them, to provide medically appropriate treatment of cross-sex hormonal therapy, the "real-life" experience of living fulltime in the female gender, and sex reassignment surgery ("SRS") by a competent, experienced, prudent, licensed surgeon to the Plaintiff designed to restore and maintain full function of Plaintiff.

IT IS FURTHER ORDERED, effective immediately, and pending the hearing of this order to show cause, Defendants Young, Eliason, Whinnery, Jorjy, Siebert and Kempf (including successor(s) in office), shall arrange for the Plaintiff to be examined by a qualified, licensed, prudent GD specialist with substantial experience and/or expertise in gender dysphoria, and to obtain from that specialist a evaluation for the medically necessary surgery of sex reassignment surgery, and/or the appropriate medical therapy to restore plaintiff to acceptable, full function of life.

IT IS STILL FURTHER ORDERED, that this order

ORDER TO SHOW CAUSE AND TEMPORARY
RESTRAINING ORDER - 2

to show cause, and all other papers attached to this application, shall be served on Defendants, Young, Eliason, Whinnery, Yordy, Siegert and Kempf (including successor(s) in office) by _____ 2017, and the U.S. Marshals Service is hereby directed to effectuate such service.

Dated 30th this month of March ~~04/06/2017~~ 2017.

U.S. District Judge

CERTIFICATE OF SERVICE

I, ADREE EDMO, CERTIFY, I placed a true and correct copy of ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER into the ISCI's Legal Resource Center's mail for processing into the U.S. Mail addressed to: Date of: ~~03/30/2017~~ 04/06/2017

U.S. District Court
James A. McClure Fed. Bldg./Courtthouse
550 Fort Street
Boise, ID 83724

A. Edmo
Adree Edmo, Plaintiff

ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER - 3

Case No: _____ Inmate Name: Adree Edmo

Date: 04/06/2017 Inmate IDOC#: 044691

Document Title: Civil Rights Complaint

Total Pages: 70A Inmate Initials Verifying Page Count: AE

Adree Edmo
IDOC # 044691
PO BOX 14
Boise, Idaho 83703
Plaintiff

Document(s) 1 of 47 41 AE

RECEIVED

APR 19 2017

ATTORNEY GENERAL'S OFFICE
CORRECTION SECTION

UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF IDAHO

ADREE EDMO,
Plaintiff,
v.
IDAHO STATE BOARD OF
CORRECTIONS; IDAHO DEPART-
MENT OF CORRECTIONS;
CORIZON INCORPORATED;
KEVIN KEMPF, RICHARD
CRAIG RONASIEGERT;
AARON HOFER, HOWARD
KEITH YORDY, SCOTT ELIASON,
MURRAY YOUNG and
CATHERINE WHINNERY,
Defendants.

1:17-cv-151-REB

Case no.

Civil Rights
Complaint

Jury Trial Demanded

Civil Rights Complaint - 1

INTRODUCTION

1 Adree Edmo¹, ("Plaintiff" or, Ms. Edmo") has been imprisoned in the Idaho state prison since April 2012. Throughout her incarceration she has suffered from Gender Identity Disorder ("GID"), now known as Gender Dysphoria ("GD"), a serious medical condition characterized by (1) a strong cross-gender identification, which is the desire to be, or the insistence that one is of the other gender, and (2) a persistent discomfort about one's assigned sex or a sense of inappropriateness in the gender role of that sex. GD causes significant distress or impairment of social, occupational, or other areas of important functioning. The most common forms of treatment are hormonal therapy, the "real-life" experience of living full-time within the desired gender, and sex reassignment surgery to change the secondary sex characteristics.

¹ Although plaintiff was born a biological male, she identifies as female and wishes to be referred to using the feminine pronoun. She changed her legal name to Adree Edmo. Accordingly, throughout this pleading she will be referred to by the feminine pronoun.

Civil Rights Complaint-2

2. Prior to incarceration, Ms. Edmo lived full-time as a woman, dressing in women's clothes and wearing women's cosmetics. She sought treatment when she became aware that Defendant Idaho State Board of Corrections adopted a formal policy for the treatment of offenders with ED. Beginning in September 2012, through this filing of this lawsuit, Ms. Edmo submitted approximately 75 separate requests for treatment relating to her severe ED.
3. The Plaintiff's requests fall on deaf ears. Despite her repeated requests, Defendants, the Idaho State Board of Corrections and its successors in office, agents, officers, and employees have shown deliberate and persistent indifference to her serious medical condition in violation of (1) the Idaho State Board of Corrections' directives relating to the care of offenders with ED, and (2) the United States Constitution.
4. Specifically, Defendants failed to follow their own directives to apply an appropriate standard of care, as previously required under Idaho Department of Corrections directive #401.06.03.501, to evaluate Plaintiff for her worsening ED symptoms. Despite clear evidence suggesting severe gender dysphoria, Defendants failed to appoint qualified medical professionals to evaluate Plaintiff.

Civil Rights Complaint - 3

5. upon learning that Defendants denied her treatment in February 2014, plaintiff attempted suicide.

6. Following the suicide attempt, plaintiff has submitted approximately 50 different inmate concern/request forms to Defendants requesting reasoning behind Defendants' declaration that she is receiving appropriate/adequate medical treatment.

7. Still Defendants failed to respond. As of a result of her inability to secure adequate treatment, September 2015, Ms. Edmo first attempted self-castration of cutting open her scrotum with a razor blade. Attending prison guard discovered a note in her cell stating, "I do not want to die, but I am a woman, and women do not have those." Over a year later, on December 31, 2016, she cut her scrotum again, this time pulling out her right testicle and almost severing the entire testicle, and had to be taken to St. Alphonsus Medical Center for surgery to attempt to repair her testicle.

8. In a male-to-female transgender person (MTF), feminizing medications, the "real-life" experience of living full-time in the desired gender role, and sex reassignment surgery can also improve mood stability, decrease mental illness, and relieve anxiety.

Civil Rights Complaint-4

withholding appropriate hormone therapy, living full time in the desired gender role and sex reassignment surgery can lead to continued depression, suicidal ideation and self-injury.

9. Defendants recognize that the Plaintiff requires hormone therapy and the "real-life" experience of living full-time within her female gender role, but have refused to allow her to live full-time within her female gender, along with access to female cosmetics, underwear (panties), facial hair removal, and sex reassignment surgery. The Plaintiff brings this action for an order requiring that Defendants provide appropriate treatment of feminizing hormones with the "real-life" experience of living full-time within her female gender role, access to female cosmetics, access to female undergarments (specifically, women's panties), sex reassignment surgery, and psychological counseling by a mental health professional with substantial training and experience, and/or expertise in the diagnosis and treatment of individuals with GD. The Plaintiff further seeks an order appointing a medical or mental health professional with sub-

Civil Rights Complaint - 5

substantial experience in the diagnosis, and/or treatment, and knowledge of the World Professional Association of Transgender Health ("WPATH") standards of care with GD to serve as a member of the Management and Treatment Committee for a minimum of one year, to ensure the proper implementation of the Court's order as it relates to the Plaintiff, as well as the Idaho Department's Correction's directives relating to GD.

PARTIES

10. Plaintiff, Adree M. Edmo, is a citizen of the United States of America. She is currently a resident of the Idaho State Correctional Institution ("ISCI") in Boise Idaho. Plaintiff's address is 13500 South Pleasant Valley Road, Kuna Idaho 83634, mailing address of P.O. Box 14, Boise, Idaho 83707. Ms. Edmo's ID # is 94691.

11. Defendant, Idaho State Board of Corrections, ("Board of Corrections") is a political subdivision of the State of Idaho, as defined in Idaho Code Section 20-201. Business address of 1299 N. Orchard Street, Suite 3110, Boise Idaho 83704.

12. Defendants, John Doe 1, John Doe 2, John

Civil Rights Complaint - 6

Doe 3, Jane Doe 5, were, or are currently duly appointed members of the Board of Corrections and were acting within the course and scope of their duties as members, agents, servants, and employees (including successor(s) in office), of the State of Idaho at all material times hereto.

Address of 1299 N. Orchard St., Suite 110, Boise Idaho 83704.

13. Defendant, Idaho Department of Corrections ("IDOC") is a political subdivision of the State of Idaho, as defined in Idaho Code Section 20-201. Address of 1299 N. Orchard St. Suite 110, Boise, Idaho 83704.

14. Defendant, Kevin Kempf, was at all times material hereto and up until to, or on about January 2017, the duly appointed Director of IDOC as well as Chief Administrative Officer, and Business Manager of the state penitentiary pursuant to Idaho Code Section 20-217A. Defendant Kempf was employed by IDOC, and acting within the course and scope of his duties as Director, Chief Administrative Officer, Business Manager, and as the agent, servant and employee of the

Civil Rights Complaint - 7

State of Idaho (including Successor(s) in office) at all material times. Address of 1299 N. Orchard St. Suite 110 Boise Idaho 83704.

15. Defendant, Howard Keith Jordy, was at all times material hereto the Warden of ISCI. Defendant Jordy was employed by IDOC, and was acting within the course and scope of his duties as Warden, and as the agent, servant, employee (including successor(s) in office) of the State of Idaho at all material times. Address of 13500 S Pleasant Valley Road, Kuna Idaho 83634.

16. Defendant, Corizon Incorporated, ("Corizon Health Services") is a corporation doing business in the State of Idaho. Pursuant to contractual agreement with IDOC, Corizon provides comprehensive medical/mental health services to IDOC inmates (including plaintiff). Corizon Incorporated, main office address is 12467 Olive Boulevard, St. Louis, Missouri, 63141.

17. Defendant, Aaron Hofer, was at all times material hereto the ISCI Health Service Administrator ("HSA"), either under contract to provide medical services for inmates at IDOC, or employed directly by IDOC. Defendant Hofer was acting within the course and scope of his duties as HSA to IDOC inmates.

Civil Rights Complaint - 8

(including Plaintiff), and as the agent, servants, and employee (including successor(s) in office) of the State of Idaho at all material times. Address of 1299 N. Orchard St. Suite 110, Boise Idaho 83704

18. Defendant, Catherine Whinnery, was at all times material hereto a treating provider at ISCI, either under contract to provide medical services for inmates in IDOC, or employed directly by IDOC to provide medical treatment to inmates. Defendant Whinnery was ~~at~~ acting within the course and scope of her duties as medical provider to IDOC inmates (including Plaintiff), and as the agent, servant and employee (including successor(s) in office) of the State of Idaho. Address is unknown.

19. Defendant, Scott Eliason, was at all times material hereto a Psychiatrist at ISCI, either under contractual agreements to provide medical/mental health services for inmates in IDOC, or employed directly by IDOC to provide medical/mental health treatment to inmates. Defendant Eliason was acting within course and scope of his duties as Psychiatrist to IDOC inmates, (including Plaintiff) and as the agent, servant, employee (including successor(s)) of the State of Idaho at all material times. Address of 1299 N. Orchard St. Suite 110 Boise Idaho 83704.

Civil Rights Complaint - 9

20. Defendant, Richard Craig was at all material all times material hereto, until the end of 2015, IDOC's Chief Psychologist at ISCI, either under contract to provide mental health services to inmates in IDOC, or employed directly by IDOC to provide mental health services to inmates in IDOC. Defendant Craig was acting within the course and scope of his duties as Chief Psychologist, ~~agent~~ to inmates (including Plaintiff), and as the agent, servant, and employee (including successor(s) in office) of the State of Idaho at all material times.

Address of 1299 N. Orchard Street, Ste. 110 Boise Idaho 83704.

21. Defendant Rona Siegert was at all times material hereto the Health Service Authority and/or Health Services Director at ISCI, either under contract to provide medical services for inmates at IDOC, or employed directly by IDOC to provide medical services to inmates in IDOC. Defendant Siegert was acting within course and scope of her duties as Health Service Director to IDOC inmates (including Plaintiff) and as the agent, servant, and employee (including successor(s) in office) of the State of Idaho at all material times.

Address of 1299 N. Orchard St. Suite 110 Boise Idaho 83704.

22. Defendant, Murray Young, was at all material times hereto Regional Medical Director

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at K&E, either under contract to provide medical services to inmates. Defendant Young was acting within course and scope of his duties as a Regional Medical Director to ID inmates, (including Plaintiff), and as the agent, servant, employee (including successor(s) in office), and/or the State of Idaho at all material times. Address of 1299 N. Orchard St., Suite 110, Boise, Idaho 83704.

23. Each and all the acts of the Defendants alleged herein were done by defendants (including their successor(s) in office) not just as individuals, but under color of law and pretense of the statutes, practices and usages of The State of Idaho, and under the authority of Defendants as public officials for The State of Idaho.

JURISDICTION AND VENUE

24. This action arises under the Constitution of The United States, particularly under the provisions of the Eighth and Fourteenth Amendments, and under Federal law, particularly Title 42 U.S.C. Section 1983.

25. This Court has subject matter jurisdiction of this cause under Title 28 U.S.C. Sections 1331. Plaintiff seeks declaratory relief pursuant to 28 U.S.C. sections 2201 and 2202.

Plaintiff's claims for injunctive relief are authorized by 28 USC Sections 2283 and 2284 and Rule 65 Fed. R. Civ. P., and the Federal claims are not insubstantial. This Court has jurisdiction over the Plaintiff's State claims, pursuant to Title 28 USC

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U.S.C. section 1367.

The Plaintiff filed a notice of claim on February 10, 2017, concerning the occurrences complained of herewith to the Comptroller of the state of Idaho within 180 days of those occurrences as required by Idaho code section 6-901, and the Comptroller has failed to settle the Plaintiff's claim.

(Attached hereto as "Exhibit A")

26. This Court has personal jurisdiction because, upon information and belief, Defendants reside in this District and a substantial part of the events or omissions giving rise to the claims occurred in this District, and each Defendant is domiciled in Idaho.

27. Venue is proper in this district pursuant to Title 28 U.S.C. 1361(b), because, upon information and belief, a substantial part of the events or omissions giving rise to the claims occurred in this District.

GD IS A SERIOUS MEDICAL CONDITION THAT REQUIRES ADEQUATE MEDICAL TREATMENT

28. Ms. Edmo was diagnosed with GD, now known as ED, July 19, 2017, by Claudia K. Lake, Psy.D., a mental health professional employed either through contract with IDOC and/or directly by IDOC.

29. ED is a recognized diagnosable and treatable condition listed in the American Psychiatric's Diag-

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Diagnostic and Statistical Manual of Mental Disorders, Fifth (5th) Edition (2013), ("DSM-V"). The World Health Organization (WHO) also recognized the discordance between anatomical sex and gender as a disorder in its 1990 publication, The International Classification of Diseases, _____ ("ICD-10"), but uses the nomenclature of transsexualism.

30. The World Health Association of Transgender Health ("WPATH"), formerly known as The Harry Benjamin International Gender Dysphoria's Association's Standards of Care for Gender Identity Disorders ("Standards of Care") articulate the professional consensus about the psychiatric, psychological and medical and surgical management of GID within the United States. WPATH is an international multi-disciplinary professional association with extensive expertise in accepted standards for transgender health. The WPATH promulgates Standards of Care for Gender Identity Disorders, which set forth clinical protocols for treating persons with GID.

31. WPATH has published its 7th version of Standards of Care: Standards of Care for the Health of Transsexual, and Gender non-conforming people, within the International Journal of Transgenderism, 13: 165-232 (2011). WPATH has also designated a section entitled: XIV Applicability of The Standards of Care to People Living in Institutional Environments; which states in relevant part:

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The SOC [Standards of Care] in their entirety apply to all transsexual, transgender and gender non-conforming people, irrespective of their housing situation. People should not be discriminated against in their access to appropriate healthcare based on where they live, including institutional environments, such as prisons, or long-term intermediate healthcare facilities. Healthcare for transsexual, transgender and gender non-conforming people living in institutional environments should mirror that which would be available to them if they were living in a non-institutional setting within the same community.

(WPATH Standards of Care at p. 307).

32. According to the Standards of Care, and the DSM-V, people with ED who do not receive appropriate medical treatment are at risk of genital self-harm (a form of surgical self-treatment of auto-castration or auto-penectomy that can lead to serious even life threatening injuries, depression, anxiety and suicide attempts.)

33. The goal of medical treatments for ED according to the Standards of Care are as follows: (1) to alleviate clinically significant distress and impairment of functioning associated with ED; (2) to achieve long-lasting personal comfort with the gendered

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self in order to maximize overall psychological well-being and self-fulfillment, the Standards of Care provide that there are three medically appropriate treatment options to treat GD: (1) hormones of the desired gender, (2) the "real-life" experience (i.e., [cosmetics of and wearing clothing of the opposite gender]) as the prerequisite of surgery, and (3) surgery to change the sex characteristics of the person suffering from GD. These treatment options are frequently referred to as the triadic therapy and are the accepted and appropriate treatment for GD.

34 Further, the Standards of Care are intended to be flexible in order to meet the diverse healthcare needs of transsexual, transgender, and gender non-conforming people. While flexible, they offer standards for promoting optimal healthcare and guidelines. Gender nonconformity is not the same ~~as~~ as gender dysphoria: Gender nonconformity refers to the extent to which a person's gender identity, role, or expression from cultural norms proscribed for people of a particular sex (Institute of Medicine, 2011).

35. Gender dysphoria refers to discomfort or distress that is caused by a discrepancy between a person's gender identity, and that person's sex assigned at birth. Only some gender nonconforming people experience gender dysphoria at "some"

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point in their lives. Treatment is available to assist people with such distress to explore their gender identity and find a gender role that is comfortable for them. Treatment is individualized: what helps one person alleviate gender dysphoria might ~~not~~ be very different from what helps another person. This process may or may not involve a change of gender expression or body modifications.

Medical treatment options include, for example, feminization or masculinization of the body through hormone therapy, and/or surgery, which are effective in alleviating gender dysphoria and are medically necessary for many people. Gender identities and expressions are diverse, and hormones and surgery are just two options of many options available to assist people with achieving comfort with self and identity. (WPATH Standards of Care at p. 1107-108).

3b. Gender dysphoria can be in large part alleviated through treatment. Hence while transsexual, transgender, and gender non-conforming people may experience gender dysphoria at some points in their lives, many individuals who receive treatment will find a gender role and expression that is comfortable for them, even if these differ from those associated with their sex assigned at birth, or from prevailing gender norms and expectations.

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(WPATH Standards of Care at p. 168).

37. Options for Psychological and Medical Treatments of Gender Dysphoria: For individuals seeking care for gender dysphoria, a variety of therapeutic options can be considered. The number and type of interventions applied and the other in which these take place may differ from person to person (emphasis applied, mine.) Treatment options include: Changes ~~in order~~ in gender expression and role (which may involve living part time or full time in another gender role, consistent with one's gender identity); Hormone therapy to feminize or masculinize the body; Surgery to change primary and/or secondary sex characteristics (e.g. breasts/chest, external and/or internal genitalia, facial features, body contouring); Psychotherapy (individual, couple, family or group) for purposes such as exploring gender identity, role, and expression; Addressing the negative impact of gender dysphoria, and stigma on mental health; ~~Addressing the~~ Alleviating internalized transphobia; enhancing social and peer support; improving body image; or promoting resilience. (WPATH Standards of Care at 171-72).

38. As such, Plaintiff cannot obtain her own medical services, therefore, the U.S. Constitution requires Defendants to provide her with "reasonable adequate medical care." "Adequate" medical services are services at a level reasonably commensurate with modern medical science and of a quality acceptable within

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prudent professional standards, and, as a level of health services reasonably designed to meet routine and emergency medical, dental, psychological, or psychiatric care. Defendants are required to follow ~~39.~~ certain and specific policies and directives for the treatment of offenders with GD. Defendants failed to do so.

39. According to the Standards of Care, after a diagnosis is made by a competent, prudent medical professional, the therapeutic approach usually and normally includes the administration of hormones of the desired gender, and the "real-life" experience in the desired gender role.

Further, the Standards of Care, Cross-Sex hormonal therapy and the "real-life" experience ~~of~~ are often medically necessary for patients suffering from GD. Not only do these improve the quality of life, but they also limit psychiatric co-morbidity (the development of additional mental disorders), which often accompanies lack of treatment. In some, not all, patients using hormonal therapy alone may provide sufficient symptomatic relief of the obiate need for "cross living" in the desired gender, which is not in Ms. Edmo's case, providing symptom relief.

~~DEFENDANTS KNOW AND HAVE KNOWN OF EDMO'S GENDER DYSPHORIA, FAIL AND CONTINUE TO REFUSE ADEQUATE MEDICAL TREATMENT EDMO'S SEVERE GENDER DYSPHORIA~~

40. Defendant IDOC adopted the "Harry Benjamin Standards," now known as WPATH Standards of Care, for the diagnosis and treatment of GD prior to 2007, and thereafter, removed such Standards of Care without

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any legitimate or logical purpose. In addition, Defendants failed to follow their own directives for the treatment of offenders with GID. IDOC Directive 401.01.03.501, entitled, "Gender Identity Disorder: Healthcare for Offenders with," governs the establishment "guidelines for the diagnosis, treatment, management, and placement of offenders diagnosed with gender identity disorder (GID) to ensure offender safety and access to appropriate and necessary medical and mental health treatment." Previously, prior to removal, Section 05 of this directive provided, "diagnosis of GID will be based on the DSM-IV criteria and Harry Benjamin standards, and must be assigned and/or approved by the Management and Treatment Committee."

41. The directive further provides, that the MTC is "composed of the health authority [health services director], chief ~~Psychiatrist~~ Psychologist, psychiatrist, psychologist, medical Director, and facility head, ~~and~~ Other mental health, ~~and~~ medical, human services and security staff may be requested to attend in a recommendational capacity by the health authority."

42. At no time did Defendants comply with the requirements or WPATH standards of care, initially adopted, removed by Defendant IDOC. Despite Defendants' knowledge of Plaintiff's serious medical condition and Plaintiff's requests for treatment, Defendants knew and/or must have known Ms. Edmo's

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serious medical condition, and high risk of self-harm as demonstrated by her medical files, requests for treatment, and actions of self-harm, but Defendants have responded with denials of treatment and persistent deliberate indifference.

43. Despite Defendants' knowledge of Plaintiff's serious medical condition and Plaintiff's requests for treatment, Defendants use IDOC Directive # 325.02.01.001, entitled, "Prison Rape Elimination," as a pretext cover to punish, and/or deny Plaintiff medically necessary treatment of living the "real-life" experience in her female gender role, which is demeaning, hurtful, and contradictory of accepted and effective treatment for Plaintiff's ED. Examples of Disciplinary Offense Reports (DOR) are, but not limited to the following:

(a.) 07/26/2016, DOR # 164886, "Destruction of Property under # 25," for turning state issued men's underwear into female underwear for more support, resulting in Restitution of \$18.16.

(b.) 05/12/2016, DOR # 163026, "Disobedience to Orders," for wearing "eyeliner makeup" resulting in commissary restriction for 15 days.

(c.) 09/27/2015, DOR # 150084, "possession of unauthorized property," of having, "black eyelash makeup with an eyelash applicator," resulting in 20 days commissary and 25 days recreation restriction.

(d.) 02/07/2015, DOR # 150834, "Disobedience to Orders," for "hair in a bun that was above ear line

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which violates policy directive #325.02.01.001, "resulting in 5 days of segregated housing unit detention.

(e) ~~02/23/2014~~ 02/23/2014, DOR # ~~unknown~~ ¹⁴¹¹²⁴, "Disobedience to Orders," for "hair in a high pony tail styled in a feminine fashion," which had been dismissed.

(f) ~~04/26/2014~~ 07/14/2013, DOR # 134217, for "Disobedience to Orders" for, "the hairstyle that offender Edmo was a feminine hairstyle," resulting in 20 days commissary restriction and 20 days recreation restriction.

44. Furthermore, Defendants know or must have known, following being diagnosed with GD in 2012, Plaintiff has communicated through Corizon Health Service Request ("HSR") Forms, and IDOC Offender Concern Forms ("concern forms") of her medical needs of women's cosmetics, female underwear (panties), electrolysis for facial hair removal, change of gender marker on her IDOC offender identification card, and Sex Reassignment Surgery ("SRS"); which all have fallen on deaf ears; deliberately delayed, refused, and medical judgment interfered with by non-medical factors and/or staff.

45. Examples of Defendants' knowledge and inadequate responses of Plaintiff's requests for medical care include, but are not limited to the following HSR's and concern forms:

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(a.) 12/03/2012, Defendant Whinnery recorded within Plaintiff's medical record, "discussed that I've been informed policy is to maintain current doses..." IDOC instituted a policy of limiting estrogen dosages to 3 mg. for all trans patients in IDOC regardless of individual needs

(b.) 10/16/2013 HSP# 617852, requesting a medical memo for possession of bras and panties for treating her GD. A medical decision was based on IDOC policy rather than individualized treatment plan. A medical Request disposition Response was given, stating "IDOC does not allow female panties for male panties."

(c.) 11/16/2013 # HSP# 617583, requesting, "medication heightened or changed to decrease facial hair." Plaintiff was seen approximately one and a half months later by Defendant Young in which he performed a cursory medical exam of Plaintiff and refused to discuss any changes to medications as necessary based on IDOC policy.

(d.) 12/16/2013, Provider's clinic with Defendant Young where Ms. Edmo requested a medical memo for the medical necessity of bras and panties for treating her GD. Defendant Young had indicated within a medical note that Defendant Young would check with security for prescribing a medically necessary treatment, and for undergarment for Plaintiff.

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(e) 12/22/2013, HSR # 628606, Plaintiff a request for another medical memo for the medical necessity of bras and panties for treating her GD. Idaho - Correctional Institution - Orofino ("ICI-O")

Warden Terema Carlin interfered and denied HSR. Warden Carlin is not a medical health professional, and not ~~present~~ ~~present~~ a medical staff.

(f) 02/11/2014, HSR # 626652 and 628253, requesting sex reassignment surgery, and an appointment with a endocrinologist. ICI-O Health Service Administrator ("HSA") Linda Gercke coordinated with Defendant Young and a refusal was determined, "not medically necessary," upon cursory exam evaluation, and upon information and belief, Defendants, and Defendant Corizon's policies do not cover sex reassignment surgery.

(g) 02/11/2014, HSR # 646197, requesting SRS, and refusal by Defendant Craig. Not otherwise indicated.

(h) 03/12/2014. Concern form to Defendant Yordy explaining MS. Edmo's need to present her female gender/expression for the medical necessity of treating Plaintiff's GD. Defendant Yordy refused to allow Plaintiff live in her female gender because she is "housed within a male prison."

(i) 06/14/2014, Plaintiff sent a concern form to Defendant Craig requesting an institution move to the Idaho-Pocatello's Women's Correctional Center ("PWCC"). Defendant Craig denied request "pursuant

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to current IDOC policy of housing inmates according to primary genitalia."

(J.) 07/03/2014, a medical provider visit with Defendant Whinnery at which Plaintiff requested an evaluation for the medical necessity of sex reassignment surgery. Defendant Whinnery refused and stated, "IDOC will not allow me to approve or recommend any medical treatment regarding SRS without a court order."

(K.) 09/20/2014, HSR # 605491, requesting to be seen by a "qualified gender identity evaluator," pursuant to IDOC directive 01.06.03.501. This HSR was not answered.

(L.) 10/08/2014, a medical provider visit with Defendant Whinnery again requesting approval to wear, access and purchase women's underwear. Defendant Whinnery refused and re-cited "IDOC policy not to issue a medical memo for female underwear to EID offenders."

(M.) 01/08/2015, a medical provider visit with Defendant Whinnery requesting an evaluation for SRS. Defendant Whinnery refused based on "not without a court order."

(N.) 05/11/2015, 09/29/2015, Plaintiff attempted to self castrate her testicle with a razor blade requiring sutures to close laceration. Plaintiff was

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taken to suicide watch for approximately 72 hours and then removed and housed into ISCT Bldg without any further medical treatment.

(O.) 04/20/2016, Ms. Edmo was seen by Defendant Eliason, and requested sex reassignment surgery. Defendant Young had indicated he would review such requirements for SRS. Defendant Eliason then stated, "it would be a lot easier if you acted like a man, got out, and then you could do anything you want."

(P.) 05/18/2016, Defendant Eliason recorded into Ms. Edmo's medical file, "SRS has not yet been determined."

(Q.) 12/31/2016, Ms. Edmo again attempted to rid her body of testosterone, by cutting her scrotum with a razor blade, this time pulling out the entire right testicle. Ms. Edmo was transported by ambulance to Boise's St. Alphonsus Medical Center for surgery to repair her genitalia. Attending Urologist, Dr. King, recorded, Ms. Edmo, "attempted to self remove right testicle. . . degree of symptoms is severe."

45. Plaintiff should be allowed to access, wear and purchase female underwear, similarly as she is allowed to access, wear and purchase female bra's. The possibility that women's underwear could be misused, or for any further restriction must be balanced any medical or psychological ~~harm~~ harm to Ms. Edmo resulting from

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Such denial of women's underwear. Defendants' decision must not be influenced by bias, nor may Defendants apply a categorical rule as they previously did that denies an inmate female underwear simply because she is transgender or is housed in a men's institution.

46. Even after such attempts at self-castrating herself, Defendants still fail and refuse to provide plaintiff with adequate and appropriate medical treatment for her ED.

47. EXHAUSTION OF ADMINISTRATIVE REMEDIES PURSUANT TO 42 U.S.C. SECTION 1915

Plaintiff has exhausted all administrative remedies in respect to all claims and allegations contained herein. Plaintiff has attached hereto complaint true and correct copies IDOC grievances and appeals, as they relate to such claims and allegations herein as ("Exhibit B"). Such Grievances and Appeals are listed as follows:

- (a) Grievance / Appeal # II 150001187, 11/16/2016;
- (b) 05/19/2016, Grievance / Appeal # 160000391;
- (c) 01/11/2016, Grievance / Appeal # II 15 0001348;
- (d) 08/31/2015, Grievance / Appeal # II 150000749;
- (e) 06/15/2015, Grievance / Appeal # II 150000555;
- (f) 06/06/2015, Grievance / Appeal # II 15 0000413;
- (g) 03/23/2015, Grievance / Appeal # II 15 0000191;
- (h) 01/12/2015 Grievance / Appeal # 14 00001364;
- (i) 01/09/2015, Grievance / Appeal # 14 0001365;

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(J) 09/02/2014, Grievance / Appeal # # 140000914;
(K) 03/26/2014, Grievance / Appeal # II 140000312;

48. Any further IDOC grievances / Appeals containing "any" complaint or problem similar to the above listed is considered "grieved" and not allowed any further process, and returned to plaintiff as such.

49. FIRST CAUSE OF ACTION

(Against All Defendants in their Individual and Official Capacities; Violation of the Eighth Amendment to the U.S. Constitution; Actionable Pursuant to 42 U.S.C. Section 1983 - Cruel and Unusual Punishment - Inadequate Medical Care)

50. Plaintiff incorporates paragraphs 1 through 49 above.

51. Plaintiff is a biological male who suffers from Gender Identity Disorder ("GID") now known as Gender Dysphoria ("GD") or transsexualism. Plaintiff has been incarcerated at IDOC since April 2012. As a result of her GID, Plaintiff has attempted self-castration on herself twice, most recently December 2016.

52. Even after Plaintiff's attempts of self-castration, Defendants refuse to treat her for severe GID symptoms. As a result, Plaintiff continues to suffer emotionally and physically due to her worsening and severe GID condition. Defendants' refusal to provide Plaintiff

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With facial hair removal of electrolysis, female cosmetics, ID change of gender, female undergarments (panties), the "real-life" experience surgery, which has caused Plaintiff to seek self-castration, in order to treat her disorder.

53. The only treatment offered by Defendants (specifically, Defendants Craig, Eliason, Siegert, Hofer, Whunnery and Young) is cross-sex hormonal therapy. Plaintiff, however, has consistently and clearly indicated to Defendants that in her view of her severe GID condition, she should be receiving an opportunity to live full-time as female with female cosmetics, facial hair removal by electrolysis, undergarments (panties), a change of the male gender to female gender on her "IDOC Offender Identification Card", including her "Idaho State Identification Card", and sex reassignment surgery. Plaintiff expresses no regret for her attempts of self-castration and is adamant to taking action to treat herself for her disorder.

54. Adequate medical care requires treatment by qualified personnel, who provide services that are of a quality acceptable when measured by prudent professional standards in the community. Adequate medical care is tailored to an inmate's particular medical needs and is based on medical considerations. Absent legitimate countervailing penological considerations, adequate care addresses the cause of the person's suffering rather than merely the symptoms. Medical professionals with expertise in the

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diagnosis and treatment of GD, agreed that cross-sex hormonal therapy with the "real-life" experience, and sex reassignment surgery is medically, surgically and psychologically appropriate, and the importance of female attire and cosmetics is to provide Plaintiff with an ego-syntonic state of mind.

55. Refusing to give Plaintiff facial hair electrolysis, female undergarments, female face cosmetics, ID change of gender, and sex reassignment surgery are likely to increase gender dysphoric symptoms, leading to depression, irritability, overall diminished mental health, and possible overt suicidality. None of the Defendants is qualified to diagnose or treat GD. None of the Defendants ever provided Plaintiff with access to a prudent medical provider competent, and/or ~~expe~~ experienced within the WPATH standards of care.

56. The IDOC Management and Treatment Committee never convened to evaluate Plaintiff for her worsening GD symptoms, despite her repeated requests for medical treatment, even after her attempts of self-castration. Defendants Craig, Siegert, Yordy and Young did not convene the MTC to evaluate Plaintiff because they felt there were no issues to discuss concerning a individualized treatment plan for the Plaintiff's worsening GD or further specialized psychological needs associated with "cross-sex" hormonal therapy, and the "real-life" experience of living with Plaintiff's female gender role.

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57. Defendants Kempf, Craicy, Seigert, Whinnery, Young, Eliason were members of the Management and Treatment Committee at all material times. Upon and information belief, none of the Defendants has any relevant experience or expertise in EID diagnosis, treatment and/or experience in the WPATH Standards of Care, nor have Defendants ever referred a DOC Inmate to a EID specialist competent using the WPATH Standards of Care for diagnosis or treatment.

58. These acts or omissions complained of herein were undertaken by Defendants with deliberate indifference to Plaintiff's serious medical needs. Defendants intentionally denied, delayed and interfered with Plaintiff's attempts to obtain appropriate medical treatment. In particular, Defendants acted with deliberate indifference to Plaintiff's health and safety by their delay in treating Plaintiff for her severely worsening EID, their lack of competence in diagnosing and treating Plaintiff's condition and their failure to do so, and their ongoing failure to address Plaintiff's serious medical needs.

59. Plaintiff's EID condition qualifies as a serious medical need because a reasonable doctor or patient would find it important of comment and treatment. Plaintiff's EID condition qualifies as a serious medical because the failure to treat his condition can result in further significant injury and unnecessary wanton

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inflictions of pain.

60. Plaintiff's medical condition poses a substantial risk of serious harm, which risk and harm Defendants know, have known and been aware of and disregarded. To the extent any treatment was provided, the chosen course of treatment was medically unacceptable under the circumstances. Thus, Defendants have acted with deliberate indifference to the serious risks posed by the Plaintiff's medical condition.

61. Each of the Defendants acted under color of state law as to the matters set forth herein. All of the acts or omissions complained of herein are the result of specific decisions, official policies, and customs of Defendants. Each of the Defendants knows of and is responsible for the acts and omissions set forth herein. Defendants have a duty to provide adequate medical care to Plaintiff and other state prisoners. Defendants failed to keep such duty resulting in significant physical harm to ~~Def~~ Plaintiff.

62. Defendants' acts and omissions herein amount to deliberate indifference to Plaintiff's serious medical needs and therefore constitute cruel and unusual punishment in violation of the Eighth Amendment to the U.S. Constitution as incorporated by the Fourteenth Amendment.

63. Defendants' acts and omissions complained of herein have caused Plaintiff to suffer economic

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and non-economic damages in an amount to be determined at trial.

¶4. Plaintiff also seeks a judgment declaring the acts and omissions complained of herein are prohibited by the Eighth Amendment of the U.S. Constitution and 42 U.S.C. Section 1983 and seeks injunctive relief set forth in the prayer for relief.

SECOND CAUSE OF ACTION

(Against All Defendants in their individual and Official Capacities - Violation of The Eighth Amendment to the U.S. Constitution - Actionable Pursuant to 42 U.S.C. Section 1983 - Cruel and Unusual Punishment - Inadequate Medical Care)

¶5. Plaintiff incorporates paragraphs 1 through ¶4 above.

¶6. The Board of Correction is responsible pursuant to Idaho Code section 20-209 for the control, direction and management of correctional facilities and for the provisions of care and maintenance for all prisoners in state custody. Additionally, the Board of Corrections is responsible pursuant to Idaho Code Section 20-214 for the training, employment and fixing of duties for all assistants, officers and other persons necessary for the proper and efficient management/administration of the Idaho Department of Correction.

¶7 Pursuant to Idaho Code section 20-210, the Board of Correction may adopt, repeal, suspend or amend such rules as it deems necessary to the efficient management and control of function under the

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Board of Corrections' authority and all properties used in connection therewith. These rules have the force and effect of law, shall precede over policy and procedure statements, division directives or field memoranda.

68. According to IDOC Policy Number 401, entitled, Clinical Services and Treatment, the Director serves as the Chief Administrative Officer and Business Management Authority for the Idaho Department of Corrections. The Director may, at his discretion, designate and assign an administrator to oversee the medical services at a IDOC facility. Further IDOC Policy Directive 401, the Medical Authority shall act as the Department Health Authority, as approved by the Director. Along with the Director, the Medical Authority is responsible for establishment of written health care standards for IDOC facilities. In addition upon information and belief, the Medical Authority serves on the MTC.

69. Upon information and belief, the Warden at each IDOC facility is the person with primary responsibility to oversee, manage, and/or operate an IDOC facility. In addition, upon information and belief, the facility head serves on the MTC. Upon information and belief, Craig, Young, Whinnery and Eliason, have provided, or currently provide inmates, with (including Plaintiff) with comprehensive medical services, either under contract as employees of Corizon and/or directly employed by IDOC.

70. Upon information and belief, none of the

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Defendants, including Craig, Eliason, Whinnery, and Young has any particular experience or expertise in diagnosing or treating individuals with EID upon information and belief, none of the medical care providers directly employed by IDOC, or employed by Corizon, under contractual agreements with IDOC, has any particular experience or expertise in diagnosing or treating individuals with EID.

71. As part of their supervisory duties, Defendants know or must have known, medical care providers providing medical services to prisoners at IDOC custody are not qualified to diagnose and/or treat EID.

72. Defendants also know or must have known, of a custom, practice or usage of interfering with, or providing delayed and/or inadequate medical care to prisoners, particularly, mental health care, more particularly, medical care for EID, and therefore, created a custom, practice, or usage of delivery of unconstitutional inadequate medical care to prisoners (including plaintiff) at IDOC.

73. Defendants know or must have known, the consequences of failing to provide medically appropriate treatment to inmates with EID by way of accepted medical literature, advocacy organizations, prisoner grievances, and other means, but have failed to take reasonable corrective action. Defendants fail to provide adequate ~~fee~~ recruitment, retention, supervision, and discipline policies relating to the delivery of

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Medical care, in particular, as related to diagnosis and treatment for GID.

74. Defendants' aforementioned actions and omissions constituted a state policy, custom or persistent practice, which acts and omissions amount to deliberate indifference to the Constitutional rights of Plaintiff, and other prisoners. Each of the Defendants acted under color of state law as to the matters set forth herein.

75. All of the acts and omissions complained of herein are the result of specific decisions, official policies, and customs of Defendants.

76. Each of the Defendants knows of and is responsible for the acts and omissions set forth herein. Defendants have a duty to provide adequate medical care to Plaintiff and other state prisoners. Defendants' acts and omissions complained of herein amount to deliberate indifference to Plaintiff's serious medical needs and therefore constitute cruel and unusual punishment in violation of the Eighth Amendment to the U.S. Constitution as incorporated by the Fourteenth Amendment. Defendants' acts or omissions complained of herein caused Plaintiff to suffer economic and non-economic damages to be determined at trial.

77. Plaintiff also seeks judgment declaring the acts and omissions complained of herein are prohibited by the Eighth Amendment of the U.S. Constitution and 42 U.S.C. sections 1983 and seeks

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injunctive relief set forth in the prayer for relief.

THIRD CAUSE OF ACTION

(Against All Defendants in Their Individual and Official Capacities; violation of the Fourteenth Amendment to The U.S. Constitution - Actionable Pursuant to 42 U.S.C Section 1983 - Equal Protection)

78. Plaintiff incorporates paragraphs 1-77 above.
79. IDOC's policies require that mentally disordered inmates incarcerated at IDOC's prison facilities, including ISCI, be provided with appropriate medical care and psychiatric care by Defendants. For example, IDOC Directive # 401.06.03.035, entitled, "Mental Health Care/Evaluation and Assessment," provides that "[M]entally disordered and developmentally disabled inmates must be identified and their treatment needs addressed as soon as possible." "Those inmates who require acute mental health services beyond those available at the prison will be transferred to an appropriate facility which may include a facility in the community." Also, IDOC Directive # 401.06.03.001, entitled, "Access to Care," provides "Non-healthcare services staff (i.e., security staff) must not be allowed to approve or deny requests for healthcare made by an offender (Non-healthcare services staff must forward requests for healthcare at the facility for review and action if necessary."
80. Upon information and belief, inmates with mental disorders other than EID are diagnosed and treated Defendants according to IDOC Directive # 401.06.03.035, regardless of whether such diagnosis and/or

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treatments are not common practices, or unpopular treatments.

81. IDOC inmates such as Plaintiff who suffer from EID are not provided with medical care that is appropriate for their condition. Inmates such as Plaintiff who suffer from EID require acute mental health services beyond those currently made available at IDOC. IDOC inmates, such as Plaintiff who suffer EID are not transferred to an appropriate facility for proper diagnosis and treatment. Inmates with EID who were not diagnosed or treated with EID prior to incarceration, or believed to not be a genuine transgender, are refused, delayed and interfered diagnosis and treatment by Defendants.

82. Plaintiff was not diagnosed with or treated for EID prior to incarceration. Defendants have refused to provide Plaintiff with appropriate treatment for EID.

83. Defendants intentionally discriminated against Plaintiff, by providing because of membership within a suspect class, namely, the class of inmates with Gender Dysphoria ("EID"). Defendants discriminate against inmates with EID (including Plaintiff) by providing them inferior medical care as compared to inmates medical/mental health disorders other than EID.

84. Defendants have no rational basis in a legitimate governmental interest for intentionally discriminating against Plaintiff because of her status as an inmate.

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with EID. Defendants' policy 325.02.01 001, and the implementation of that policy represent an absolute ban on appropriate and necessary medical treatment for those inmates who are diagnosed with EID, and the policy provides no exceptions to this ban regardless of the seriousness of Plaintiff's EID problems. For example, prison personnel have stated in writing, "you cannot appear feminine, This is a male facility."

85 Each of the Defendants acted under color of State Law as to the matters set forth herein. All of the acts or omissions complained of herein Complaint are the result of specific decisions, official policies, or customs of Defendants. Each of the Defendants know of and is responsible for the acts or omissions set forth herein.

85 Defendants' acts and omissions complained of herein amount to a denial of Equal Protection by discriminating against inmates with EID, such as Plaintiff, without any rational basis. Defendants' acts and omissions complained of herein caused Plaintiff to suffer economic and non-economic damages in an amount to be determined at trial.

86 Plaintiff further seeks a judgment declaring the acts and omissions complained of herein are prohibited by the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. section 1983, and seeks injunctive relief set forth in the prayer for relief.

87 Furthermore, Plaintiff has alleged negligence by Defendants. The Defendants have a duty to

Civil Rights Complaint--37

provide medical care to Plaintiff for her serious medical needs of Gender Dysphoria, such duty has been breached. Defendants breached and fail in their duty to provide such medical care to Plaintiff through accepted standards of care for her serious and severe GD condition, resulting in Plaintiff's further unnecessary suffering of her two attempts of self-castration on 09/15/2015, and 12/31/2016, which she was transported to a hospital for surgery to repair her genitalia, at which, Plaintiff continues to suffer physically, mentally and emotionally.

PRAYER FOR RELIEF

88. Plaintiff has suffered and will continue to suffer immediate and irreparable injury as a result of the unlawful acts, omissions, policies and practices of the Defendants alleged herein, unless Ms. Edmo is provided with medically appropriate treatment for her GD. The declaratory relief and injunctive relief sought by Plaintiff is necessary to prevent continued and further injury.

89. WHEREFORE, Plaintiff respectfully prays that this Court enter judgment granting Plaintiff:

(a) Enjoining and Order, requiring Defendants within 30 days of the Order to provide Ms. Edmo appropriate GD treatment by medical and mental health professionals with expertise in Gender Dysphoria and/or transsexualism; including Gender Dysphoria, specifically psychological treatment lasting through Ms. Edmo's Fall term of incarceration, hormone therapy; the "real-life" experience, including

Civil Rights Complaint - 38

access to female inmate commissary items, facial hair removal by electrolysis, all necessary documentation through this Court's order changing Ms. Edmo's gender from male to female on her IDOC Identification Card, and sex reassignment surgery, and any other medical treatments deemed medically necessary and appropriate by medical professionals with experience and expertise in the treatment of Gender Dysphoria;

(b.) Issue a permanent injunction against Defendants declaring that the policies, acts, practices and omissions of these Defendants with regard to prisoners with GD, (including Plaintiff) are unlawful and constitute cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution;

(c.) Issue a ^{injunction} ~~judgment~~ against Defendants declaring Board of Corrections, IDOC (including their successor(s) in office) from subjecting Plaintiff to the unconstitutional and illegal policies, acts, practices, and omissions complained of herein Complaint

(d) ORDER Defendants Board of Corrections and IDOC, through Defendants Kempf, Craig, Young, Elkison, Whinnery and Siegert (including their successor(s) in office) to promulgate a formal policy stating the prisoners with GD shall have access to medically appropriate treatment, including hormone therapy, "real-life" experience, and transition surgery, regardless of whether or not they received GD treatment prior to incarceration;

Civil Rights Complaint - 39

(e) ORDER appointing a medical or mental health professional with experience and/or expertise in the diagnosis and/or treatment of persons with GID to serve as a member of the MTC for a minimum of one year, to ensure proper implementation of the Court's order in (a) above, as well as IDOC's Directive # 401.06.03.501, regarding the healthcare of offenders and 303.02.01.002, regarding the classification, management and placement of offenders with GID;

(f) ORDER Defendants Board of Corrections and IDOC, through Defendants Kempf, Young, Eliason, Whinnery, Sievert, and Hofer, (including their successor(s) in office) to take all actions necessary to provide medically appropriate treatment for prisoners (including Plaintiff) with GID;

(g) GRANT any such other and further relief this Court considers just and proper.

VERIFICATION

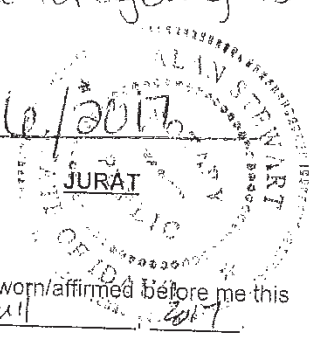
I have read the foregoing Complaint and hereby verify that the matters alleged herein are true, except as to the matters alleged on information and belief, and as to those, I believe them to be true also, pursuant to 28 U.S.C. Section 1746, the foregoing is true and correct.

Executed at Boise Idaho on 04/06/2017

Adree Edmo
ADREE EDMO, Plaintiff

Mason Edmo AKA Adree Edmo

Civil Rights Complaint-4c



State of Idaho
County of Ada

Subscribed and sworn/affirmed before me this
16 day of April 2017

Alan Stewart
Alan Stewart - Notary Public

My Commission Expires: 08/16/2020

SUBSCRIBED AND SWORN TO Before me on
this _____ day of _____ 2017

NOTARY PUBLIC FOR IDAHO

(SEAL)

Commission Expires: _____

CERTIFICATE OF MAILING

I, Adree Edmo, hereby certify, I placed a true and correct copy of Civil Rights Complaint, into the IDCC/ISCI Offender Resource Center legal mailing center for processing into the U.S. mail addressed to the following address:

DATED This ^{30th} day of ~~March~~^{April} 2017. 04/04/2017 AE

Ex] United States District Court
James A. McClure Fed. Courthouse
550 W. Fort Street
Boise, ID 83724
Adree Edmo
Adree Edmo Plaintiff

Civil Rights Complaint-41

U.S. District Court
District of Idaho (LIVE Database)Version 6.2.2 (Boise - Southern)
CIVIL DOCKET FOR CASE #: 1:17-cv-00151-BLW

Edmo v. Corizon Incorporated et al
Assigned to: Judge B. Lynn Winmill
Case in other court: USCA for the 9th Circuit, 19-35017
USCA for the 9th Circuit, 19-35019
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/06/2017
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Adree Edmo
also known as
Mason Edmo

represented by **Alexander Chen**
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ATTORNEY TO BE NOTICED

V.

Defendant

Idaho State Board of Corrections

TERMINATED: 04/14/2017

Defendant

Idaho Department of Corrections

TERMINATED: 04/14/2017

Defendant

Corizon Incorporated

represented by **Dylan Alexander Eaton**

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Defendant

Kevin Kempf
TERMINATED: 09/01/2017

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Defendant

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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Defendant

Aaron Hofer
TERMINATED: 04/14/2017

Defendant

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ATTORNEY TO BE NOTICED

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(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Scott Eliason
TERMINATED: 09/01/2017

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ATTORNEY TO BE NOTICED

J Kevin West
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bryce C Jensen
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Murray Young

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ATTORNEY TO BE NOTICED

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Bryce C Jensen
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ATTORNEY TO BE NOTICED

Defendant

Catherine Whinnery

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ATTORNEY TO BE NOTICED

J Kevin West
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bryce C Jensen
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Robin Sandy
TERMINATED: 09/01/2017

Defendant

David McClusky
TERMINATED: 09/01/2017

Defendant

Cindy Wiison
TERMINATED: 09/01/2017

Defendant

Henry Atencio

represented by **Brady James Hall**
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Marisa Swank Crecelius
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Defendant

Jeff Zumda

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LEAD ATTORNEY
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Marisa Swank Crecelius
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ATTORNEY TO BE NOTICED

Defendant

- Does 1-15

Defendant

Idaho Department of Correction

represented by **Marisa Swank Crecelius**

(See above for address)
ATTORNEY TO BE NOTICED

Intervenor**United States of America**

represented by **Christine Gealy England**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/06/2017	<u>1</u>	APPLICATION for Leave to Proceed in forma pauperis by Plaintiff Adree Edmo. Responses due by 4/27/2017 (jp) (Entered: 04/07/2017)
04/06/2017	<u>2</u>	Statement of Prisoner Trust Fund Account, This is a sealed document. re <u>1</u> APPLICATION for Leave to Proceed in forma pauperis by Adree Edmo. (jp) (Entered: 04/07/2017)
04/06/2017	<u>3</u>	COMPLAINT against All Defendants, filed by Adree Edmo. (Attachments: # <u>1</u> complaint continued, # <u>2</u> complaint continued, # <u>3</u> complaint continued)(jp) (Entered: 04/07/2017)
04/06/2017	<u>4</u>	EXHIBITS TO COMPLAINT by Plaintiff Adree Edmo re <u>3</u> Complaint. (Attachments: # <u>1</u> Exhibits continued, # <u>2</u> Exhibits continued)(jp) (Entered: 04/07/2017)
04/06/2017	<u>5</u>	MOTION to Appoint Counsel by Plaintiff Adree Edmo. Responses due by 4/28/2017 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit in support, # <u>3</u> Exhibits)(jp) (Entered: 04/07/2017)
04/06/2017	<u>6</u>	MOTION for Service by a US Marshal by Plaintiff Adree Edmo. Responses due by 4/27/2017 (jp) (Entered: 04/07/2017)
04/06/2017	<u>7</u>	MOTION for Temporary Restraining Order and Preliminary Injunction (Responses due by 4/27/2017)by Plaintiff Adree Edmo. (Attachments: # <u>1</u> Affidavit in support, # <u>2</u> proposed order)(jp) (Entered: 04/07/2017)
04/07/2017	<u>8</u>	ORDER of Conditional Filing - (jp)
04/07/2017	<u>9</u>	NOTICE of Assignment to Magistrate Judge and Requirement for Consent sent to Adree Edmo re <u>3</u> Complaint (jp)
04/13/2017	<u>10</u>	MEMORANDUM of Law in Support of <u>7</u> MOTION for Temporary Restraining Order and Preliminary Injunction filed by Adree Edmo.(cjs)
04/14/2017	<u>11</u>	ORDER FOR IN FORMA PAUPERIS STATUS AND WITHDRAWAL OF INMATE FILING FEE FROM PRISON TRUST ACCOUNT. NOW THEREFORE IT IS HEREBY ORDERED: Plaintiff's Application for Leave to Proceed in Forma Pauperis <u>1</u> is GRANTED. The Director of the Idaho Department of Correction or his designee shall collect from Plaintiff's prison trust account the \$350.00 balance of the filing fee and shall forward payments to the Clerk of Court. (Notice sent to Finance). Signed by Judge Ronald E. Bush. (A copy of this order has been mailed to the Director of the Idaho Dept. of Correction.)(caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (st)

04/14/2017	12	INITIAL REVIEW ORDER. IT IS ORDERED: Plaintiff may proceed on (1) her Eighth Amendment medical treatment claims, her related negligence or medical malpractice claims, and her equal protection claims, against Defendants Corizon, Kempf, Craig, Siegert, Yordy, Eliason, Young, and Whinnery. Defendants Corizon, Kempf, Craig, Siegert, Yordy, Eliason, Young, and Whinnery shall be allowed to waive service of summons by executing, or having their counsel execute, the Waiver of Service of Summons and returning it to the Court within 30 days. Plaintiff's Motion for Appointment of Counsel 5 is GRANTED IN PART, to the extent that court staff shall begin a search for pro bono counsel for Plaintiff. Because the Court will allow Defendants an opportunity to waive service of process, Plaintiff's Motion for Service by a U.S. Marshal 6 is MOOT. Signed by Judge Ronald E. Bush. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (st) Modified on 4/14/2017 - Due to time of order being docketed, mailings will go out on Monday 4/17/2017 (st).
04/17/2017	13	COURT'S CERTIFICATE of Service. I certify that I caused a copy of the following documents to be mailed to the following named persons: copies of Complaint (dkt #3), Motion for Temporary Restraining Order and Preliminary Injunction (dkt #7), Order (dkt #12), and attached Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons: Mark Kubinski, Idaho Department of Corrections, 1299 North, Orchard, Ste. 110, Boise, ID 83706 and a copy of Order (dkt #12) and a copy of the attached Notice of Lawsuit and Request for Waiver of Service of Summons to: Adree Edmo #94691, ISCI, PO Box 14, Boise, ID 83707(st)
04/17/2017	14	COURT'S CERTIFICATE of Service. I certify that I caused a copy of the following documents to be mailed to the following named persons: copies of Complaint (dkt #3), Motion for Temporary Restraining Order and Preliminary Injunction (dkt #7), Order (dkt #12), and attached Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons: Kevin West and Dylan Eaton, Parsons Behle & Latimer, 800 W. Main Street,, Suite 1300, Boise, ID 83702 and Order (dkt #12) and a copy of the attached Notice of Lawsuit and Request for Waiver of Service of Summons to: Adree Edmo #94691, ISCI, PO Box 14, Boise, ID 83707(st)
05/12/2017	15	NOTICE of Appearance by Brady James Hall on behalf of Richard Craig, Kevin Kempf, Rona Siegert, Howard Keith Yordy (Hall, Brady)
05/12/2017	16	WAIVER OF SERVICE Returned Executed by Richard Craig, Rona Siegert, Howard Keith Yordy, Kevin Kempf. Richard Craig waiver sent on 4/19/2017, answer due 6/19/2017; Rona Siegert waiver sent on 4/19/2017, answer due 6/19/2017; Howard Keith Yordy waiver sent on 4/19/2017, answer due 6/19/2017; Kevin Kempf waiver sent on 4/19/2017, answer due 6/19/2017. (Hall, Brady)
05/17/2017	17	NOTICE of Appearance by Dylan Alexander Eaton on behalf of Corizon Incorporated, Scott Eliason, Catherine Whinnery, Murray Young (Eaton, Dylan)
05/17/2017	18	WAIVER OF SERVICE Returned Executed by Murray Young, Catherine Whinnery, Corizon Incorporated, Scott Eliason. Murray Young waiver sent on 4/17/2017, answer due 6/16/2017; Catherine Whinnery waiver sent on 4/17/2017, answer due 6/16/2017; Corizon Incorporated waiver sent on 4/17/2017, answer due 6/16/2017; Scott Eliason waiver sent on 4/17/2017, answer due 6/16/2017. (Eaton, Dylan)
05/17/2017	20	MOTION for Leave to Amend 3 Complaint by Plaintiff Adree Edmo. Responses due by 6/7/2017. (cjs) (Additional attachment(s) added on 5/19/2017: # 1 Proposed Amended Complaint part 1 of 4, # 2 Proposed Amended Complaint part 2 of 4, # 3 Proposed Amended Complaint part 3 of 4, # 4 Proposed Amended Complaint part 4 of 4) (cjs). (Entered: 05/19/2017)

05/19/2017	19	NOTICE of Assignment to Magistrate Judge and Requirement for Consent sent to counsel for Corizon Incorporated, Richard Craig, Scott Eliason, Kevin Kempf, Rona Siegert, Catherine Whinnery, Howard Keith Yordy, and Murray Young re 17 Notice of Appearance and 15 Notice of Appearance Consent/Objection to Magistrate due by 7/18/2017. (km) Modified on 5/19/2017 (km). Modified on 5/22/2017 to remove pdf docs that were attached in error (jp).
06/07/2017	21	Corporate Disclosure Statement by Corizon Incorporated identifying Corporate Parent Corizon Health, Inc. for Corizon Incorporated.. (Eaton, Dylan)
06/07/2017	22	RESPONSE to Motion re 20 MOTION to Amend/Correct 3 Complaint filed by Corizon Incorporated, Scott Eliason, Catherine Whinnery, Murray Young. Replies due by 6/21/2017.(Eaton, Dylan)
06/07/2017	23	RESPONSE to Motion re 20 MOTION to Amend/Correct 3 Complaint filed by Richard Craig, Kevin Kempf, Rona Siegert, Howard Keith Yordy. Replies due by 6/21/2017. (Hall, Brady)
06/08/2017	24	ORDER GRANTING MOTION TO AMEND AND ORDER OF REASSIGNMENT. Plaintiff's Motion for Leave to Amend 20 is GRANTED. The Clerk of Court shall file the Amended Complaint (currently Dkt. 20-1 through Dkt. 20-4) as a separate docket entry in this case. Defendants shall respond to Plaintiff's Amended Complaint, as well as to Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction Order, within 21 days after entry of this Order. This case is REASSIGNED to the Hon. B. Lynn Winmill, Chief United States District Judge. Signed by Judge Ronald E. Bush. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (st) (Entered: 06/09/2017)
06/08/2017	25	AMENDED COMPLAINT against Corizon Incorporated, Richard Craig, Scott Eliason, Idaho State Board of Corrections, Kevin Kempf, David McClusky, Robin Sandy, Rona Siegert, Catherine Whinnery, Cindy Wiison, Howard Keith Yordy, and Murray Young, filed by Adree Edmo. (Attachments: # 1 amended complaint continued, # 2 amended complaint continued, # 3 amended complaint continued)(st) (Entered: 06/09/2017)
06/09/2017		DOCKET ENTRY NOTICE of Case Number Change. Per Order (docket #24), this case has been reassigned to Judge B. Lynn Winmill. Please use case number 1:17-cv-00151-BLW on all future pleadings. (st)
06/19/2017	26	NOTICE of Appearance by Craig Durham on behalf of Adree Edmo (Durham, Craig)
06/19/2017	27	NOTICE of Appearance by Deborah A Ferguson on behalf of Adree Edmo (Ferguson, Deborah)
06/19/2017	28	Docket entry only - CONSENT to Magistrate Judge filed. (cjs)
06/22/2017	29	STIPULATION <i>and joint motion to vacate and reset filing deadlines</i> by Adree Edmo. (Durham, Craig)
06/23/2017	30	ORDER. IT IS ORDERED: The parties' Joint Motion and Stipulation to Vacate and Reset Deadlines (Dkt. 29) is GRANTED. The parties shall follow the deadlines set forth in the Stipulation. Pursuant to the Stipulation, Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (Dkt. 7) is DENIED without prejudice. Signed by Judge B. Lynn Winmill. Motions terminated: 7 MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by Adree Edmo. (km)
07/19/2017		The 60 day deadline has expired. Case will remain with District Judge. No more notice of availability will be sent out. Consent deadline(s) termed. (cjs)
08/30/2017	31	MOTION FOR PRO HAC VICE APPEARANCE by Amy Whelan. (Filing fee \$ 225

		receipt number 0976-1629026.)Craig Durham appearing for Plaintiff Adree Edmo. Responses due by 9/20/2017 (Durham, Craig)
08/30/2017	32	MOTION FOR PRO HAC VICE APPEARANCE by Lori E. Rifkin. (Filing fee \$ 225 receipt number 0976-1629035.)Craig Durham appearing for Plaintiff Adree Edmo. Responses due by 9/20/2017 (Durham, Craig)
08/30/2017	33	DOCKET ENTRY ORDER approving 31 Motion for Pro Hac Vice Appearance of attorney Amy Whelan for Adree Edmo; approving 32 Motion for Pro Hac Vice Appearance of attorney Lori E Rifkin for Adree Edmo. Per General Order 206, out-of-state counsel shall immediately register for ECF. (Notice sent to CM/ECF Registration Clerk) (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
08/31/2017	34	MOTION FOR PRO HAC VICE APPEARANCE by Dan Stormer. (Filing fee \$ 225 receipt number 0976-1629433.)Craig Durham appearing for Plaintiff Adree Edmo. Responses due by 9/21/2017 (Durham, Craig)
08/31/2017	35	DOCKET ENTRY ORDER approving 34 Motion for Pro Hac Vice Appearance of attorney Dan Stormer for Adree Edmo. Per General Order 206, out-of-state counsel shall immediately register for ECF. (Notice sent to CM/ECF Registration Clerk) (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
09/01/2017	36	AMENDED COMPLAINT (<i>Second</i>) and Exhibits A & B in Support against All Defendants, filed by Adree Edmo. (Attachments: # 1 Summons re Defendant Jeff Zmuda) (Rifkin, Lori)
09/22/2017	37	MOTION for Extension of Time to File Answer <i>Responsive Pleading</i> Brady James Hall appearing for Defendants Richard Craig, Kevin Kempf, Rona Siegert, Howard Keith Yordy. Responses due by 10/13/2017 (Hall, Brady)
10/02/2017	38	WAIVER OF SERVICE Returned Executed by Adree Edmo. Idaho Department of Corrections waiver sent on 9/13/2017, answer due 11/13/2017; Henry Atencio waiver sent on 9/13/2017, answer due 11/13/2017; Jeff Zumda waiver sent on 9/13/2017, answer due 11/13/2017. (Rifkin, Lori)
11/01/2017	39	First MOTION for Partial Summary Judgment <i>IDOC Defendants' First Motion for Dispositive Relief</i> Brady James Hall appearing for Defendants Henry Atencio, Richard Craig, Rona Siegert, Howard Keith Yordy, Jeff Zumda. Responses due by 11/22/2017 (Attachments: # 1 Appendix Statement of Material Facts)(Hall, Brady)
11/01/2017	40	JOINDER by Defendants Corizon Incorporated, Scott Eliason, Catherine Whinnery, Murray Young joining 39 First MOTION for Partial Summary Judgment <i>IDOC Defendants' First Motion for Dispositive Relief</i> . (Eaton, Dylan)
11/01/2017	41	DECLARATION of Dana Maybon re 39 First MOTION for Partial Summary Judgment <i>IDOC Defendants' First Motion for Dispositive Relief</i> filed by Henry Atencio, Richard Craig, Idaho Department of Corrections, Rona Siegert, Howard Keith Yordy, Jeff Zumda . (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit Exhibit D)(Hall, Brady) Modified on 11/3/2017 (cjs).
11/01/2017	42	DECLARATION of Lisa Mason re 39 First MOTION for Partial Summary Judgment <i>IDOC Defendants' First Motion for Dispositive Relief</i> filed by Henry Atencio, Richard Craig, Idaho Department of Corrections, Rona Siegert, Howard Keith Yordy, Jeff Zumda . (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Hall, Brady) Modified on 11/3/2017 (cjs).
11/01/2017	43	MEMORANDUM in Support of Motion re 39 First MOTION for Partial Summary

		Judgment <i>IDOC Defendants' First Motion for Dispositive Relief</i> filed by Henry Atencio, Richard Craig, Idaho Department of Corrections, Rona Siegert, Howard Keith Yordy, Jeff Zumda . (Hall, Brady) Modified on 11/3/2017 pursuant to Corrective Entry (cjs).
11/03/2017		CORRECTIVE ENTRY - The entry docket number 43 Memorandum/Brief (generic), filed by Rona Siegert, Idaho Department of Corrections, Richard Craig, Howard Keith Yordy, Henry Atencio, Jeff Zumda was filed incorrectly in this case as the wrong event was used. The Court prefers the memorandum in support to be filed as an attachment to the motion it supports. But when filed separately the correct event is "Memorandum in Support of Motion" located under Responses and Replies. No action is needed by the filing party as the Clerk's Office will edit the entry.(cjs)
11/22/2017	44	RESPONSE to Motion re 39 First MOTION for Partial Summary Judgment <i>IDOC Defendants' First Motion for Dispositive Relief</i> filed by Adree Edmo. Replies due by 12/6/2017. (Attachments: # 1 Plaintiff's Statement of Material Facts in Dispute)(Rifkin, Lori)
11/22/2017	45	NOTICE by Adree Edmo <i>OF CONSTITUTIONAL QUESTION</i> (Attachments: # 1 Exhibit A - Memorandum in Opposition to Defendants' Motion to Dismiss)(Rifkin, Lori)
12/06/2017	46	JOINDER by Defendants Corizon Incorporated, Scott Eliason, Catherine Whinnery, Murray Young joining 44 Response to Motion, 39 First MOTION for Partial Summary Judgment <i>IDOC Defendants' First Motion for Dispositive Relief</i> . (Eaton, Dylan)
12/06/2017	47	REPLY to Response to Motion re 39 First MOTION for Partial Summary Judgment <i>IDOC Defendants' First Motion for Dispositive Relief</i> filed by Henry Atencio, Richard Craig, Idaho Department of Corrections, Rona Siegert, Howard Keith Yordy, Jeff Zumda. (Hall, Brady)
12/15/2017		RECEIPT: CIVIL FILING FEE Received, receipt #IDX21348 PAID IN FULL. (jld)
01/24/2018	48	MOTION for Extension of Time to File <i>Motion to Intervene</i> Christine Gealy England appearing for Interested Party UNITED STATES OF AMERICA. Responses due by 2/14/2018 (England, Christine)
01/29/2018	49	DOCKET ENTRY ORDER granting 37 Motion for Extension of Time to Answer All Parties. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (js)
01/31/2018	50	RESPONSE to Motion re 48 MOTION for Extension of Time to File <i>Motion to Intervene</i> filed by Henry Atencio, Richard Craig, Idaho Department of Corrections, Kevin Kempf, Rona Siegert, Howard Keith Yordy, Jeff Zumda. Replies due by 2/14/2018.(Hall, Brady)
02/01/2018	51	RESPONSE to Motion re 48 MOTION for Extension of Time to File <i>Motion to Intervene</i> filed by Corizon Incorporated, Scott Eliason, Catherine Whinnery, Murray Young. Replies due by 2/15/2018.(Eaton, Dylan)
02/01/2018	52	CERTIFICATE OF SERVICE by Henry Atencio, Richard Craig, Idaho Department of Corrections, Kevin Kempf, Rona Siegert, Howard Keith Yordy, Jeff Zumda re 50 Response to Motion, (Hall, Brady)
02/05/2018	53	RESPONSE to Motion re 48 MOTION for Extension of Time to File <i>Motion to Intervene</i> filed by Adree Edmo. Replies due by 2/19/2018.(Durham, Craig)
02/12/2018	54	MOTION FOR PRO HAC VICE APPEARANCE by Shaleen Shanbhag. (Filing fee \$ 225 receipt number 0976-1697326.)Craig Durham appearing for Plaintiff Adree Edmo. Responses due by 3/5/2018 (Durham, Craig)
02/12/2018	55	DOCKET ENTRY ORDER approving 54 Motion for Pro Hac Vice Appearance of

		attorney Shaleen Shanbhag for Adree Edmo. Per General Order 206, out-of-state counsel shall immediately register for ECF. (Notice sent to CM/ECF Registration Clerk) (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
03/20/2018	56	DOCKET ENTRY NOTICE OF HEARING regarding 39 IDOC Defendants' First Motion for Dispositive Relief: A Motion Hearing is set for 4/4/2018 at 2:00 PM in Boise - Courtroom 3 before Judge B. Lynn Winmill. (jlb)
03/23/2018	57	NOTICE by United States of America re 45 Notice (Other) of <i>Decision Not to Intervene</i> (Bryce, Peter)
03/26/2018	58	NOTICE by Adree Edmo of <i>Supplemental Authority</i> (Rifkin, Lori)
04/04/2018	59	Minute Entry for proceedings held before Judge B. Lynn Winmill: Motion Hearing held on 4/4/2018 re 39 IDOC Defendants' First Motion for Dispositive Relief. The matter was taken under advisement. A written decision is forthcoming. (Court Reporter Tammy Hohenleitner.) (jlb)
05/21/2018	60	MOTION FOR PRO HAC VICE APPEARANCE by Julie Wilensky. (Filing fee \$ 225 receipt number 0976-1738964.)Deborah A Ferguson appearing for Plaintiff Adree Edmo. Responses due by 6/11/2018 (Ferguson, Deborah)
05/22/2018	61	DOCKET ENTRY ORDER approving 60 Motion for Pro Hac Vice Appearance of attorney Julie Wilensky for Adree Edmo. Per General Order 206, out-of-state counsel shall immediately register for ECF. (Notice sent to CM/ECF Registration Clerk) (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
06/01/2018	62	MOTION for Preliminary Injunction Lori E Rifkin appearing for Plaintiff Adree Edmo. Responses due by 6/22/2018 (Attachments: # 1 Declaration of Lori Rifkin and Exhibits in Support, # 2 Declaration of Adree Edmo in Support)(Rifkin, Lori)
06/04/2018	63	MOTION for Extension of Time to File Response/Reply and <i>Request for Status Conference</i> (Responses due by 6/25/2018), 62 MOTION for Preliminary Injunction Brady James Hall appearing for Defendants Henry Atencio, Richard Craig, Rona Siegert, Howard Keith Yordy, Jeff Zumda. (Attachments: # 1 Memorandum in Support)(Hall, Brady) Modified on 6/5/2018 (cjs).
06/05/2018	64	JOINDER by Defendants Corizon Incorporated, Scott Eliason, Catherine Whinnery, Murray Young joining 63 MOTION for Extension of Time to File Response/Reply MOTION for Preliminary Injunction <i>Defendants Corizon Inc., Scott Eliason, Murray Young, and Catherine Whinnery's Joinder in IDOC Defendants' Motion for Extension of Time to Respond to Plaintiff's Motion for Preliminary Injunction and Request for Status Conference.</i> (Eaton, Dylan)
06/06/2018	65	MEMORANDUM in Opposition re 63 MOTION for Extension of Time to File Response/Reply MOTION for Preliminary Injunction filed by Adree Edmo. Replies due by 6/20/2018.(Rifkin, Lori)
06/07/2018	66	MEMORANDUM DECISION AND ORDER - IT IS ORDERED: 1. Defendants First Motion for Dispositive Relief (Dkt. 39) is GRANTED IN PART and DENIED IN PART. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
06/08/2018	67	DOCKET ENTRY NOTICE OF HEARING: A Telephonic Status Conference is set for 6/12/2018 at 11:30 AM (Mountain Time) before Judge B. Lynn Winmill. The call in information is as follows: dial in number 1-877-336-1828, access code 4685496, and security code 9466. (jlb)

06/08/2018	68	REPLY to Response to Motion re 63 MOTION for Extension of Time to File Response/Reply MOTION for Preliminary Injunction , 62 MOTION for Preliminary Injunction filed by Henry Atencio, Richard Craig, Idaho Department of Corrections, Rona Siegert, Howard Keith Yordy, Jeff Zumda. (Attachments: # 1 Declaration of Brady Hall, # 2 Declaration of Krina Stewart)(Hall, Brady) Modified on 10/9/2018 to reflect Attachment #2 under seal by Order Dkt. 129 (cjs).
06/12/2018	69	Minute Entry for proceedings held before Judge B. Lynn Winmill: Telephonic Status Conference held on 6/12/2018. (ESR J. Bracke.) Audio File Location Boise - Courtroom 3. (jlb)
06/12/2018	70	DOCKET ENTRY ORDER granting in part and denying in part 63 Motion for Extension of Time to File Response. The parties shall meet and confer, and provide the Court with a stipulation of deadlines for discovery and briefing on the pending motion for preliminary injunction consistent with the Court's statements at the status conference on June 12, 2018, and in preparation for the October 10-12 evidentiary hearing. The stipulation shall be filed on or before June 15, 2018. Signed by B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (js)
06/15/2018	71	DOCKET ENTRY NOTICE OF HEARING regarding 62 MOTION for Preliminary Injunction: A 3-day Evidentiary Hearing is scheduled to begin on 10/10/2018 at 8:30 AM in Boise - Courtroom 3 before Judge B. Lynn Winmill. (jlb)
06/15/2018	72	STIPULATION <i>regarding Discovery and Briefing Schedule</i> by Henry Atencio, Richard Craig, Idaho Department of Corrections, Rona Siegert, Howard Keith Yordy, Jeff Zumda. (Crecelius, Marisa)
07/03/2018	73	SCHEDULING ORDER approving 72 Stipulation. Fact Discovery due by 8/31/2018. If the Defendants wish to file a brief with the Court in response to Plaintiffs 62 Motion for Preliminary Injunction, then Defendants shall file their response(s) on or before September 14, 2018. If the Plaintiff elects to file a reply brief, the reply shall be filed on or before September 28, 2018. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
07/03/2018		Reset Deadlines as to 62 MOTION for Preliminary Injunction. Responses due by 9/14/2018. Replies due by 9/28/2018. Pursuant to Order Dkt. 73 . (cjs)
07/12/2018	74	MOTION for Discovery <i>for Leave to Depose Inmate Adree Edmo</i> Marisa Swank Crecelius appearing for Defendants Henry Atencio, Richard Craig, Rona Siegert, Howard Keith Yordy, Jeff Zumda, Idaho Department of Correction. Responses due by 8/2/2018 (Crecelius, Marisa)
07/12/2018	75	RESPONSE to Motion re 74 MOTION for Discovery <i>for Leave to Depose Inmate Adree Edmo</i> filed by Corizon Incorporated, Scott Eliason, Catherine Whinnery, Murray Young. Replies due by 7/26/2018.(Eaton, Dylan)
07/17/2018	76	DOCKET ENTRY ORDER granting 74 MOTION FOR LEAVE TO DEPOSE INMATE ADREE EDMO. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (js)
07/17/2018	77	DOCKET ENTRY ORDER denying as moot 48 Motion for Extension of Time. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (js)
07/24/2018	78	MOTION for Discovery <i>for Rule 35 Examination</i> Marisa Swank Crecelius appearing for

		Defendants Henry Atencio, Richard Craig, Idaho Department of Correction, Rona Siegert, Howard Keith Yordy, Jeff Zumda. Responses due by 8/14/2018 (Attachments: # 1 Affidavit Declaration of Dr. Andrade)(Creceilius, Marisa)
07/25/2018	79	STIPULATION for Entry of Order Allowing Rule 35 Examination by Henry Atencio, Richard Craig, Idaho Department of Correction, Rona Siegert, Howard Keith Yordy, Jeff Zumda. (Hall, Brady)
07/26/2018	80	DOCKET ENTRY ORDER deeming moot 78 Motion for Discovery. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (js)
07/26/2018	81	MOTION to Seal Document <i>Ex. B to the Declaration of Lori Rifkin iso Motion to Strike and for Protective Order</i> Lori E Rifkin appearing for Plaintiff Adree Edmo. Responses due by 8/16/2018 (Attachments: # 1 Memorandum in Support of Motion to Seal Ex. B, # 2 Proposed Order)(Rifkin, Lori)
07/26/2018	82	Sealed Document Re: 81 MOTION to Seal Document <i>Ex. B to the Declaration of Lori Rifkin in support of 83 Motion to Strike and for Protective Order</i> . (Rifkin, Lori) Modified on 7/27/2018 to edit text & create link (cjs). Modified on 9/10/2018 to reflect under Seal by Order Dkt. 96 (cjs).
07/26/2018	83	MOTION to Strike <i>Decl. of Krina L. Stewart and for Protective Order</i> Lori E Rifkin appearing for Plaintiff Adree Edmo. Responses due by 8/16/2018 (Attachments: # 1 Memorandum in Support, # 2 Declaration of Lori Rifkin, # 3 Exhibit A-C, # 4 Proposed Order)(Rifkin, Lori)
07/26/2018	84	ORDER FOR RULE 35 EXAMINATION OF PLAINTIFF re 79 Stipulation. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs) (Entered: 07/27/2018)
07/27/2018		CORRECTIVE ENTRY - The entry document number 81 MOTION to Seal Document <i>Ex. B to the Declaration of Lori Rifkin iso Motion to Strike and for Protective Order</i> filed by Adree Edmo in regards to the proposed order, was filed incorrectly in this case. Pursuant to the ECF Procedures, section 12B, all proposed orders are to be submitted by email to the appropriate Judges proposed order email box. The filing party shall re-submit their proposed order.(cjs)
07/27/2018		CORRECTIVE ENTRY - The entry document number 83 MOTION to Strike <i>Decl. of Krina L. Stewart and for Protective Order</i> filed by Adree Edmo in regards to the proposed order, was filed incorrectly in this case. Pursuant to the ECF Procedures, section 12B, all proposed orders are to be submitted by email to the appropriate Judges proposed order email box. The filing party shall re-submit their proposed order.(cjs)
07/27/2018	85	CERTIFICATE OF SERVICE by Adree Edmo re 82 Sealed Document (Rifkin, Lori)
07/31/2018	86	RESPONSE to Motion re 83 MOTION to Strike <i>Decl. of Krina L. Stewart and for Protective Order</i> filed by Henry Atencio, Richard Craig, Idaho Department of Correction, Rona Siegert, Howard Keith Yordy, Jeff Zumda. Replies due by 8/14/2018. (Attachments: # 1 Declaration of Marisa S. Creceilius, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L)(Creceilius, Marisa) Modified on 8/1/2018 (cjs).
08/03/2018	87	MOTION for Protective Order <i>Stipulated</i> Marisa Swank Creceilius appearing for Defendants Henry Atencio, Richard Craig, Idaho Department of Correction, Rona Siegert, Howard Keith Yordy, Jeff Zumda. Responses due by 8/24/2018 (Creceilius, Marisa)

08/06/2018	88	PROTECTIVE ORDER granting 87 Stipulated Motion for Entry of Protective Order. Signed by Judge B. Lynn Winmill. (Attachments: # 1 Appendix A - Acknowledgement and Assent)(caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
08/06/2018	89	Emergency MOTION for Rule 35 Examination Dylan Alexander Eaton appearing for Defendants Corizon Incorporated, Catherine Whinnery, Murray Young. Responses due by 8/27/2018 (Attachments: # 1 Memorandum in Support, # 2 Affidavit of Dylan A. Eaton) (Eaton, Dylan)
08/06/2018	90	Emergency MOTION to Shorten Time re 89 Emergency MOTION for Rule 35 Examination Dylan Alexander Eaton appearing for Defendants Corizon Incorporated, Catherine Whinnery, Murray Young. Responses due by 8/27/2018 (Attachments: # 1 Memorandum in Support)(Eaton, Dylan)
08/08/2018	91	RESPONSE to Motion re 89 Emergency MOTION for Rule 35 Examination filed by Adree Edmo. Replies due by 8/22/2018. (Attachments: # 1 Declaration of Shaleen Shanbhag and Exhibit in Support)(Shanbhag, Shaleen)
08/08/2018	92	REPLY to Response to Motion re 83 MOTION to Strike <i>Decl. of Krina L. Stewart and for Protective Order</i> filed by Adree Edmo.(Shanbhag, Shaleen)
08/09/2018	93	ORDER granting 89 Motion for Rule 35 Examination. The Court rejects plaintiff's attempt to limit the examination. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (dm)
08/23/2018	94	STIPULATION <i>for Protective Order</i> by Corizon Incorporated, Scott Eliason, Catherine Whinnery, Murray Young. (Eaton, Dylan)
08/24/2018	95	ORDER ADOPTING STIPULATION FOR PROTECTIVE ORDER re 94 Stipulation. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
09/10/2018	96	DOCKET ENTRY ORDER granting 81 Motion to Seal Document. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (js)
09/10/2018	97	DOCKET ENTRY ORDER denying as moot without prejudice 83 Motion to Strike. The parties have resolved the bulk of the issues raised in the motion, and they are in the process of trying to resolve the final issue through the Court's informal mediation process. If the final issue is not informally resolved, the Court may allow supplemental briefs addressing only that remaining issue. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (js)
09/10/2018	98	MOTION <i>for Transport Order</i> Craig Durham appearing for Plaintiff Adree Edmo. Responses due by 10/1/2018 (Durham, Craig)
09/14/2018	99	RESPONSE to Motion re 62 MOTION for Preliminary Injunction filed by Henry Atencio, Richard Craig, Idaho Department of Correction, Rona Siegert, Howard Keith Yordy, Jeff Zumda. Replies due by 9/28/2018. (Attachments: # 1 Second Declaration, # 2 Declaration, # 3 Declaration, # 4 Declaration, # 5 Declaration, # 6 Declaration, # 7 Declaration, # 8 Declaration, # 9 Declaration Exs B & C to #8, # 10 Declaration Exs D & E to #8, # 11 Declaration Ex F to #8, # 12 Declaration, # 13 Declaration Ex 5, part 1 to #12, # 14 Declaration Ex 5, part 2 to #12, # 15 Declaration Ex 5, part 3 to #12, # 16 Declaration Ex 5, part 4 to #12, # 17 Declaration Ex 6 to #12)(Hall, Brady) Modified on 9/18/2018 to refer to Errata Dkt. 101 for all Attachments (cjs).

09/14/2018	100	RESPONSE to Motion re 62 MOTION for Preliminary Injunction filed by Corizon Incorporated, Scott Eliason, Catherine Whinnery, Murray Young. Replies due by 9/28/2018. (Attachments: # 1 Affidavit of Dylan A. Eaton, # 2 Exhibit A to Declaration of Dylan A. Eaton)(Eaton, Dylan)
09/17/2018	101	ERRATA by Defendants Henry Atencio, Richard Craig, Idaho Department of Correction, Rona Siegert, Howard Keith Yordy, Jeff Zumda re 99 Response to Motion,,, . (Attachments: # 1 Second Decl. Krina Stewart, # 2 Decl. Siegert, # 3 Decl. Watson, # 4 Decl. Campbell, # 5 Decl. Cummings, # 6 Decl. Jones, # 7 Decl. Clark, # 8 Decl. Crecelius & Ex. A, # 9 Decl. Crecelius Ex. B & C, # 10 Decl. Crecelius Ex. D & E, # 11 Decl. Crecelius Exh. F, # 12 Decl. Yordy & Ex 1-4, # 13 Decl. Yordy Ex 5 pt 1, # 14 Decl. Yordy Ex 5 pt 2, # 15 Decl. Yordy Ex 5 pt 3, # 16 Decl. Yordy Ex 5 pt 4, # 17 Decl. Yordy Ex 6)(Hall, Brady)
09/21/2018	102	STIPULATION to Seal the Declaration of Krina L. Stewart (Dkt. 68-2) by Adree Edmo. (Rifkin, Lori)
09/21/2018	103	ORDER TO TRANSPORT. IT IS ORDERED that the Idaho Department of Correction shall take appropriate steps to transport inmate Mason Dean (Adree) Edmo to the James A. McClure Federal Building and United States Courthouse, 550 W Fort Street, Boise, Idaho, 83724, on October 10, 11, and 12, 2018, and continuing thereafter until the business for the Court is concluded. Court begins at 8:30 a.m. each day, and the Idaho Department of Correction shall ensure Edmo 7:30 a.m., approximately one hour before court commences. IT IS FURTHER ORDERED that the Idaho Department of Correction shall provide Edmo with a sack lunch each day, any medications Edmo is taking, and access to her legal files. (Notice sent to USMS). Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (st) (Entered: 09/24/2018)
09/24/2018	104	AMENDED ORDER TO TRANSPORT re 103 Order to Transport - IDOC to take appropriate measures to transport Mason Dean (Adree) Edmo, #94691 to Courtroom #3 in Boise on October 10, 11, 12, 2018 beginning at 8:30 a.m. IT IS FURTHER ORDERED that the Court amends its earlier Order to require that the Marshal Service and IDOC work together to ensure Edmo is at the courthouse and ready for all hearings. The requirement that Edmo be at the courthouse at 7:30 a.m. is withdrawn, but the Marshal Service and IDOC should take steps necessary to have Edmo at the courthouse with sufficient time to be prepared for the hearings. IT IS FURTHER ORDERED that the Idaho Department of Correction shall provide Edmo with a sack lunch each day, any medications Edmo is taking, and access to her legal files.(Notice sent to USMS) Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
09/24/2018	105	DOCKET ENTRY NOTICE OF HEARING: A Telephonic Status Conference is set for 9/27/2018 at 2:30 PM before Judge B. Lynn Winmill, to discuss procedures for the upcoming evidentiary hearing. The call in information is as follows: Dial in number 1-877-336-1828, access code 4685496, and security code 9466.(jlb)
09/24/2018	106	MOTION for Leave to File Excess Pages / Consolidated Reply Brief Shaleen Shanbhag appearing for Plaintiff Adree Edmo. Responses due by 10/15/2018 (Shanbhag, Shaleen)
09/26/2018	107	DOCKET ENTRY ORDER granting 106 Motion for Leave to File Excess Pages. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (js)
09/27/2018	108	STIPULATION to Extend the Expert Deposition Deadline from September 28, 2018 to October 2, 2018 by Adree Edmo. (Rifkin, Lori)

09/28/2018	109	MOTION FOR PRO HAC VICE APPEARANCE by Alexander Chen. (Filing fee \$ 250 receipt number 0976-1792081.)Craig Durham appearing for Plaintiff Adree Edmo. Responses due by 10/19/2018 (Durham, Craig)
09/28/2018	110	ORDER - Final Witness Lists due by 10/3/2018. Final Exhibit Lists due by 10/5/2018. A final transcript of the hearing will be provided to counsel on or before 10/19/2018. Proposed findings of fact and conclusions of law due by 10/26/2018. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
09/28/2018	111	REPLY to Response to Motion re 62 MOTION for Preliminary Injunction filed by Adree Edmo. (Attachments: # 1 Declaration of Lori Rifkin, # 2 Exhibits 1-10, # 3 Exhibits 11-13, # 4 Exhibits 14-16, # 5 Deposition Excerpts)(Rifkin, Lori)
09/28/2018	112	MOTION to Seal <i>Exhibit 12 to the Declaration of Lori Rifkin iso Plaintiff's Reply to Motion for Preliminary Injunction</i> Lori E Rifkin appearing for Plaintiff Adree Edmo. Responses due by 10/19/2018 (Attachments: # 1 Memorandum in Support)(Rifkin, Lori)
09/28/2018	113	Sealed Document Re: 112 MOTION to Seal <i>Exhibit 12 to the Declaration of Lori Rifkin iso Plaintiff's Reply to Motion for Preliminary Injunction</i> . (Rifkin, Lori) Modified on 10/9/2018 to reflect under seal by Order Dkt. 129 (cjs).
09/28/2018	114	CERTIFICATE OF SERVICE by Adree Edmo re 113 Sealed Document <i>Exhibit 12 to the Declaration of Lori Rifkin iso Plaintiff's Reply to Motion for Preliminary Injunction</i> (Rifkin, Lori)
10/03/2018	115	NOTICE by Adree Edmo of <i>Plaintiff's Final Witness List re Evidentiary Hearing</i> (Rifkin, Lori)
10/03/2018	116	Witness List (sealed) by Corizon Incorporated, Catherine Whinnery, Murray Young. (Eaton, Dylan)
10/03/2018	117	Witness List (sealed) by Henry Atencio, Richard Craig, Idaho Department of Correction, Rona Siegert, Howard Keith Yordy, Jeff Zumda. (Crecelius, Marisa)
10/05/2018	118	DOCKET ENTRY ORDER approving 109 Motion for Pro Hac Vice Appearance of attorney Alexander Chen for Adree Edmo. Per General Order 206, out-of-state counsel shall immediately register for ECF. (Notice sent to CM/ECF Registration Clerk) (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
10/05/2018	119	MOTION to Seal Dylan Alexander Eaton appearing for Defendants Corizon Incorporated, Catherine Whinnery, Murray Young. Responses due by 10/26/2018 (Attachments: # 1 Memorandum in Support, # 2 Affidavit of Dylan A. Eaton, # 3 Affidavit of Joseph M. Pastor, M.D., # 4 Exhibit A to Declaration of Joseph M. Pastor, M.D.)(Eaton, Dylan) Modified on 10/9/2018 to reflect sealed per attorney request by km on 10/8/2018 (cjs).
10/05/2018	120	Joint MOTION to Seal Document 88 Protective Order, Marisa Swank Crecelius appearing for Defendants Henry Atencio, Richard Craig, Idaho Department of Correction, Rona Siegert, Howard Keith Yordy, Jeff Zumda. Responses due by 10/26/2018 (Attachments: # 1 Memorandum in Support)(Crecelius, Marisa)
10/05/2018	121	Sealed Document Re: 62 MOTION for Preliminary Injunction , 88 Protective Order, 120 Joint MOTION to Seal Document 88 Protective Order, . (Attachments: # 1 Exhibit Part 2 of Document, # 2 Exhibit Part 3 of Document)(Crecelius, Marisa) Modified on 10/9/2018 to reflect under seal by Order Dkt. 129 (cjs).
10/05/2018	122	MEMORANDUM in Opposition re 119 MOTION to Seal filed by Adree Edmo. Replies

		due by 10/19/2018.(Rifkin, Lori)
10/05/2018	123	Exhibit List (<i>JOINT</i>) by Adree Edmo.. (Rifkin, Lori)
10/05/2018	124	Exhibit List (<i>Plaintiff</i>) by Adree Edmo.. (Rifkin, Lori)
10/05/2018	125	Exhibit List <i>Defendants' Joint Exhibit List</i> by Henry Atencio, Corizon Incorporated, Richard Craig, Idaho Department of Correction, Rona Siegert, Catherine Whinnery, Howard Keith Yordy, Murray Young, Jeff Zumda.. (Hall, Brady)
10/08/2018	126	Exhibit List <i>Amended (Plaintiff)</i> by Adree Edmo.. (Rifkin, Lori)
10/08/2018	127	Exhibit List <i>Amended (JOINT)</i> by Adree Edmo.. (Rifkin, Lori)
10/08/2018	128	Exhibit List <i>Amended</i> by Henry Atencio, Richard Craig, Idaho Department of Correction, Rona Siegert, Howard Keith Yordy, Jeff Zumda.. (Crecelius, Marisa)
10/09/2018	129	MEMORANDUM DECISION AND ORDER - IT IS ORDERED: 1. Stipulation to Seal Declaration of Krina L. Stewart (Dkt. 102) is GRANTED. 2. Motion to Seal Ex 12 (Dkt. 112) & Motion to Seal Clinical Pathway: Gender Dysphoria Document (Dkt. 119) are GRANTED. 3. Motion to Seal Confidential PSI Documents (Dkt. 120) is GRANTED. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
10/09/2018	130	STIPULATION <i>Governing Evidentiary Hearing Testimony and Exhibits</i> by Henry Atencio, Richard Craig, Idaho Department of Correction, Rona Siegert, Howard Keith Yordy, Jeff Zumda. (Hall, Brady)
10/10/2018	131	Minute Entry for proceedings held before Judge B. Lynn Winmill: Motion Hearing held on 10/10/2018 re 62 MOTION for Preliminary Injunction. The Motion Hearing is scheduled to continue on 10/11/2018 at 8:30 AM in Boise - Courtroom 3 before Judge B. Lynn Winmill. (Court Reporter Tammy Hohenleitner.) (jlb)
10/11/2018	132	Minute Entry for proceedings held before Judge B. Lynn Winmill: Motion Hearing held on 10/11/2018 re 62 MOTION for Preliminary Injunction (Day 2). The Motion Hearing shall resume on 10/12/2018 at 8:30 AM in Boise - Courtroom 3 before Judge B. Lynn Winmill. (Court Reporter Tammy Hohenleitner.) (jlb)
10/12/2018	133	Minute Entry for proceedings held before Judge B. Lynn Winmill: Motion Hearing (Day 3) held on 10/12/2018 re 62 MOTION for Preliminary Injunction filed by Adree Edmo. (Court Reporter Tammy Hohenleitner.) (jlb) (Entered: 10/15/2018)
10/12/2018	134	JOINT AMENDED Exhibit List (Admitted)] by Henry Atencio, Corizon Incorporated, Richard Craig, Adree Edmo, Idaho Department of Correction, Rona Siegert, Catherine Whinnery, Howard Keith Yordy, Murray Young, Jeff Zumda.. (cjs) (Entered: 10/15/2018)
10/12/2018	135	AMENDED Exhibit List (Admitted) by Adree Edmo. (cjs) (Entered: 10/15/2018)
10/12/2018	136	AMENDED Exhibit List (Admitted) by Henry Atencio, Corizon Incorporated, Idaho Department of Correction, Rona Siegert, Catherine Whinnery, Howard Keith Yordy, Murray Young, Jeff Zumda. (cjs) (Entered: 10/15/2018)
10/19/2018	137	Transcript of Proceedings held on 10/10/18 (Evidentiary Hearing Day 1) before Judge B. Lynn Winmill. Court Reporter/Transcriber Tamara I. Hohenleitner, Email tammy_hohenleitner@id.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. This transcript is not available to the general public and as such is sealed. Redaction Request due 11/9/2018. Redacted Transcript Deadline set for 11/19/2018. Release of Transcript Restriction set for 1/17/2019. (jp)

10/19/2018	138	Transcript of Proceedings held on 10/11/18 (Evidentiary Hearing Day 2) before Judge B. Lynn Winmill. Court Reporter/Transcriber Tamara I. Hohenleitner, Email tammy_hohenleitner@id.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. This transcript is not available to the general public and as such is sealed. Redaction Request due 11/9/2018. Redacted Transcript Deadline set for 11/19/2018. Release of Transcript Restriction set for 1/17/2019. (jp)
10/19/2018	139	Transcript of Proceedings held on 10/12/18 (Evidentiary Hearing Day 3) before Judge B. Lynn Winmill. Court Reporter/Transcriber Tamara I. Hohenleitner, Email tammy_hohenleitner@id.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. This transcript is not available to the general public and as such is sealed. Redaction Request due 11/9/2018. Redacted Transcript Deadline set for 11/19/2018. Release of Transcript Restriction set for 1/17/2019. (jp)
10/19/2018	140	Notice of Filing of Official Transcript (jp)
10/26/2018	141	SUPPLEMENT by Plaintiff Adree Edmo - <i>Submission of Impeachment or Contradictory Evidence for the Second Declaration of Krina Stewart</i> . (Attachments: # 1 Deposition Excerpts & Exhibits)(Rifkin, Lori)
10/26/2018	142	SUPPLEMENT by Plaintiff Adree Edmo - <i>Submission of Impeachment or Contradictory Evidence for the Declaration of Keith Yordy</i> . (Attachments: # 1 Deposition Excerpts & Exhibits)(Rifkin, Lori)
10/26/2018	143	TRIAL BRIEF <i>Plaintiff's Post-Hearing Brief</i> by Adree Edmo. (Rifkin, Lori)
10/26/2018	144	Proposed Findings of Fact by Adree Edmo. (Shanbhag, Shaleen)
10/26/2018	145	TRIAL BRIEF <i>IDOC Defendants' Written Closing Statement</i> by Henry Atencio, Richard Craig, Idaho Department of Correction, Rona Siegert, Howard Keith Yordy, Jeff Zumda. (Hall, Brady)
10/26/2018	146	Proposed Findings of Fact by Henry Atencio, Corizon Incorporated, Richard Craig, Idaho Department of Correction, Rona Siegert, Catherine Whinnery, Howard Keith Yordy, Murray Young, Jeff Zumda. (Crecelius, Marisa)
10/26/2018	147	SUPPLEMENT by Defendants Henry Atencio, Richard Craig, Idaho Department of Correction, Rona Siegert, Howard Keith Yordy, Jeff Zumda re 141 Supplement, 142 Supplement <i>IDOC Defendants' Response to Plaintiff's Submission of Deposition Testimony</i> . (Crecelius, Marisa)
10/26/2018	148	TRIAL BRIEF <i>Closing Statement in Opposition to Plaintiff's Motion for Preliminary Injunctive Relief</i> by Corizon Incorporated, Catherine Whinnery, Murray Young. (Eaton, Dylan)
12/13/2018	149	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - IT IS ORDERED: 1. Plaintiffs Motion for Preliminary Injunction (Dkt. 62) is GRANTED IN PART. Defendants are ordered to provide Plaintiff with adequate medical care, including gender confirmation surgery. Defendants shall take all actions reasonably necessary to provide Ms. Edmo gender confirmation surgery as promptly as possible and no later than six months from the date of this order. However, given IDOCs implementation of an updated gender dysphoria policy on October 5, 2018 that appears to provide Plaintiffs requested injunctive relief related to accessing gender-appropriate underwear, clothing, and commissary items, the Court will not address that relief at this time. This is without

		prejudice to the plaintiffs right to raise the issue in the future, should IDOC revoke the new policy or if the implementation of the policy results in ongoing violations. 2. The Courts Deputy, Jamie Bracke, is directed to set a telephonic status conference in this case no later than two weeks after this decision issues. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
12/19/2018	150	DOCKET ENTRY NOTICE OF HEARING: A Telephonic Status Conference is set for 12/21/2018 at 10:00 AM (Mountain Time) before Judge B. Lynn Winmill. A call in number will be provided by the Court to counsel. (jlb)
12/19/2018	151	Sealed Document (Letter) Re 149 . (cjs)
12/19/2018	152	Sealed Document (Letter) Re 149 . (Attachments: # 1 Envelope)(cjs)
01/02/2019	153	LITIGATION ORDER AND NOTICE OF TELEPHONIC SCHEDULING CONFERENCE - Case Management deadline set for 1/15/2019 for the joint litigation plan, joint discovery plan, and status reports. Telephonic Scheduling Conference set for 1/22/2019 03:00 PM in Boise Chambers before Judge B. Lynn Winmill. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs) (Entered: 01/03/2019)
01/09/2019	154	NOTICE OF APPEAL by Henry Atencio, Richard Craig, Idaho Department of Correction, Rona Siegert, Howard Keith Yordy, Jeff Zumda. Filing fee \$ 505, receipt number 0976-1831924. (Notice sent to Court Reporter & 9th Cir) (Attachments: # 1 Representation Statement)(Hall, Brady)(19-35017)
01/09/2019	155	NOTICE OF APPEAL as to 149 Order on Motion for Preliminary Injunction,,, by Corizon Incorporated, Scott Eliason, Catherine Whinnery, Murray Young. Filing fee \$ 505, receipt number 0976-1831994. (Notice sent to Court Reporter & 9th Cir) (Attachments: # 1 Service Information Sheet Representation Statement)(Eaton, Dylan) (19-35019)
01/09/2019	156	Joint MOTION to Stay re 149 Order on Motion for Preliminary Injunction,,, Dylan Alexander Eaton appearing for Defendants Corizon Incorporated, Catherine Whinnery, Murray Young. Responses due by 1/30/2019 (Attachments: # 1 Memorandum in Support) (Eaton, Dylan)
01/10/2019	163	USCA Case Number 19-35017 for 154 Notice of Appeal, filed by Rona Siegert, Richard Craig, Howard Keith Yordy, Henry Atencio, Jeff Zumda, Idaho Department of Correction. (cjs) (Entered: 01/22/2019)
01/10/2019	164	USCA Case Number 19-35019 for 155 Notice of Appeal, filed by Corizon Incorporated, Murray Young, Scott Eliason, Catherine Whinnery. (cjs) (Entered: 01/22/2019)
01/10/2019	165	ORDER of USCA as to 154 Notice of Appeal, filed by Rona Siegert, Richard Craig, Howard Keith Yordy, Henry Atencio, Jeff Zumda, Idaho Department of Correction. Briefing set. (cjs) (Entered: 01/22/2019)
01/15/2019	157	STATUS REPORT of All Defendants by Corizon Incorporated, Catherine Whinnery, Murray Young. (Eaton, Dylan)
01/15/2019	158	SCHEDULING CONFERENCE FORM - LITIGATION PLAN by Adree Edmo. (Shanbhag, Shaleen)
01/15/2019	159	DISCOVERY PLAN by Adree Edmo re 153 Litigation Order, . (Shanbhag, Shaleen)
01/16/2019	160	TRANSCRIPT REQUEST by Henry Atencio, Richard Craig, Idaho Department of Correction, Rona Siegert, Howard Keith Yordy, Jeff Zumda for proceedings held on

		10/10/2018, 10/11/2018, 10/12/2018 before Judge B. Lynn Winmill, (Notice sent by e-mail to Court Reporter) (Hall, Brady)
01/16/2019	161	TRANSCRIPT REQUEST by Corizon Incorporated, Scott Eliason, Catherine Whinnery, Murray Young for proceedings held on 10/10/2018, 10/11/2018, 10/12/18 before Judge B. Lynn Winmill, (Notice sent by e-mail to Court Reporter) (Eaton, Dylan)
01/18/2019	162	AMENDED DOCKET ENTRY NOTICE OF HEARING: Due to the Court's calendar, the Telephonic Scheduling Conference set for 1/22/2019 is RESCHEDULED for 1/30/2019 at 3:30 PM (mountain time) before Judge B. Lynn Winmill. The call in information is as follows: dial in number 1-877-336-1828, access code 4685496, and security code 9466. (jlb)
01/18/2019	166	Transcript filed for dates of 6/12/2018 (Telephonic Status Conference) before Judge B. Lynn Winmill, re 154 Notice of Appeal, 155 Notice of Appeal, Court Reporter/Transcriber Tamara Hohenleitner, Email tammy_hohenleitner@id.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/8/2019. Redacted Transcript Deadline set for 2/19/2019. Release of Transcript Restriction set for 4/18/2019. (cjs) (Entered: 01/22/2019)
01/22/2019	167	Notice of Filing of Official Transcript (cjs)
01/30/2019	168	MEMORANDUM in Opposition re 156 Joint MOTION to Stay re 149 Order on Motion for Preliminary Injunction,,,,, filed by Adree Edmo. Replies due by 2/13/2019.(Shanbhag, Shaleen)
01/30/2019	169	Minute Entry for proceedings held before Judge B. Lynn Winmill: Telephonic Scheduling Conference was held on 1/30/2019. A Telephonic Status Conference is set for 3/5/2019 at 4:00 PM (Mountain Time) before Judge B. Lynn Winmill. (Court Reporter Tammy Hohenleitner.) (jlb) (Entered: 01/31/2019)
01/31/2019	170	DOCKET ENTRY NOTICE OF HEARING - A Telephonic Status Conference is set for 3/5/2019 at 4:00 PM (Mountain Time) before Judge B. Lynn Winmill. The call in information is as follows: dial in number 1-877-336-1828, access code 4685496, and security code 9466. (jlb)
01/31/2019	171	SCHEDULING ORDER (Standard) - Amended Pleadings/Joinder of Parties due by 1/31/2019. Defendants shall provide Answers to the Third Amended Complaint on or before 3/15/2019. Completion of Discovery due by 8/15/2019. Dispositive Motions due by 1/31/2020. The parties have chosen to participate in a judicially supervised settlement conference . ADR must be held by within one month after the United States Court of Appeals for the Ninth Circuit issues an opinion on this Courts decision to grant a preliminary injunction . Within 7 days of this Order, the parties are directed to contact the ADR Administrator, so that she may assign a settlement conference judge and schedule a date for the settlement conference. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
01/31/2019	172	AMENDED COMPLAINT (<i>Third</i>) and Exhibits A & B in Support against All Defendants, filed by Adree Edmo.(Rifkin, Lori)
02/01/2019	173	NOTICE of Appearance by Bryce C Jensen on behalf of Corizon Incorporated, Scott Eliason, Catherine Whinnery, Murray Young (Jensen, Bryce)
02/13/2019	174	REPLY to Response to Motion re 156 Joint MOTION to Stay re 149 Order on Motion for Preliminary Injunction,,,,, filed by Corizon Incorporated, Scott Eliason, Catherine

Whinnery, Murray Young.Motion Ripe Deadline set for 2/14/2019.(Eaton, Dylan)

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