

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT  
Form 7. Mediation Questionnaire**

*Instructions for this form: <http://www.ca9.uscourts.gov/forms/form07instructions.pdf>*

**9th Cir. Case Number(s)**

**Case Name**

**Counsel submitting this form**

**Represented party/parties**

*Briefly describe the dispute that gave rise to this lawsuit.*

Edmo is a male-to-female transgender inmate in the custody of the Idaho Department of Correction ("IDOC"). Edmo has been incarcerated with the IDOC since 2012, and was diagnosed with gender dysphoria shortly thereafter. Since that time, IDOC clinicians and Corizon medical providers have been treating Edmo's gender dysphoria, including providing hormone therapy and psychotherapy. However, Edmo's treating providers do not believe gender-confirmation surgery ("GCS") is appropriate for Edmo at this time based on her specific circumstances and medical and mental health judgments exercised by the providers.

Edmo disagrees. Consequently, Edmo brought suit under 42 U.S.C. § 1983 (as well as other claims not at issue in the appeal) against the IDOC, Corizon, and various individual employees. Edmo claims that the medical treatment defendants provided was so inadequate, it amounted to cruel and unusual punishment under the Eighth Amendment.

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*Briefly describe the result below and the main issues on appeal.*

On June 1, 2018, Edmo filed a Motion for Preliminary Injunction. Judge Winmill allowed the parties to conduct limited discovery before conducting an evidentiary hearing on the motion. After the parties conducted discovery, Judge Winmill held a three-day evidentiary hearing on October 10-12, 2018. On December 13, 2018, Judge Winmill issued an order, granting in part Edmo's Motion for a Preliminary Injunction. The order requires defendants to provide Edmo with GCS as promptly as possible and no later than six months from the date of the order.

Defendants have appealed the order because they believe Judge Winmill did not apply the correct legal standard. Moreover, Defendants do not believe the record supports many of Judge Winmill's factual and legal findings. (Defendants reserve the right to assert additional arguments on appeal.)

*Describe any proceedings remaining below or any related proceedings in other tribunals.*

Defendants have filed with the district court a motion to stay the December 13, 2018 Order, including a request to stay the ordered surgery pending appeal. This motion is pending and has not yet been decided by the district court. Because this is an appeal from an Order granting a motion for preliminary injunction, the court has not yet held a trial. There are other causes of action and claims in the case that may continue to be litigated in the district court during this appeal.

**Signature**

**Date**

*(use "s/[typed name]" to sign electronically-filed documents)*