

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

OCT 10 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ADREE EDMO, AKA Mason Edmo,

Plaintiff-Appellee,

v.

CORIZON, INC.; et al.,

Defendants-Appellants,

and

IDAHO DEPARTMENT OF
CORRECTIONS; et al.,

Defendants.

No. 19-35017

D.C. No. 1:17-cv-00151-BLW
District of Idaho,
Boise

ORDER

ADREE EDMO, AKA Mason Edmo,

Plaintiff-Appellee,

v.

IDAHO DEPARTMENT OF
CORRECTIONS; et al.,

Defendants-Appellants,

and

CORIZON, INC.; et al.,

Defendants.

No. 19-35019

D.C. No. 1:17-cv-00151-BLW

Before: McKEOWN and GOULD, Circuit Judges, and LASNIK, * District Judge.

We grant Plaintiff-Appellee’s motion (Docket Entry No. 101) to partially lift the stay of the district court’s order requiring Defendants-Appellants to take all actions reasonably necessary to provide Plaintiff with gender confirmation surgery. Defendants, as the proponents of the stay, have not shown that “irreparable harm is probable” with respect to the limited nature of Plaintiff’s request and that they have both “a substantial case on the merits and that the balance of hardships tips sharply” in their favor. *Leiva-Perez v. Holder*, 640 F.3d 962, 970 (9th Cir. 2011) (per curiam). Accordingly, this court’s stay of the district court’s December 13, 2018 order is partially lifted so that Plaintiff may receive all presurgical treatments and related corollary appointments or consultations necessary for gender confirmation surgery.

* The Honorable Robert S. Lasnik, United States District Judge for the Western District of Washington, sitting by designation.