

**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.

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. This order was appealed and is currently pending a Petition for En Banc Review in the Ninth Circuit

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

The GCS surgery ordered by Judge Winmill is stayed by the Ninth Circuit pending appeal. However, in October 2019, the Ninth Circuit modified the stay to allow “all presurgical treatments and any related corollary appointments or consultations necessary for gender confirmation surgery.” At a subsequent status conference, the District Court, based on a unilateral filing by Plaintiff, ordered the following pre-surgical treatments: (1) permanent laser hair removal or electrolysis, (2) a GCS referral letter from a treating physician, and (3) payment approval for the surgery that is stayed (“Pre-Surgical Order”).

Defendants have appealed this Pre-Surgical Order and intend to claim, among other things, that the District Court did not have jurisdiction to issue said Order and also denied Defendants due process in issuing the Order.

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

Because this is an appeal from an order granting a motion for preliminary injunction, the court has not yet held a trial.

**Signature**

**Date**

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