

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CRISTINA NICHOLE IGLESIAS )  
(a.k.a. Cristian Noel Iglesias), )  
 )  
Plaintiff, )  
 ) Case No. 19-cv-00415-RJN  
v. )  
 )  
IAN CONNORS, *et al.*, )  
 )  
Defendants. )

**DEFENDANTS' MOTION TO EXTEND DEADLINE FOR RESPONDING  
TO PLAINTIFF'S SECOND AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 6(b)(1) and 15(a)(3), Defendants Michael Carvajal, Chris Bina, Ian Connors, Dan Sproul, Jeffery Allen, Alix McLearen, Thomas Scarantino, and Donald Lewis (all in their official capacities), and Federal Bureau of Prisons (collectively, "Defendants"), through undersigned counsel, request that the Court set the date by which they must respond to Plaintiff's Second Amended Complaint ("Complaint"), ECF No. 106, to fourteen (14) days after the Court's decision on Plaintiff's Motion and Memorandum in Support of a Preliminary Injunction ("PI Motion"), ECF No. 93. As explained below, granting the instant motion will result in a more efficient resolution of this case without prejudicing Plaintiff.

**BACKGROUND**

Plaintiff, a transgender inmate in the custody of the Federal Bureau of Prisons ("BOP") who has gender dysphoria, moved for leave to file a second amended complaint on February 4, 2021. ECF No. 85. Plaintiff's Second Amended Complaint asserts that BOP has (1) violated the Eighth Amendment by denying her adequate medical treatment, including gender conforming surgery and hair removal; (2) violated the Fifth and Eighth Amendments by failing to house her in a female prison facility; and (3) violated the Eighth Amendment by failing to protect her from serious harm while

housing her in a male prison facility. ECF 85-1 (“Complaint”) ¶¶ 95-115.

On April 6, 2021, before the Court had screened the Complaint for merit under 42 U.S.C. § 1997e(a), Plaintiff moved for a preliminary injunction to require that she be given a transfer to a female prison facility and medical care, including permanent hair removal and gender affirming surgery. Pl.’s Mot. & Mem. in Supp. of a Prelim. Inj. (“PI Motion”), ECF No. 93. This interim relief is the same as the final relief sought in the Complaint. *Compare id. with* Compl. at 25 (prayer for relief). Since Plaintiff filed her PI Motion, Defendants have transferred her to the Federal Medical Center at Carswell, Texas, a female facility, and provided her with hair removal lotion and skin-soothing ointments. ECF Nos. 119, 123. Oral argument on the PI Motion is set for July 28, 2021. ECF No. 121.

The Court issued its order screening the Complaint on June 17, 2021, allowing Plaintiff’s claims to move forward against BOP and the other named defendants in their official capacities only. ECF No. 116; *see also* ECF No. 114 (stipulating to the dismissal of claims against all individual capacity claims). Under Federal Rule of Civil Procedure 15(a)(3), those defendants who have been served have fourteen days from the date of the screening order to respond to the Complaint. Their response would therefore be due on July 1, 2021. As yet, Plaintiff has not served Defendants Sproul and Allen, so the deadlines for their responses have not been set. *See* ECF Nos. 117, 118.

### **ARGUMENT**

Federal courts may extend forthcoming deadlines “for good cause.” Fed. R. Civ. P. 6(b)(1)(B); *see Riddock v. Mueller*, No. 3:18-CV-01072-GCS, 2020 WL 7342699, at \*2 (S.D. Ill. Dec. 14, 2020). This standard will be met when an extension promotes efficient resolution of the case. *See White v. Marshall*, No. 07-CV-892, 2009 WL 230096, at \*2 (E.D. Wis. Jan. 30, 2009) (“[J]udicial efficiency may constitute ‘good cause’ for an extension of time.”); *see also Malibu Media, LLC v. Harrison*, No. 1:12-CV-01117-WIL, 2014 WL 902548, at \*2 (S.D. Ind. Mar. 7, 2014).

Here, the Court should grant the instant motion because making Defendants' response to the Complaint due after the Court's ruling on the PI motion will reduce the burdens on the Court and the parties without causing any undue prejudice. In these circumstances, an "extension of time to answer or otherwise plead . . . [provides] the benefit of a ruling on [a] motion for a preliminary injunction . . . before [a] respon[se] to the complaint" is due. *Parsons & Whittemore, Enters. Corp. v. Cello Energy, LLC*, No. CIV A 07-0743-CG-B, 2008 WL 227952, at \*21 (S.D. Ala. Jan. 25, 2008); *see also New England Anti-Vivisection Soc'y v. U.S. Fish & Wildlife Serv.*, No. 16-CV-149 (KBJ), 2016 WL 10839560, at \*1 n.2 (D.D.C. Apr. 29, 2016).

Enlarging the deadline to respond to the Complaint until after the Court resolves the pending PI Motion will simplify this case and decrease the burdens of litigation on the parties and the Court. The PI Motion and the Complaint sought identical substantive relief on virtually identical grounds.<sup>1</sup> The Court's resolution of the PI Motion will therefore directly inform the issues that must be addressed in responding to the Complaint, whether by answering or moving for dismissal under Rule 12. For example, if the Court concludes that venue is improper, *see* ECF No. 93 at 10-11, no response will be necessary. Similarly, if the Court finds that it lacks jurisdiction because Plaintiff's housing claims became moot once she was transferred to a female facility, it would be unnecessary for Defendants to investigate and answer the factual allegations in support of that claim (if filing an answer) or to argue that issue (if moving under Rule 12). The same is true concerning her Eighth Amendment claim concerning hair removal given Defendants have provided Plaintiff with hair removal lotion. Even if the Court's decision on the PI Motion does not fully dispose of a claim, the

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<sup>1</sup> As noted Defendants' Opposition to Plaintiff's Motion for a Preliminary Injunction, in the opposition to the PI Motion, the Complaint contains an Eighth Amendment claim based on Plaintiff being housed in a male facility that was not relied upon in the PI Motion, and the PI Motion referenced a sexual harassment claim that had not been pled in the Complaint. ECF No. 93 at 11 n.4, 21-22.

Court's analysis of these arguments in the context of the PI Motion would inform any Rule 12 briefing. It would allow the parties to tailor their arguments to address those issues that will assist the Court and prevent the Court and the parties from devoting time to issues that do not advance the Court's resolution of this case. Further, the requested enlargement would consolidate the deadlines for Defendants Sproul and Allen, who have yet to be served, with those of the remaining defendants. This consolidated deadline would prevent potential duplicative responses to the Complaint, conserving the resources of both the parties and the Court. These considerations weigh strongly in favor of the requested stay. *See Malibu Media, LLC*, 2014 WL 902548, at \*2.

The benefits of granting the instant motion far outweigh the minimal prejudice to Plaintiff from the requested enlargement. Plaintiff has already received the majority of the relief she seeks in her Complaint from the Defendants. She has been transferred to a female prison facility and is currently receiving hair removal treatment. ECF Nos. 119, 123. Moreover, permitting a response to the Complaint until after resolution of the PI Motion would either have no effect on the timing of any future proceedings or create only a minor delay. If the Court grants Plaintiff any relief under the PI Motion, the requested extension will not delay that relief. Any relief sought by the PI Motion that the Court denies will be unavailable until a final judgment in this case, which could occur only after a response to the complaint, discovery, summary judgment briefing, and, potentially, a trial.<sup>2</sup> Any delay from the requested extension would therefore represent a negligible fraction of the overall timeline of this case. A brief enlargement of the time to respond to the Complaint is therefore not unduly prejudicial to Plaintiff.

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<sup>2</sup> Indeed, this case cannot even proceed in full until Defendants Sproul and Allen are served. *See* ECF Nos. 117, 118.

Given that the requested enlargement would promote judicial efficiency by simplifying the case and reducing the burdens of litigation without unduly prejudicing Plaintiff, the Court should grant the instant motion.

### CONCLUSION

For the foregoing reasons, the Court should enlarge the deadline for Defendants to respond to the Complaint until fourteen (14) days after the issuance of the Court's ruling on the PI Motion.

Dated: June 24, 2021

Respectfully submitted,

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

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(a.k.a. Cristian Noel Iglesias),	)	
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Plaintiff,	)	
	)	Case No. 19-cv-00415-RJN
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	)	
IAN CONNORS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

[Proposed] **ORDER**

Upon consideration of Defendants’ Motion to Stay Deadline for Responding to Plaintiff’s Second Amended Complaint and the entire record herein,

**IT IS HEREBY ORDERED** that Defendants’ motion is GRANTED; and

**FURTHER ORDERED** that Defendants’ response to Plaintiff’s Second Amended Complaint is STAYED until fourteen (14) days following the Court’s decision on Plaintiff’s Motion and Memorandum in Support of a Preliminary Injunction.

Signed \_\_\_\_\_, 2021, at East St. Louis, Illinois

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Hon. Nancy J. Rosenstengel  
United States District Court  
For the Southern District of Illinois