

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CRISTINA NICHOLE IGLESIAS
(a.k.a. CRISTIAN NOEL IGLESIAS),

Plaintiff,

v.

IAN CONNORS, *et al.*,

Defendants.

Case No. 19-cv-00415-RJN

DEFENDANTS' STATUS REPORT

Defendants respectfully submit this Status Report pursuant to the Court's February 22, 2022 Order providing that "Defendants shall file weekly updates on contacts with the surgeon, the surgeon's response, and any other items relating to Ms. Iglesias's care on Friday, February 25, 2022, by 5:00 p.m., and every Friday thereafter by 5 p.m. until further notice." ECF No. 200 at 2.

As previously reported, BOP has been in communication with a surgeon (Surgeon 1) about potentially providing gender confirmation surgery to Plaintiff. *See* ECF No. 204-1 ¶¶ 4-6. Through the attached Declaration of Jenna Epplin, BOP reports that on March 1, 2022, BOP was advised by BOP's contractor that Surgeon 1 has scheduled an appointment for consultation with Plaintiff for April 7, 2022. Epplin Decl. ¶ 5. BOP plans to move forward with this appointment. *Id.*

On March 3, 2022, Defendants' counsel provided Plaintiff's counsel with the name of the surgeon (Surgeon 1) who has agreed to meet with Plaintiff for a consultation for gender confirmation surgery. Defendants designated the surgeon's name and any other identifying information, including but not limited to the surgeon's professional association, as confidential per the terms of the protective order. Because BOP has concerns about the surgeon being contacted at this time by litigation counsel, Defendants' counsel requested that Plaintiff's counsel not reach out to the surgeon until the surgeon

has made a decision whether to accept Plaintiff as a patient.

As reported previously, BOP has taken steps to broaden its search beyond the above-referenced surgeon and notified its contractor that BOP is requesting the contractor identify and contact a second (and potentially a third) surgeon. ECF No. 204-1 ¶ 7. In response to that request, BOP was notified on approximately February 25, 2022, that the contractor had located a second practice (Practice 2). Epplin Decl. ¶ 8. On March 1, 2022, BOP was notified that Practice 2 has “declined to see the patient due to her socio-economic background. The provider is concerned about the lack of support and thinks that the patient will not comply post operatively.” *Id.* Additionally on approximately February 24, 2022, the contractor advised they had made outreach to a third practice (Practice 3). *Id.* ¶ 9. On March 3, 2022, BOP was advised by the contractor that “no other provider that we have made outreach to is willing to see this patient.” *Id.* On February 24, 2022, Plaintiff’s counsel provided the name and email address of a surgeon located in Chicago, Illinois, whom they advise is willing to perform Plaintiff’s surgery. On March 3, 2022, Defendants’ counsel asked Plaintiff’s counsel whether the surgeon in Chicago would be willing to travel to Florida to treat Plaintiff. Defendants’ counsel looks forward to discussing this issue with Plaintiff’s counsel.

With respect to hair removal, as reported previously, BOP believes it makes sense for the removal of hair at the surgical site to be part of the consultation with the surgeon, but in the interest of time, BOP requested that the contractor identify other options for hair removal at the surgical site. ECF No. 204-1 ¶ 8. The contractor responded that they would need specific orders for what needs to be done. Epplin Decl. ¶ 10. In response to this, on March 3, 2022, BOP staff spoke with the contractor, and the contractor indicated they will reach out to see who Surgeon 1 uses for hair removal, for the sake of finding such a service consistent with Surgeon 1’s practice. *Id.* BOP was advised Surgeon 1 does not use a particular dermatologist for hair removal, and BOP is now considering next steps. *Id.* BOP will further advise the Court on progress made with respect to hair removal in its next

status report.

Dated: March 4, 2022

STEVEN D. WEINHOEFT
United States Attorney

LAURA J. JONES
Assistant United States Attorney

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CRISTINA NICHOLE IGLESIAS (a.k.a.,)	
CRISTIAN NOEL IGLESIAS),)	
)	
Plaintiff,)	
)	
vs.)	Case No. 19-cv-00415-NJR
)	
IAN CONNORS, ET AL.,)	
)	
Defendants.)	

DECLARATION OF JENNA EPPLIN

I, Jenna Epplin, make the following declaration, in accordance with the provisions of 28 U.S.C. § 1746:

1. I am currently employed by the Federal Bureau of Prisons (“BOP”) as National Policy and Program Coordinator (Transgender Inmates) for the BOP’s Women and Special Populations Branch of the Reentry Services Division. I have held my current position since August 2020. I have been employed by the BOP since June 2002. Additionally, I serve as a member of the BOP’s Transgender Executive Council and have done so since August 2020.

2. I am aware the Court ordered Defendants to “file weekly updates on contacts with the surgeon, the surgeon’s response, and any other items relating to Ms. Iglesias’s care on Friday, February 25, 2022, by 5:00 p.m., and every Friday thereafter by 5 p.m. until further notice.” (Doc. 200).

3. I have been informed of certain developments since the Court was last updated on February 25, 2022 (Doc. 204). I write now to update the Court about those developments.

4. Dr. Alix McLearen previously advised the Court that BOP had been in communication with a surgeon (Surgeon 1) who indicated they had appointments available in April. Doc. 204-1 ¶¶ 4-6.

5. On March 1, 2022, BOP was advised by BOP's contractor that Surgeon 1 scheduled an appointment for consultation with Ms. Iglesias on April 7, 2022. BOP plans to move forward with this appointment.

6. On March 3, 2022, in response to a question about hair removal, BOP was advised by BOP's contractor that "the patient must be seen for evaluation before anything else is ordered." Specifically, once Surgeon 1 has determined that Ms. Iglesias "meets the clinical criteria and has accepted her then the rest can be entered." BOP was also advised that Surgeon 1 refers patients out to other providers for vaginoplasty and was advised the contractor would find out who those providers are.

7. Additionally, Dr. McLearen previously indicated BOP took steps to broaden its search beyond the above-referenced surgeon and notified the contractor that BOP is requesting they begin identifying and contacting a second (and potentially a third) surgeon. (Doc. 204-1 ¶ 7).

8. In response to that request, BOP was notified on approximately February 25, 2022, that the contractor had located a second practice (Practice 2) that could potentially conduct a consultation as soon as March 15th, but that they would need the mental health referral letters in order to schedule. On March 1, 2022, BOP was notified that Practice 2 has "declined to see the patient due to her socio-economic background. The provider is concerned about the lack of support and thinks that the patient will not comply post operatively."

9. Additionally on approximately February 24, 2022, the contractor advised they had made outreach to a third practice (Practice 3). On March 3, 2022, BOP was advised by the contractor that "no other provider that we have made outreach to is willing to see this patient." The contractor did not provide further information about why Practice 3 declined to see Ms. Iglesias.

10. Finally, Dr. McLearn had indicated that while BOP believes it makes sense for the removal of hair at the surgical site to be part of the consultation with the surgeon, in the interest of time, BOP requested on February 24, 2022, that the contractor identify other options for hair removal at the surgical site. (Doc. 204-1 ¶ 8). The contractor responded that they would need specific orders for what needs to be done. In response to this, on March 3, 2022, BOP staff spoke with the contractor for clarification, and the contractor indicated they would reach out to see who Surgeon 1 uses for hair removal, for the sake of finding such a service consistent with Surgeon 1's practice. BOP was advised Surgeon 1 does not use a particular dermatologist for hair removal.

11. BOP remains committed to providing Ms. Iglesias appropriate care and continues working diligently with our contractor.

I declare under penalty of perjury that the foregoing is true and correct to the best of my belief. Executed on this 4th day of March 2022.

Jenna Epplin