

DISCUSSION

In its Memorandum and Order dated April 18, 2022 (ECF No. 238) (“Mem. Op.”), the Court granted in part Plaintiff’s Motion for a Modified Preliminary Injunction (ECF No. 213). Mem. Op. at 2, 20-22. Among other terms, the modified injunction directs Defendants to file notices “about the earliest BOP can transfer [Plaintiff] to another jurisdiction, like Chicago, for [gender-confirmation] surgery,” each notice to include information about (a) the jurisdictions to which the AOUSC Office of Probation and Pretrial Services (“Probation Services”) can move Ms. Iglesias, (b) the earliest date Ms. Iglesias can be moved to each jurisdiction, (c) any and all details regarding the process for coordinating Ms. Iglesias’ possible move to each jurisdiction; and (d) the individual(s) at Probation Services with whom Defendants have been in contact, when and how Defendants contacted them, and whether these individuals contacted Defendants back. Modified Prelim. Inj. ¶ 6. The injunction requires that the first of these notices be filed on April 21, 2022 and that updates be filed together with the weekly status reports that Defendants are required to file under paragraphs 7 and 8 of the injunction. *Id.* ¶¶ 6-8.

Defendants respectfully submit that good cause exists to extend the April 21 deadline, principally because Defendants are prepared to move forward with Plaintiff in an effort to retain the Chicago-based surgeon identified by Plaintiff’s counsel to perform Plaintiff’s gender-confirmation surgery (or at least the vaginoplasty procedure) in Chicago, assuming that suitable arrangements can be made. Defendants’ counsel contacted counsel for Plaintiff on April 19, 2022, to initiate discussions between the parties to advance this objective. Following this initial discussion, on April 19 BOP directed its contractor, at the suggestion of Plaintiff’s counsel, to contact the Chicago-based surgeon and inquire about his earliest availability for a telehealth consult with Plaintiff. The contractor reported that one of its representatives spoke with the

Chicago-based surgeon on April 20, and that the surgeon asked the contractor to send Plaintiff's medical records, which he will review and then consider a tele-consult appointment. BOP also directed its contractor to identify a Miami-area dermatologist who performs surgical-site hair removal by electrolysis, in the event the Chicago-based surgeon expresses a preference (and Plaintiff agrees) that her hair removal be performed using that method. (BOP is still holding on to Plaintiff's appointment for laser hair removal, already scheduled for April 26, 2022, pending the anticipated telehealth consultation with the Chicago surgeon.) Defendants have also begun discussions with Probation Services to, *inter alia*, determine the steps that must be taken and the approvals required to move Plaintiff to Chicago to undergo the surgery.

In light of these developments, Defendants believe that the goal of securing Plaintiff's surgery would be best advanced by focusing their time and energies on ascertaining whether appropriate arrangements can be made for the Chicago-based surgeon to perform Plaintiff's gender-confirmation surgery (or at least, as noted, the vaginoplasty procedure) in Chicago, rather than investing time and effort now with Probation Services to find out whether and when Plaintiff could be moved to other jurisdictions where it is not contemplated, at least as yet, that the surgery might be conducted. Indeed, if BOP's current efforts to arrange for performance of the surgery in Chicago prove successful, then it may become unnecessary to determine at all whether Ms. Iglesias can be moved to other jurisdictions.

Even in the event, notwithstanding the parties' best efforts, that it proves impractical for the Chicago-based surgeon to perform Plaintiff's surgery, a one-week extension of the three-day deadline to submit Defendants' first notice of available jurisdictions will allow Defendants time to conduct a more thorough and wide-ranging inquiry with Probation Services, and provide for a

more detailed and informative first submission to the Court.¹ Defendants have begun discussions with Probation Services regarding potential transfers to other jurisdictions as required by the recent order, but we believe that deferring a report on these discussions for a week would be beneficial for all parties and the Court.

CONCLUSION

For good cause shown, Defendants respectfully submit that their unopposed request for a one-week extension of time, until April 28, 2022, to comply with paragraph 6 of the Court's April 18, 2022, preliminary injunction should be granted.

Dated: April 20, 2022

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¹ Given the parties' mutual interest in securing the services of the Chicago-based surgeon, and their efforts in that direction, Defendants are hopeful that identifying other potential providers in other jurisdictions around the country may also prove unnecessary. Defendants will keep the Court informed of their efforts and may seek further relief from the Court if appropriate at a future date.