

Ms. Brianna Ann Sunshine
#3351255-HCCJ-E2-88
P.O. Box One
Huttonsville, WV 26273

August 23, 2022



U.S. District Court
300 Virginia St., E., Rm. 2400
Charleston, WV 25301

Re: Fain V. Crouch, Civil Action No. 3:20-0740
Southern District of West Virginia

Dear Clerk,

Please send me a copy of the following documents in the above styled civil matter.

1. Updated civil action docket sheet.
2. Dr. Schecher's Expert Report, ECF No. 250-23
3. Dr. Schecher's Deposition, ECF No. 252-15
4. Dr. Karasic's Deposition, ECF No. 252-8
5. Dr. Karasic's Rebuttal Report, ECF No. 250-21
6. Dr. Schecher's Rebuttal Report, ECF No. 250-24
7. Dr. Karasic's Expert Report, ECF No. 250-20
8. InterQual Composite, ECF No. 250-30

It is very crucial and imperative that I obtain the above mentioned documents as I will be needing them to attach to a complaint that will be filed against the WVDCR Commissioner regarding their policy directive which under its current version is wholly unconstitutional as written. Said policy is also contrary to the WPATH Standards of Care regarding gender confirmation surgery. Said policy discriminates on the basis of sex, transgender status, and institutionalization.

Per said WVDCR policy directive, which clearly misrepresents the WPATH Standards of Care by concluding that inmates/residents who are transgender and have gender dysphoria cannot satisfy the sixth WPATH Standards of Care criteria, "12 continuous months of living in a gender role that is congruent with gender identity," due to the inherent fact of being incarcerated.

WVDCR Policy Directive states that transgender inmates/residents who have gender dysphoria who present and live for twelve months in his or her gender role while in prison is not eligible for gender confirmation surgery, and that they need to live for twelve months in their gender role outside of prison before becoming eligible for GCS. This amounts to deliberate indifference in violation of the Eighth Amendment.

There is no requirement in the WPATH Standards of Care that a patient live for twelve months in his or her gender role outside of prison before becoming eligible for GCS.

WVDCR is denying transgender inmates who have gender dysphoria, gender confirmation surgery because of being incarcerated, which the WPATH Standards of Care explicitly disallow.

WVDCR provides no persuasive explanation for this deviation. And nothing in the WPATH Standards of Care or law supports excluding an entire class of gender dysphoric individuals from eligibility for GCS, and that is what WVDCR is exactly doing according to their policy.

WVDCR purports to be applying those standards and yet does so in a way that directly contradicts them. The policy is clearly inexplicable.

WVDCR is not following accepted standards of care in the area of transgender health care, the WPATH Standards of Care. Thus, WVDCR is acting with deliberate indifference to a serious medical need.

Under these circumstances, WVDCR knows of and disregards the substantial risk of severe harm to gender dysphoric inmates that exist, without having gender confirmation surgery done.

WVDCR knows that gender dysphoric inmates will suffer irreparable harm - in the form of ongoing mental anguish and possible physical harm - if GCS is not provided.

With this knowledge, they deliberately and maliciously adopted a policy that is aimed specifically at a gender change procedure. The WVDCR policy directive as it is written discriminates against inmates suffering from gender dysphoria.

For these reasons stated herein, I respectfully ask that you send me a copy of the above stated documents from Fain v. Crouch, civil action No. 3:20-0740,

Sincerely,
Brianna Ann Sunshine
Brianna Ann Sunshine

cc:/file

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