

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
NO. 3:22-cv-191

KANAUTICA ZAYRE-BROWN,

Plaintiff,

v.

NORTH CAROLINA DEPARTMENT  
OF ADULT CORRECTION, *et al.*,

Defendants.

**PLAINTIFF’S MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

(Expedited Consideration Requested)

Pursuant to Federal Rule of Civil Procedure 56, Plaintiff Kanautica Zayre-Brown hereby moves this Court for partial summary judgment on her claim brought under the Eighth Amendment to the U.S. Constitution; liability with respect to her claim brought under Article I, Section 27 of the North Carolina Constitution; and her claim brought under the Americans with Disabilities Act (“ADA”), 42 U.S.C. §12101 et seq. As demonstrated in Plaintiff’s brief and exhibits supporting this motion, there is no genuine dispute as to any material fact as to these matters and Plaintiff is entitled to judgment as a matter of law. Defendants have long been aware of Plaintiff’s gender dysphoria, which is an objectively serious medical need, and have been deliberately indifferent to that need by continuing to deny treatment prescribed by their own providers, thereby prolonging Plaintiff’s pain and creating risk of future harm. Defendants are also discriminating against Plaintiff by denying her medical

care because of her disability of suffering from gender dysphoria while providing care to other prisoners for other conditions or disabilities.

Plaintiff's federal law claims seek injunctive relief that would require the defendant prison officials to provide her with medically necessary care. She has maintained from the outset of this case that, without this care, she has suffered serious harm and faces the ongoing risk of serious harm to her future health. *See* Doc. 14 (brief in support of motion for preliminary injunction). Accordingly, Plaintiff respectfully requests expedited consideration of this motion, and asks the Court to enter the following relief as soon as practicable:

- (a) Declare that Defendants' refusal to provide Plaintiff adequate and necessary medical treatment and accommodations for gender dysphoria violates the Eighth Amendment to the U.S. Constitution and the Americans with Disabilities Act.
- (b) Declare that the Department of Adult Corrections and Defendants sued in their official capacities are liable to Plaintiff under her state constitutional claim for an amount of damages to be determined at trial.
- (c) Permanently enjoin Defendants to promptly provide Plaintiff gender-affirming vulvoplasty.
- (d) Order such other relief as this Court deems just and equitable.

Respectfully submitted this 5<sup>th</sup> day of October 2023.

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2023, I electronically filed the foregoing Motion for Summary Judgment using the ECF system which will send notification of such filing to all counsel of record.

*/s/ Jaclyn A. Maffetore*

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