

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

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

Plaintiff,

v.

BUREAU OF PRISONS, *et al.*,

Defendants.

Case No. 19-cv-00415-NJR

JOINT STATUS REPORT

The parties respectfully submit this Joint Status Report pursuant to the Court's April 5, 2023, Order, Doc. 313, and paragraph 9 of the Court's May 31, 2022, Stipulated Order providing that the parties shall update the Court on significant developments related to the surgeries described in the Stipulated Order. Doc. 269.

A. Response to the Court's April 5, 2023, Order

The Court's April 5 Order directed the parties to address five questions in this status report. The parties' answers to these questions are as follows.

1. Whether the stay should be lifted.

The parties request that the stay in this case remain in place at this time.

2. Whether the DOJ has "include[ed] this matter as a case study in future trainings for the entire [Federal Programs] Branch, so that current and future Branch attorneys can benefit and learn from this unfortunate experience."

The Federal Programs Branch included this matter as a case study as part of a training that was made available to the entire Branch. The Branch will consider including it as a case study in future trainings for its attorneys.

3. An estimation of when the parties will jointly move to modify the Order at Doc. 269 and be relieved from the reporting obligation.

The parties have been conferring on when they expect to jointly move to modify the Order at Doc. 269 and be relieved from the reporting obligation. The parties agree that the reporting obligation should stay in place until at least June 2023, when an appointment for the first out of two stages of Ms. Iglesias's facial feminization surgery is scheduled. The parties will continue to confer on this issue and will provide a further update to the Court in their next status report.

4. Whether the BOP has made the required payments referenced in Doc. 267 (the parties' joint motion for entry of stipulated order)

The parties' settlement agreement contemplates three potential payments. Paragraph 1(b) contemplates a potential payment in the event that surgery, revisions, and/or recoveries cannot be completed prior to Plaintiff's release date. Doc. 267-2 at 1–2. Paragraph 1(c) contemplates a payment of \$502,000 into an escrow account to cover unexpected medical or associated out-of-pocket costs associated with the surgeries and/or permanent hair removal, to be available for thirteen months from the date of Plaintiff's vaginoplasty surgery. *Id.* at 2–3. Paragraph 1(f) contemplates a payment of \$983,552 for attorneys' fees. *Id.* at 3–4.

BOP has made the attorneys' fees payment under paragraph 1(f). Defendants have not yet made a payment under paragraph 1(b) because the parties currently expect that all surgeries, revisions, and/or recoveries can be completed prior to Plaintiff's release date, which is currently scheduled for December 28, 2023. Defendants have not yet made the payment under paragraph 1(c). The settlement agreement requires Defendants to make the paragraph 1(c) payment at least five days before Plaintiff's release from BOP custody.

5. An estimation of when Plaintiff will file a stipulation of dismissal with prejudice.

The parties' settlement agreement requires Plaintiff to file a stipulation of prejudice within fourteen days of Defendants making the paragraph 1(b) payment or, if paragraph 1(b) is not triggered,

within fourteen days of making the payment under paragraph 1(c). Doc. 267-2 at 4. The parties currently expect that paragraph 1(b) will not be triggered, and Defendants do not intend to make the payment under paragraph 1(c) until after Ms. Iglesias's facial feminization surgery is completed. The parties have been conferring on when Plaintiff will file a stipulation of dismissal, but Plaintiff requires additional surgical information and time before she can provide an estimate of when she will do so. The parties will continue to confer on this issue and provide a further update to the Court in their next status report.

B. Update on significant developments related to the surgeries

1. Vaginoplasty, Breast Augmentation, and Hormones

As previously reported, Ms. Iglesias underwent vaginoplasty and breast augmentation procedures with Surgeon 2 on March 30, 2023. Ms. Iglesias remained in the hospital until April 12, 2023, at which time she returned to MCC Chicago, where she is currently housed. 5/2/2023 Himlie Decl. ¶ 4. Since her return to MCC Chicago, Ms. Iglesias has been receiving regular treatment for wound and post-operative care. *Id.* ¶ 7.

During her stay at the hospital, Ms. Iglesias also underwent a previously unscheduled procedure to have her gallbladder removed on April 8, 2023. *Id.* ¶ 5. This procedure was unrelated to the vaginoplasty and breast augmentation procedures, but rather was related to Ms. Iglesias's history of gallbladder issues. *Id.*; *see also, e.g.*, Jt. Status Rpt., ECF No. 281, at 2.

After returning to MCC Chicago on April 12, 2023, Ms. Iglesias had follow-up visits with Surgeon 2 on April 18 and 28. 5/2/2023 Himlie Decl. ¶ 6. She has additional post-operation visits scheduled with Surgeon 2's team in May and June 2023. *Id.*

Ms. Iglesias resumed hormone therapy on April 17, 2023. *Id.* ¶ 8. The formulation of administration was changed from injections to daily self-administration by pill. *Id.*

2. Facial Feminization Surgery

As previously reported, BOP has scheduled an appointment for facial feminization for Ms. Iglesias for June 2023. Jt. Status Rpt., ECF No. 310, at 1. That appointment remains scheduled. 5/2/2023 Himlie Decl. ¶ 10. A pre-operation appointment is also scheduled for June 2023. *Id.* The parties understand that currently, based on medical records provided from Ms. Iglesias's April 28, 2023 appointment at the Rush Clinic, Ms. Iglesias's facial feminization surgery will be performed in two stages. *Id.* As mentioned above, the first stage of Ms. Iglesias's facial feminization surgery is already scheduled for June 2023. BOP will schedule the second stage for as soon as practicable after the first stage, subject to the availability and recommendation of the surgical provider. *Id.*

3. Hair Removal

Ms. Iglesias attended appointments for permanent hair removal (electrolysis) with a provider specializing in hair removal on April 25 and May 1, 2023. 5/2/2023 Himlie Decl. ¶ 9. The appointments included facial hair removal. *Id.* BOP has asked its contractor to schedule additional appointments prior to the scheduled facial feminization procedure. *Id.*

Dated: May 2, 2023

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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 SHARI HIMLIE

I, Shari Himlie, 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 Health Services Administrator at the Metropolitan Correctional Center in Chicago, Illinois (MCC Chicago). I have held my current position since November 2021. I have been employed by the BOP since November 2008.

2. I am aware the Court ordered the Parties to “file a joint status report updating the Court on significant developments related to the surgeries described [in the Court’s May 31, 2022 Stipulated Order] on Friday, June 10, 2022, and every four weeks thereafter, until the Parties believe that such joint status reports are no longer necessary, but in no case extending past Plaintiff’s release from BOP custody.” (Doc. 269).

3. I write now to update the Court about those developments that have occurred since the last status report submitted on April 4, 2023.

4. After Ms. Iglesias underwent vaginoplasty and breast augmentation procedures with Surgeon 2 on March 30, 2023, she remained in the hospital until April 12, 2023, at which time she

returned to MCC Chicago, where she is currently housed.

5. During her stay at the hospital, Ms. Iglesias also underwent a previously unscheduled procedure to have her gallbladder removed on April 8, 2023. This procedure was unrelated to the vaginoplasty and breast augmentation procedures, but rather related to Ms. Iglesias's history of gallbladder issues.

6. After returning to MCC Chicago on April 12, 2023, Ms. Iglesias had follow-up visits with Surgeon 2 on April 18 and 28, 2023. She also has post-operation visits scheduled with Surgeon 2 (or Surgeon 2's team) in May and June 2023.

7. Since her return to MCC Chicago, Ms. Iglesias has been receiving regular treatment for wound and post operative care.

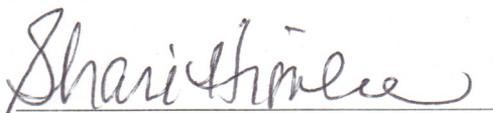
8. Ms. Iglesias resumed hormone therapy on April 17, 2023. The formulation of administration was changed from injections to daily self-administration by pill.

9. Ms. Iglesias attended appointments for permanent hair removal (electrolysis) with a provider specializing in hair removal on April 25 and May 1, 2023. The appointments included facial hair removal. BOP has asked its contractor to schedule several more such appointments prior to the scheduled facial feminization procedure.

10. An appointment for facial feminization surgery remains scheduled with Surgeon 9 for June 2023. A pre-operation appointment is scheduled prior to surgery, also in June 2023. Based on medical records provided from Ms. Iglesias's April 28, 2023 appointment, the facial feminization will be performed in two stages. BOP will schedule the second stage for as soon as practicable after the first stage, subject to the availability and recommendation of the surgeon.

11. BOP remains committed to providing Ms. Iglesias appropriate care. BOP is continuing to work with providers and the contractor who is responsible for arranging outside medical appointments for individuals housed at MCC Chicago.

I declare under penalty of perjury that the foregoing is true and correct to the best of my belief. Executed on this 2nd day of May 2023.


Shari Himlic