

**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, 2023 Order directed the parties to address five questions in their May 2, 2023 status report. In their May 2, 2023 status report, the parties noted that they were continuing to confer about two of those questions. The parties further address those two questions below.

1. 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 propose that, after the first facial feminization procedure is completed in June 2023, the parties submit the next status report according to the current schedule (*i.e.*, on June 27) and then every eight weeks going forward. Accordingly, status reports would be due on June 27, August 22, October 17, etc. The parties further propose that they be relieved of the reporting obligation when Plaintiff files a stipulation of dismissal.

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

The parties' settlement agreement requires Plaintiff to file a stipulation of dismissal 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 4.¹

If, as the parties currently expect, Plaintiff's surgeries and recovery are complete before Ms. Iglesias's release from BOP custody, no payment will be due under paragraph 1(b). In that event, Defendants would make the payment under paragraph 1(c) after Ms. Iglesias's facial feminization surgery is completed, and no later than five days before Ms. Iglesias's release from BOP custody, which is currently scheduled for December 28, 2023. Plaintiff would then file a stipulation of dismissal within fourteen days of Defendants making the paragraph 1(c) payment.

If facial feminization surgery and/or Plaintiff's recovery will not be completed prior to Ms. Iglesias's release from BOP custody, the parties will meet and confer pursuant to paragraph 1(b). Defendants would then make payment under paragraph 1(b) and Plaintiff would file a stipulation of dismissal within fourteen days of Defendants making the paragraph 1(b) payment, per the settlement agreement.

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. After her return to MCC Chicago following those

¹ The parties' settlement agreement contemplates three potential payments. Paragraph 1(b) contemplates a potential payment in the event that surgery 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.

procedures, Ms. Iglesias received regular treatment for wound and post operative care. 5/26/2023 Decl. of Shari Himlie ¶ 4. On May 24, 2023, Ms. Iglesias experienced epigastric pain and was transported to an outside hospital. *Id.* On May 25, 2023, Ms. Iglesias underwent surgery to remove gallstones. *Id.* Ms. Iglesias is now back at MCC Chicago.

Ms. Iglesias had a follow-up visit with Surgeon 2 on May 17, 2023. *Id.* ¶ 5. Ms. Iglesias previously had another post-operation visit scheduled with Surgeon 2 (or Surgeon 2's team) for June 2023. *Id.* That appointment was rescheduled to July 2023 due to provider availability. *Id.*

Ms. Iglesias has continued access to hormone therapy via daily self-administration by pill. *Id.* ¶ 7.

2. Facial Feminization Surgery

At Ms. Iglesias's May 17 hospital visit discussed above, Ms. Iglesias was also seen by Surgeon 9 for a pre-operation appointment in advance of facial feminization surgery. 5/26/2023 Himlie Decl. ¶ 6. Ms. Iglesias previously had a pre-operation appointment scheduled with Surgeon 9 for June 2023. *Id.* Given the May 17 appointment with Surgeon 9, however, Surgeon 9's office advised that the June appointment is no longer necessary. *Id.* The parties understand that currently, based on medical records provided from Ms. Iglesias's April 28, 2023 appointment, Ms. Iglesias's facial feminization surgery will be performed in two stages. May 2, 2023 Jt. Status Rpt. at 4. An appointment for the first stage of facial feminization surgery remains scheduled with Surgeon 9 for June 2023. *Id.* 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. May 2, 2023 Jt. Status Rpt. at 4.

3. Hair Removal

Ms. Iglesias attended an appointment for permanent facial hair removal (electrolysis) with a provider specializing in hair removal on May 9, 2023. 5/26/2023 Himlie Decl. ¶ 8. Ms. Iglesias was offered but declined to attend such appointments scheduled for May 16 and 23, 2023, *id.*, and Plaintiff

reports that she declined those appointments due to her health. Additionally, hair removal was scheduled to stop in advance of facial feminization surgery per the instructions of Surgeon 9's office. *Id.* Accordingly, further appointments for electrolysis will not be scheduled in advance of facial feminization surgery. *Id.* Surgeon 9's office has indicated laser hair removal after facial feminization surgery may be appropriate. *Id.* BOP will await further instructions from Surgeon 9 regarding facial hair removal. *Id.*

Dated: May 30, 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 May 2, 2023.

4. After her return to MCC Chicago following her vaginoplasty and breast augmentation procedures, Ms. Iglesias remained housed there and received regular treatment for

wound and post operative care. On May 24, 2023, Ms. Iglesias experienced epigastric pain and was transported to an outside hospital. On May 25, 2023, Ms. Iglesias underwent surgery to remove gallstones. As of the date of this declaration (May 26, 2023), she remains at the hospital and is expected to stay there for a few days.

5. Ms. Iglesias had a follow-up visit with Surgeon 2 on May 17, 2023. Ms. Iglesias previously had another post-operation visit scheduled with Surgeon 2 (or Surgeon 2's team) for June 2023. That appointment was rescheduled to July 2023 due to provider availability.

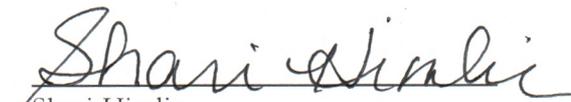
6. At the May 17 visit, Ms. Iglesias was also seen by Surgeon 9 for a pre-operation appointment in advance of facial feminization surgery (FFS). Ms. Iglesias previously had a pre-operation appointment scheduled with Surgeon 9 for June 2023. Given the May 17 appointment with Surgeon 9, however, Surgeon 9's office advised that the June appointment is no longer necessary. An appointment for FFS remains scheduled with Surgeon 9 for June 2023.

7. Ms. Iglesias has continued access to hormone therapy via daily self-administration by pill.

8. Ms. Iglesias attended an appointment for permanent facial hair removal (electrolysis) with a provider specializing in hair removal on May 9, 2023. Ms. Iglesias was offered but declined to attend such appointments scheduled for May 16 and 23, 2023. Additionally, hair removal was scheduled to stop in advance of FFS per the instructions of Surgeon 9's office. Accordingly, further appointments for electrolysis will not be scheduled in advance of FFS. Surgeon 9's office has indicated laser hair removal after FFS may be appropriate. BOP will await further instructions from Surgeon 9 regarding facial hair removal.

9. 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 26th day of May 2023.


Shari Himlie