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Trans Woman Files Lawsuit Challenging Illegal Ban on Gender-Affirming Surgery in Georgia Department of Corrections

[Atlanta, GA] Today, Jane Doe, a trans woman who has spent decades incarcerated in men's prisons in Georgia, filed a lawsuit challenging the blanket ban on gender-affirming surgery maintained by the Georgia Department of Corrections (GDC) and its contracted health care providers, MHM Correctional Services, and Wellpath LLC.

Ms. Doe received recommendations for gender-affirming surgeries from four GDC psychiatrists over the course of six years. Despite this uncontested evidence of her medical needs, Ms. Doe has been told time and again that GDC will not allow her to get gender-affirming surgery.

GDC has also refused to provide Ms. Doe a wig, make-up, or women's commissary items. When she grew her hair out, guards held her down and shaved her head bald. Ms. Doe was prescribed hormone-replacement therapy (HRT) for four years, but it was abruptly discontinued in 2019. In 2023, she was prescribed HRT again, but at a lower dose that was insufficient to produce the physical changes that would alleviate her gender-dysphoric distress.

Ms. Doe's medical needs are urgent. GDC's blatant disregard for her health and safety has led Ms. Doe to attempt self-castration and suicide.

"Ms. Doe is one of the strongest people I've ever met," said D Dangaran, Director of Gender Justice at Rights Behind Bars. "She endured four torturous years without hormone therapy and struggled through a deep depression as she watched her body detransition. She tirelessly advocated for herself, seeking gender-affirming surgeries and other accommodations that are readily available in the free world and that the GDC denied, despite her clear and demonstrated need. I am proud to represent her as she strives to obtain the necessary care that GDC's illegal Blanket Ban prevents her from accessing."

Scott Novak, an associate at Baker Botts and member of their Pride in Action group, stated, "GDC policy mandates that people within their custody receive individualized, medically necessary care. A blanket ban on providing gender-affirming surgery violates not only GDC's own policy, but also basic medical standards and the US Constitution. We are proud to partner

with Rights Behind Bars and the Fair Fight Initiative in seeking to obtain for Ms. Doe the medically necessary care and safe living conditions she should have had years ago.”

RBB’s investigation has revealed an unacceptable lack of medical care for incarcerated trans people statewide. BT is the Founder and Executive Director of Trans(Forming), whose Prison Project supports transmen, transmasculine, intersex, and gender non-conforming people incarcerated in GDC facilities. “For the last few years, I have been in contact with many who are housed in various Georgia Department of Corrections facilities. The lack of consistent health care treatment is universal: not getting mental health medication in correct doses or at all, not getting HRT in correct doses or at all, using medication distribution as a ‘punishment’. Everyone deserves safe, fair medical treatment!”

Ms. Doe is represented by Rights Behind Bars, Baker Botts L.L.P., and attorneys from the Fair Fight Initiative. The lawsuit was filed in federal court in the Northern District of Georgia and alleges violations of the Americans with Disabilities Act, the Rehabilitation Act, and the Eighth Amendment. In addition to the [complaint](#), Ms. Doe has filed a motion for [preliminary injunction](#) seeking access to individualized, medically necessary care, including gender-affirming surgery, adequate hormone replacement therapy, and other gender-affirming hygiene and attire accommodations. She also seeks transfer to a women’s prison to curb the relentless violence, harassment, and discrimination she has experienced in men’s facilities.

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[Rights Behind Bars](#) works alongside incarcerated people to challenge the cruel and inhumane conditions of confinement in American jails, prisons, and immigration detention centers.

[Trans\(forming\)](#) is an inter-generational, metro Atlanta membership-based organization led by and for Trans, Intersex, Gender non-conforming and Non-Binary persons, who were “wrongfully” assigned female at birth.

[The Fair Fight Initiative](#) empowers, legally defends, and protects those directly affected by our broken criminal legal system with a vision to end mass incarceration and the systemic racism that drives America’s addiction to jails and prisons.

[Baker Botts L.L.P.](#) is an international law firm whose lawyers practice throughout a network of offices around the globe. Baker Botts’ [Pride in Action](#) initiative embodies the firm’s commitment to LGBTQ+ civil rights through pro bono representation.