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21 **UNITED STATES DISTRICT COURT**

22 **EASTERN DISTRICT OF CALIFORNIA (FRESNO DIVISION)**

1 JANINE CHANDLER; KRYSTAL
2 GONZALEZ; TOMIEKIA JOHNSON;
3 NADIA ROMERO, CATHLEEN
4 QUINN; and CHANNEL JOHNSON

5 Plaintiffs,

6 v.

7 JEFFREY MACOMBER, Secretary of the
8 California Department of Corrections and
9 Rehabilitation, in her official capacity;
10 ANISSA DE LA CRUZ, Warden, in her
11 official capacity; LAVELLE PARKER,
12 Warden, in his official capacity; and
13 DOES 1-10

14 Defendants

15 KELLI BLACKWELL; KATIE
16 BROWN; TREMAYNE CARROLL;
17 KENNARD LEE DAVIS; JENNIFER
18 ROSE; and TRANSGENDER,
19 GENDER-VARIANT & INTERSEX
20 JUSTICE PROJECT

21 Intervenors
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Case No.: 1:21-cv-01657-JLT-HBK

**FIRST AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

PARTIES

1
2 10. Plaintiff Janine Chandler (“Janine”) is a female inmate currently incarcerated in
3 Central California Women’s Facility (“CCWF”). She serves the prison in the optical clinic. She
4 is also an observant Muslim who regularly meets with her imam and wears a hijab. Janine is a
5 survivor of domestic abuse and numerous incidents of sexual abuse in her childhood. Janine’s
6 first became a victim of sexual assault by a family member at the age of 4. She was also later
7 raped by a friend. Janine’s cycle of violent abuse continued into her marriage where she endured
8 domestic violence from her husband. She is in prison today for defending her life from her
9 husband, who had a documented history of abusing Janine and other women. Janine shot her
10 husband in self-defense, and unintentionally hit and killed a bystander. She is currently serving
11 a life-sentence at CCFW.

12 11. Plaintiff Krystal Gonzalez (“Krystal”) is a 36-year-old mother and grandmother
13 currently imprisoned in CCWF. She has been sexually assaulted by trans-identifying male
14 inmate while imprisoned and CCWF has retaliated against her for reporting her assault.

15 12. Plaintiff Tomiekia Johnson (“Tomiekia”) is a female inmate currently
16 incarcerated in CCWF. A mother, Tomiekia has endured persistent physical and sexual violence
17 by multiple assailants throughout her lifetime. Like Janine, Tomiekia is a survivor of domestic
18 violence and is in prison for defending her life against her late husband. Her victimization
19 started during college, when one male acquaintance sexually assaulted her, and another
20 strangled her for several minutes. When Tomiekia married her husband, Marcus, her exposure
21 to violence only increased. For example, one incident involved Marcus attacking Tomiekia in
22 their home, dragging her by her hair and throwing her body against the walls. Marcus
23 committed this act so forcefully that their ceiling fan fell onto Tomiekia. After this assault,
24 Marcus had nonconsensual sex with Tomiekia. At one point, Tomiekia recalls Marcus
25 strangling her to such a degree that she thought she would die. Then, one night, during an
26 argument, Marcus pointed a gun at Tomiekia before accidentally dropping it. Having to quickly
27 decide whether to fight or flee, Tomiekia grabbed the firearm and shot Marcus, killing him.
28 Despite this action being in self-defense, the State ruled that her use of force was excessive and

1 sentenced her to 50 years to life in prison.

2 13. Plaintiff Nadia Romero (“Nadia”) is a devoutly Catholic female inmate currently
3 incarcerated in CCWF. Nadia is a survivor of severe sexual and physical abuse perpetrated by
4 men starting from early childhood and continuing into the present. Even prison has not been a
5 reprieve from the sexual and physical assault Nadia has been subjected to her entire life. At the
6 age of 11, Nadia witnessed her uncle rape her 8-year-old sister, and during her attempt to save
7 her sister, Nadia was sexually assaulted herself. A year later Nadia ran away to avoid having
8 contact with her abuser only to subsequently be brutally raped by four different men. Due to
9 such early exposure to sexual trauma, Nadia developed severe anxiety, depression, and
10 substance abuse. Although Nadia has sought extensive mental health care to manage her post-
11 traumatic stress disorder (“PTSD”) symptoms, Nadia’s trauma and symptoms are extremely
12 exacerbated and directly correlated to the fact that she is forced to be housed with biological
13 males who identify as transgender in CCWF.

14 14. Plaintiff Cathleen Quinn (“Cathleen”) is a female inmate at CCWF. Cathleen’s
15 life has been defined by domestic abuse and mental illness since she was a teenager. Her
16 victimization started at the outset of her marriage. Just 18 years old and reeling with depression
17 after the death of her brother, Cathleen entered marriage vulnerable; her husband quickly
18 exploited this to become physically and sexually abusive. After Cathleen gave birth to the
19 couple’s daughter, Cathleen’s husband began controlling every part of her finances, effectively
20 making it impossible for her to escape the abusive marriage. After threatening to leave her
21 husband, he attempted to drown her in a toilet and threatened to kill her if she tried to escape
22 with their daughter. Cathleen’s past prior to incarceration marked her with depression, trauma,
23 and substance abuse issues upon entering prison. Since her incarceration and being forced to
24 live with biological male inmates, Cathleen has experienced depression, mental anguish, and
25 despair for her life. She developed stress-related alopecia and was prescribed medication to
26 reverse the effects of this disease. Alopecia is caused by response to trauma and physical
27 stressors.

28 15. Plaintiff Channel Johnson (Channel”) is a female inmate at the California

1 Institution for Women (“CIW”). Channel is a victim of sex trafficking, having been sold for sex
2 from the age of 13. She is incarcerated for physically defending the safety of younger girls
3 targeted by traffickers. As to be expected, Channel’s life has been characterized by sexual
4 violence.

5 16. Defendant Lavell Parker is being sued in his official capacity as the acting
6 Warden for CIW in Corona, CA. Defendant Parker has served as the acting Warden for CIW
7 since March 2024.

8 17. Defendant Anissa De La Cruz is being sued in her official capacity as the
9 Warden for CCWF in Chowchilla, CA. Defendant De La Cruz was appointed Warden of the
10 CCWF by Governor Gavin Newsom on April 23, 2024.

11 18. Defendant Jeffrey Macomber is being sued in his official capacity as the
12 Secretary of CDCR. Defendant Macomber was appointed Secretary of the CDCR by
13 Governor Gavin Newsom on December 12, 2022.

14 15 **FACTUAL ALLEGATIONS**

16 **A. Legislative History of the PREA**

17 19. Congress passed The Prison Rape Elimination Act of 2003 (“PREA”) on
18 September 4, 2003, to establish a zero-tolerance standard for prison rape in the United States. 41
19 U.S.C. § 15602(1). The Act sought to increase the accountability of prison officials who failed
20 to detect, prevent, reduce, and punish prison rape,” and to protect the Eighth Amendment rights
21 of United States Prisoners. 41 U.S.C. § 15602(6).

22 20. The PREA recommends standards for inmate screenings to reduce the risk of
23 victimization and abusiveness and to make individualized determinations on how to ensure the
24 safety of each inmate by ensuring that trans-identifying inmates are not placed facilities or
25 housing units based solely on their sexual orientation, genital status, or gender identity.

26 21. In 2009, California attempted to pass AB 382, *LGBT Prisoner Safety Act*, to
27 require the CDCR to consider specific “risk factors,” including sexual orientation and gender
28 identity of inmates, when determining their housing assignments. AB 382 was vetoed by then

1 Governor Arnold Schwarzenegger because the Act’s language implemented standards identical
2 to those already followed by the CDCR, in compliance with the PREA, such that the sexual
3 orientation and gender identify of an inmate was already considered in evaluating whether an
4 inmate would face potential risk for sexual violence and abuse in certain facilities.

5 22. In 2010, California attempted to pass AB 633, an amended version of AB 382
6 from 2009, which sought to amend inmate classification and housing assignment procedures.
7 AB 633 would provide new risk factors that should be assessed in considering inmate
8 victimization. The legislation was opposed by numerous organizations, including The California
9 Correctional Supervisors Organization, because it required the CDCR to take into consideration
10 sexual identity or orientation when classifying an inmate, a factor already considered by the
11 CDCR and the PREA.

12 23. On September 26, 2020, California Governor Gavin Newsom signed into law S.B.
13 132, *The Transgender Respect, Agency and Dignity Act*, which became effective on January 1,
14 2021. The law added Sections 2605 and 2606 to the California Penal code, which requires the
15 CDCR to house transgender, non-binary, and intersex prisoners based on their gender identity,
16 regardless of their biological sex. Cal. Penal Code §§ 2605(a)(1)-(3), (6).

17 24. In expanding the PREA standards requiring the consideration of gender
18 identification and sexual preference in assessing housing placements for inmates, S.B. 132 goes
19 well beyond consideration, and instead prohibits the CDCR from denying housing placement
20 based on the “anatomy or sexual orientation” of an inmate, “or a factor present among other
21 people incarcerated at their preferred type of institution.” The CDCR enables trans-identifying
22 inmates who are biological males to be placed in a women’s facility without any consideration
23 as to their biological sex.

24 25. The PREA requires organizations responsible for federal, state, local and private
25 prisons, jails or other penal facilities to adopt standards for the detection, prevention, reduction,
26 and punishment of prison rape, as consistent with the natural standards adopted pursuant to the
27 PREA. 34 U.S.C. § 30308(a)-(b).

28 26. The CDCR’s Operation manual Article 44 § 54040 et seq. ensures compliance

1 with the PREA and 28 C.F.R. § 115 et seq. outlining guidelines for CDCR’s response to sexual
2 misconduct in their facilities.

3 27. The CDCR is required to ensure compliance with the PREA, and each
4 correctional facility must screen inmates for “risk of being sexually abused by other inmates or
5 sexually abusive towards other inmates” upon intake, before a transfer to another facility,
6 referral or request for facility transfer, after a sexual assault incident, and upon receipt of
7 “additional information that bears on the inmate’s risk of sexual victimization or abusiveness.”
8 28 C.F.R § 115.41(c). Screenings require an evaluation for the risk of sexually abusive behavior
9 towards other inmates based on prior acts of sexual abuse, prior convictions for violent offenses,
10 and history of prior institutional violence or sexual abuse. *See id.*

11 28. S.B. 132 also requires the CDCR to address inmates with their preferred pronouns
12 and search inmates in accordance with their gender preference, regardless of their biological
13 sex.

14 29. Further, S.B. 132 requires trans-identifying inmates “be housed at a correctional
15 facility designated for men or women based on the individual's preference” and have an
16 inmate’s individual “perception of health and safety” given consideration for “any bed
17 assignments, placement, or programming decision,” including placing them in single-cell
18 housing, and “housing the individual with another incarcerated person of their choice,” or
19 removing any other inmate that “poses a threat from any location they may have access to.” Cal.
20 Penal Code § 2606(1)-(4).

21 30. S.B. 132 therefore requires that each incarcerated individual’s housing placement
22 is based on their self-identification and declaration that they identify as transgender, non-binary,
23 or intersex, which allows any inmate, regardless of their biological sex or genitalia, to be placed
24 in the housing facility of their choice. S.B. 132 allows for biological male inmates to declare
25 they are trans-identifying and be housed in a single-sex women’s facility without any
26 accompanying actions or evidence their declaration is true. Cal. Penal Code § 2606(c).

27 31. The CDCR is empowered by S.B. 132 to place any trans-identifying biological
28 male inmate, no matter how legitimate the individual’s “identification,” in a women’s facility

1 solely upon their request. This poses a present and actual danger to female inmates, particularly
2 those who have suffered from past sexual, physical, and emotional abuse by males.

3 32. S.B. 132 expressly seeks to protect the “agency” and “dignity” of inmates who
4 identify as “transgender, nonbinary, or intersex” but does so by removing the agency and
5 dignity of biological female inmates, forcing them to live with biological males, and
6 subjecting them to legitimate risk of sexual assault, physical violence, and other emotional
7 trauma that comes as a natural consequence of having been victims of prior abuse.

8 **B. The California Department of Corrections and Rehabilitations, California Institute**
9 **for Women and California Correctional Women’s Facility had knowledge of the**
10 **increase of risk to female inmates by the implementation of S.B. 132.**

11 33. The CDCR Division of Adult Institutions and California Correctional Health Care
12 Services requested the following budget: \$2.8M for FY22, \$1.8M for FY23, and \$1.2M FY24,
13 “to develop and implement policies and procedures in response to Senate Bill 132” (the
14 “Budget”).

15 34. The Budget states that “the department has identified the number of inmates who
16 identify as transgender is increasing,” likely due to “agency efforts to implement new
17 procedures,” including requiring that CDCR place inmates in their preferred sex-segregated
18 facilities. Further, the CDCR expects the PREA sexual assault allegations will increase as S.B.
19 132 is implemented “because it will result in the integration of different populations that have
20 not previously been housed together.”

21 35. The CDCR knew that implementing S.B. 132 would create significant safety
22 issues and an increase in complaints *because* biological males would be housed with female
23 inmates, and the CDCR knew that women inmates were at a greater risk of sexual assault by
24 trans-identifying biological male inmates requesting being housed in women’s facilities. The
25 CDCR knows that many of the trans-identifying biological male prisoners are sexual abusers.

26 36. On information and belief, prior to the passage of S.B. 132, the CDCR did not
27 distribute condoms to female inmates in women’s facilities or provide unlimited access to other
28 forms of birth control. After the implementation of S.B. 132, the CDCR, CCWF and CIW

1 budgets have increased to anticipate the need for condom and birth control access for female
2 inmates.

3 37. The CDCR is aware that S.B. 132 poses significant a security risk, and states that
4 “the department anticipates a transition period within its institutions that may result in an
5 increase in safety concerns and inmate complaints.”

6 38. S.B. 132 does not require trans-identifying biological males to undergo sex
7 change surgery before transferring to a women’s prison. Nor does it require an inmate to even
8 be in the process of transitioning, either socially or medically. S.B. 132 only requires that the
9 inmate self-proclaim to identify as a woman or as non-binary.

10 39. In August 2022, The Office of the Inspector General released a Special Review of
11 the CDCR’s implementation of S.B. 132 with these findings:

- 12 i. “The Act’s broad language limiting the bases to deny a transfer request has also
13 made it challenging for the department to develop specific criteria to evaluate
14 transfer requests.”
- 15 ii. “If a person with a history of raping women requests to transfer to a women’s
16 prison, this language may prohibit the department from denying the person’s
17 transfer request based solely on the prospective transferee’s history of raping
18 women.”
- 19 iii. It is difficult for the department to “accurately assess a prospective transferee’s
20 sincerity in self-identifying their gender identities or their true intentions in
21 requesting a transfer under the Act.”
- 22 iv. “Some believed prospective transferees were seeking to transfer to have sexual
23 relations with incarcerated people who were designated female at birth. Some
24 transferees suggested the department should better screen prospective transferees
25 and deny transfer to those with histories of abuse to increase safety at women’s
26 prison . . . [o]ne prospective transferee made the following observation: ‘There are
27 a lot of wolves in sheep’s clothing. There are a lot of men who are now all of a
28 sudden transgender.’”

1 40. In July 2024, The Department of Justice, Office of Justice Programs published
2 their Sexual Victimization Report by the Adult Correctional Authorities statistic tables
3 (“Statistics Report”) from 2019-2020 detailing incidents of assault in prisons. Of the 26.2% of
4 female inmates who were victims of inmate-on-inmate violence, nearly 18% of assaults were
5 perpetrated by trans-identifying biological males, an overwhelming disproportionate percentage
6 compared to the overall number of trans-identifying biological male inmates.

7 41. On information and belief, CCWF’s facilities are overcrowded, housing as many
8 as eight people in four person cells. The cells also have showers and toilets which additionally
9 contribute to CCWF staff’s inability to adequately protect against inmate-on-inmate violence.

10 42. The Statistics Report provides that 54.1% of all nonconsensual sexual acts
11 perpetrated by inmates occur in areas under no surveillance, and 36% of inmate-on-inmate
12 sexual assault occurs in a victim’s cell.

13 43. CCWF continues to disregard the significant risk to female inmates by allowing
14 trans-identifying biological males to live in overcrowded cells, despite knowing that female
15 inmates are at a high risk of sexual assault by living in close proximity with trans-identifying
16 biological males, and that a large percentage of sexual assault occurs in a victim’s cell.

17 44. Because S.B. 132 allows trans-inmates to request certain cellmates, trans-
18 identifying males can further victimize female inmates with greater success due to the lack of
19 surveillance and lower risk of detection.

20 45. The CDCR applies PREA reporting standards differently based on single-sex
21 and mixed-sex facilities. CIW is labeled as a single-sex facility while CCWF is referred to as a
22 mixed-sex facility, discrediting the claims that trans-identifying biological males are, for all
23 intents and purposes, “female.”

24 46. Since the implementation of S.B. 132, California state data shows that CDCR
25 has transferred nearly 50 biological men into CIW and CCWF. Many of these individuals have
26 criminal histories of violence against women, posing a legitimate threat to female inmates’
27 safety.

28

1 **C. Research demonstrates that trans-identifying biological male inmates pose a**
2 **significant risk to female inmates based on their past criminal history.**

3 47. CDCR reports that 33.8% of potential trans identifying biological male inmates
4 that are seeking to transfer under S.B. 132 are registered sex offenders.

5 48. Bureau of Federal Prisons reports that as of December 2021, approximately 48%
6 of trans identifying biological male inmates have committed sex offenses, compared to 11.6%
7 of general male inmate population.

8 49. Canada’s 2022 Correctional Service Research Report, *Examination of Gender*
9 *Diverse Offenders*, examined data from 2017 to 2020 and reported that 64% of trans identifying
10 biological male inmates had a “current sexual offense” conviction. Nearly 88% had a past
11 sexual offense conviction, and 41% were imprisoned for homicide-related crimes—compared to
12 only 21% of non-trans-identifying biological male inmates. 85% of trans-identifying biological
13 males were convicted of violent crimes that caused either “serious harm” or death, and 58% of
14 the victims of these crimes were women or children.

15 50. A 2019 study in the United Kingdom reported that 58.9% of trans-identifying
16 biological male inmates committed sex offenses, with 28% having committed rape and 18%
17 having committed attempted rape.

18 51. Rule 11 of The United Nations Standard for Rules for the Treatment of Prisoners
19 recommends that “[m]en and women shall so far as possible be detained in separate institutions;
20 in an institution which receives both men and women, the whole of the premises allocated to
21 women shall be entirely separate,” because of the risk male inmates pose to female inmates.

22 **D. S.B. 132 subjects’ female inmates to increased risk of mental health issues by placing**
23 **trans-identifying male inmates with women who are known to suffer**
24 **disproportionately from post-traumatic stress disorder (“PTSD”).**

25 52. In 2020, The Urban Institute’s report “Addressing Trauma and Victimization in
26 Women’s Prisons” found that 53% of incarcerated women demonstrated lifetime prevalence
27 of PTSD.

28 53. The 2013 Department of Justice Assistance report found that nearly 43% of

1 female inmates who participated in the study demonstrated at least one serious mental illness,
2 and 53% met the criteria for lifetime PTSD.

3 54. Plaintiffs have a substantial fear of future physical or sexual assault and sexual
4 harassment by trans-identifying biological male inmates who are transferred to CCWF.
5 Plaintiffs have experienced and continue to experience fear, depression, anxiety, and distress
6 from the presence of biological male inmates, worsening their post-traumatic stress disorders,
7 because they are forced to share close-living quarters, shower, go to the bathroom, and sleep
8 with biological males.

9 55. International studies researching trans-identifying biological males in different
10 regions demonstrate the robust scientific knowledge that trans-identifying biological males
11 pose a significant security risk to female inmates.

12 56. Plaintiffs have a history of sexual abuse or assault.

13 57. Plaintiffs suffer from mental distress, fear, anxiety, PTSD, hyper vigilance,
14 panic attacks, or autoimmune disease due to their exposure and conditions of living with
15 biological male inmates.

16 17 **PLAINTIFF ALLEGATIONS**

18 **a. Janine Chandler**

19 58. Janine has observed the arrangements and behavior of trans-identifying
20 biological male inmates housed in her prison, and this has caused her fear and an exacerbated
21 experience of PTSD. Janine has observed that most of the trans-identifying biological male
22 inmates transferred to CCWF do not make any effort to behave gently around female inmates
23 or assimilate to CCWF culture.

24 59. Janine is not alone in her awareness of the risk trans-identifying biological males
25 pose. On information and belief, CCWF staff now carries stronger pepper spray and is trained
26 on harsher riot control measures—two changes only occurring once the prison began taking in
27 trans-identifying biological male inmates.

28 60. Janine also is aware that CCWF is distributing condoms to field the pregnancy

1 risks only present after trans-identifying biological males entered the prison.

2 61. Being housed with trans-identifying biological male inmates profoundly affects
3 Janine’s mental health in two ways. First, the presence of criminal, intimidating males gives
4 her flashbacks of her violent husband. Second, her inability to choose who she undresses
5 around and helplessness to prevent trans-identifying biological male inmates from observing
6 her while she undresses is extremely distressing to Janine. Janine is a Muslim whose faith
7 instructs her to not be unclothed with unrelated males. CCWF is forcing Janine to live in
8 conditions that violate her sincerely held religious beliefs.

9 **b. Krystal Gonzalez**

10 62. Krystal was sexually assaulted by a trans-identifying biological male inmate
11 transferred to her housing unit. This male inmate thrust his penis against Krystal’s backside
12 without her consent.

13 63. Krystal promptly disclosed the incident to CCWF staff, and, after staff failed to
14 pursue her report, she filed a grievance with the CDCR.

15 64. In her CDCR grievance, Krystal requested single-sex housing to prevent further
16 sexual victimization. CCWF ultimately ignored her grievance but did note that Krystal had been
17 assaulted by a “transgender woman with a penis.” CCWF ignored Krystal’s documented
18 concern of being housed with males.

19 65. Generally, Krystal is very intimidated by trans-identifying biological male
20 inmates living in her prison due to their behavior. The inmates Krystal has interacted with never
21 attempt to present as women, which creates a culture of intimidation for Krystal and other
22 female inmates. Krystal has observed trans-identifying biological male inmates manipulating
23 prison staff’s perceptions of them by “posing” femininely when meeting with prison counselors
24 but reverting to their masculine habits upon returning to their housing units. These inmates,
25 Krystal observes, also rush to engage in sexual relationships with female inmates upon entering
26 CCWF, creating a profound sense of unease and angst among many of the female inmates,
27 including Krystal.

28 ///

1 **c. Tomiekia Johnson**

2 66. Tomiekia Johnson was diagnosed with acute PTSD upon pre-trial evaluation for
3 the murder of her husband. This condition is exacerbated by the presence of trans-identifying
4 biological males housed at CCWF and her observations of their behavior.

5 67. Tomiekia witnessed and reported incidents of sexual harassment (voyeurism) of
6 co-Plaintiff Cathleen Quinn by a trans-identifying biological male inmate named Michael
7 Contreras (“Contreras”). Contreras is a large man who dresses and grooms masculinely and is
8 not interested in making any effort to present as a woman. Despite a multi-witness report of his
9 violent behavior, CCWF issued no reprimand and continued to house Contreras close to
10 Cathleen.

11 68. Tomiekia is also aware of Contreras stalking and attempting to rape another
12 female inmate, Jennifer Barbero. Here again, CCWF took no disciplinary measures, citing the
13 fact that since Jennifer fortunately defended herself effectively, Contreras was not removable
14 because his rape was only “attempted” and not completed.

15 69. With this demonstrated impunity, Contreras continued harming female inmates at
16 CCWF. After attempting to rape Jennifer, Contreras strangled an elderly female inmate.

17 70. Tomiekia knows of yet another incident of a trans-identifying biological male
18 inmate harming a female inmate. Three inmates reported that they witnessed a trans-identifying
19 biological male inmate vaginally rape a female inmate while she was unconscious. According to
20 witnesses, after raping the female inmate, the trans-identifying biological male inmate
21 threatened to rape and murder other female inmates within earshot of staff. This inmate was
22 temporarily removed from the housing unit in which he committed the rape, but subsequently
23 returned.

24 **d. Nadia Romero**

25 71. On multiple occasions in 2021, Nadia was repeatedly subjected to unwanted
26 physical touching by a trans-identifying biological male inmate while Nadia was trying to
27 complete a work assignment. She attempted to get the male inmate to stop, but he refused.

28 72. Feeling unsafe, Nadia filed a grievance and requested that CCWF adjust her

1 work schedule to not overlap with that of this trans-identifying biological male, expressing her
2 legitimate fear for her safety and mental wellbeing. Her grievance was ignored. Instead,
3 CCWF went out of its way to lecture Nadia that her own experience of being harmed was not
4 by a biological male but a “transgender woman.” This invalidated the basis of Nadia’s
5 reported concern, leaving her without an option to avoid the male inmate.

6 73. As Nadia is a devout Catholic, she believes that gender identity conflicts with
7 God’s design of biological sex and that using an individual’s “preferred pronouns” is sinful as
8 it is asserting a lie. Additionally, having unrelated males and females living together and
9 undressing in front of one another outside of marriage conflicts with her sincerely held
10 religious beliefs.

11 74. By experiencing bias as to whether CCWF accommodates her safety requests if
12 she refers to biological male inmates as such, Nadia’s deeply held faith and her physical
13 survival have been pitted against each another. And by housing trans-identifying biological
14 male inmates in her section of the prison, CCWF is forcing Nadia to live in conditions that
15 violate her sincerely held religious beliefs.

16 75. Nadia’s multiple harmful experiences with a trans-identifying biological male
17 inmate has made her hyperventilate and suffer panic attacks when in proximity to *any* trans-
18 identifying biological male inmate. Since CCWF has placed numerous trans-identifying
19 biological male inmates in the prison, these symptoms erupt constantly. Nadia has also
20 reported feelings of helplessness, despair, anxiety, and depression.

21 **e. Cathleen Quinn**

22 76. On two separate occasions in February 2022, Contreras, “peep[ed]” at Cathleen
23 while she was using the bathroom and naked from the waist down. Contreras’s behavior was
24 caught on video.

25 77. Contreras suffered no punishment, being allowed to remain in the same housing
26 unit where he invaded Cathleen’s privacy in the bathroom.

27 **f. Channel Johnson**

28 78. Channel Johnson was assigned to a cell with a trans-identifying biological male

1 inmate, Jonathan Robertson.

2 79. At first, Channel and Robertson engaged in consensual sex. Then, however,
3 Robertson began stealing from Channel and reports of their relationship circulated to prison
4 staff.

5 80. After Robertson was placed in administrative segregation as discipline for his
6 relationship with Channel, he began demanding Channel deny they ever had a relationship.
7 When Channel refused to lie, Robertson threatened to rape and murder her. He also stole
8 Channel's mail, read her family's home address, and began mailing threats of rape and murder
9 to her family—including her minor younger brother and nephew.

10 81. Despite both Channel and her family reporting the threatening letters to CCWF, it
11 was Channel who was transferred to another prison, CIW. No action was taken by CCWF to
12 punish Robertson.

13 82. Channel was moved back to CCWF in 2023 while Robertson was still housed
14 there. He threatened her upon arrival, saying, "I'm staying; you better watch out."

15
16 **RETALIATORY RESPONSES BY CALIFORNIA CORRECTIONAL WOMEN'S**
17 **FACILITY AND CALIFORNIA INSTITUTE FOR WOMEN**

18 **a. Nadia Romero**

19 83. CCWF retaliated against Nadia for using correct biological terms to refer to her
20 attacker by completely ignoring her desperate pleas to be separated from him. CCWF's
21 ignoring Nadia's request has proactively kept her in harm's way, which CCWF knows but
22 chooses to not act upon.

23 **b. Krystal Gonzalez**

24 84. Beyond disregarding Krystal's grievances, CCWF has retaliated against her by
25 lodging accusations at her for speaking out. She is accused of willful misgendering—even in the
26 context of reporting her own sexual assault by a trans-identifying biological male inmate. This
27 intimidates her into silence.

28

1 **c. Tomiekia Johnson**

2 85. Consistent with CCWF’s refusal to discipline trans-identifying males who
3 brutalize female inmates, Tomiekia’s reports to the prison have been consistently ignored,
4 disregarded, and suppressed. Further, CCWF has retaliated against Tomeikia for her reporting.
5 For example, after Tomiekia, Cathleen, and another inmate reported Contreras for sexually
6 harassing Cathleen, CCWF put all three women into solitary confinement, citing “safety”
7 concerns. CCWF did not, however, punish Contreras for his behavior and allowed him to
8 continue living in proximity with his victims and other female inmates.

9 86. To further solidify the lesson it wanted to teach these women (for reporting the
10 violent and threatening behavior of a trans-identifying biological male inmate), CCWF issued
11 the women violation reports, declaring that they “falsely reported” Contreras. Though the
12 reports were ultimately dropped (because the CCWF could not disprove the veracity of the
13 reports), the violation report experience nonetheless shook the women.

14 87. To this day, Tomiekia continues to be subject to ongoing retaliation from CCWF.
15 CCWF continues to discriminate against Tomiekia for filing grievances and reporting the
16 assault. CCWF has even cited her constitutionally protected right to participate in this lawsuit as
17 proof that she holds bias against trans-identifying biological male inmates. Most disturbingly,
18 despite having consistently met or even exceeded the criteria for re-sentencing or commutation,
19 Tomiekia has been told she is being denied parole for “political reasons.”

20 **d. Cathleen Quinn**

21 88. CCWF retaliated against Cathleen in both the short and long term. First, in the
22 immediate aftermath of her reporting Contreras, she was put in solitary confinement.

23 89. Second, and most disturbingly, CCWF literally stripped her of her long-awaited
24 freedom. The month after she reported Contreras for looking at her while she was half-naked,
25 Cathleen was found suitable for parole. This began a 150-day waiting period by which her
26 suitability would be confirmed, and she would be released.

27 90. But shortly after she was found suitable for parole, CCWF issued a retaliatory
28 Rules Violation Report (“RVR”) against Cathleen, leading to her parole grant being vacated. At

1 the time of the revocation, she was roughly four months away from freedom.

2 91. The next year, Cathleen appealed the RVR and, after 11 months, was found not
3 guilty. Stripped of its reason to keep Cathleen in prison, CCWF's parole board created new
4 pretextual reasons to continue to block her parole eligibility for an additional five years, this
5 time by arbitrarily finding her guilty of an ambiguous violation of "institutional misconduct."
6 The sole "misconduct" cited happened prior to (and did not prevent) her initial suitability grant,
7 so it is implausible to claim it as the basis for her subsequent denial.

8 92. Shockingly, CCWF did not hide its bias against Cathleen. The Commissioner
9 overseeing Cathleen's parole hearing told her she "should have been quiet" about her
10 "victimization" so she could have "gone home."

11 **e. Channel Johnson**

12 93. CCWF's retaliatory response to Channel's report of Robertson's violent,
13 threatening letters to her family is demonstrated by the disparate treatment between the two
14 inmates. Channel was put in solitary confinement and banished from the prison with which she
15 had become familiar. Robertson, whose background includes having raped a woman in another
16 female prison, stayed put.

17
18 **CLAIMS**

19 **FIRST CLAIM FOR RELIEF**

20 **42 U.S.C. § 1983 – Violation of the Cruel and Unusual Punishment Clause of the**
21 **Eighth Amendment**

22 **(By All Plaintiffs Against All Defendants)**

23 94. Plaintiffs hereby incorporate by reference each of the preceding paragraphs and
24 allegations as if fully set forth herein.

25 95. At the time of the relevant events, all Plaintiffs had a clearly established right
26 under the Eighth Amendment to the United States Constitution to protection from cruel and
27 unusual punishments, which is made applicable to the states through the Fourteenth
28 Amendment. *Estelle v. Gamble*, 429 U.S. 97 (1976).

1 96. Prison officials violate the Eighth Amendment when they act with deliberate
2 indifference to an inmate's health or safety. Deliberate indifference occurs when an “official
3 knows of and disregards an excessive risk to inmate health or safety.” *Farmer v. Brennan*, 511
4 U.S. 825 (1994).

5 97. Further, where a prison authority ignores a condition of confinement that is “sure
6 or very likely to cause serious illness and needless suffering,” a court can find an Eighth
7 Amendment violation. *Helling v. McKinney*, 509 U.S. 25 (1993).

8 98. Eighth Amendment violations also exist where prisons consistently fail to account
9 for prisoners’ medical needs, including treatment accommodating environments in the interest
10 of treating Post Traumatic Stress Disorder (PTSD). A prison’s failure to guard against and
11 provide for an inmate’s medical conditions amounts to unnecessary and wanton infliction of
12 harm, rising to the level of Eighth Amendment violations for cruel and unusual punishment.
13 *California Coal. for Women Prisoners v. United States*, No. 4:23-CV-4155-YGR, 2024 WL
14 1290766 (N.D. Cal. Mar. 15, 2024) (citing *Jordan v. Gardner*, 986 F.2d 1521, 1525, 1528 (9th
15 Cir. 1993)).

16 99. S.B. 132 violates the Eighth Amendment both facially and as applied to Plaintiffs.
17 S.B. 132 requires the CDCR to place trans-identifying biological male inmates in female
18 housing facilities based on their preference and regardless of their sexual orientation, anatomy,
19 and gender identity. This subjects female inmates to cruel and unusual punishment because the
20 presence of trans-identifying biological male inmates—which statistics have shown are
21 disproportionately violent relative to both the natal male and female prison population—in
22 close quarters with female inmates, equates to a failure on CDCR’s part to provide an
23 accommodating environment for the population of female inmates suffering from PTSD.
24 Knowing the medical needs of many female inmates, including Plaintiffs, and knowing the
25 propensity of trans-identifying biological males to physically victimize women, CDCR is
26 deliberately disregarding “an excessive risk to inmate health or safety.”

27 100. In adhering to S.B. 132, CDCR violated the Eighth Amendment protection against
28 cruel and unusual punishment as to Plaintiffs by requiring trans-identifying biological male

1 inmates to be placed in female housing units. S.B. 132 allows for these placements on account
2 of these male inmates' personal preferences, even when many of these male inmates have a
3 known history of sexual violence against women.

4 101. CDCR's implementation of S.B. 132 violates the Eighth Amendment, as the
5 law's housing requirements represent a deliberate indifference to the Plaintiffs' safety. Many
6 female inmates housed in CDCR's prisons carry *known* histories of PTSD caused by long
7 histories of sexual, physical, and emotional abuse by males. Forcing these all-too-often
8 sexually-traumatized and physically weaker female inmates to live with sexually violent male
9 inmates amounts to a clear lack of appreciation of the risk these males pose. Allowing trans-
10 identifying biological male inmates to live in close quarters, shower, sleep, and share intimate
11 spaces with women deliberately disregards the historically known reality that "sex offenders
12 who have criminally assaulted women in the past [can] be moved to do so again if access to
13 women were established within the prison." *Dothard v. Rawlinson*, 433 U.S. 321, 335–36
14 (1977); *see also Torres v. Wisconsin Dep't. Of Health and Soc. Servs.*, 859 F.2d 1523, 1531
15 (7th Cir. 1988).

16 102. Adhering to the requirements of S.B. 132, CDCR knowingly and deliberately
17 subjected Plaintiffs to physical and sexual assault by trans-identifying biological male inmates
18 The presence of biological male inmates in their prison continues to present a substantial and
19 now clearly foreseeable risk to Plaintiffs of future physical and sexual assault by trans-
20 identifying biological male inmates. The CDCR also failed to provide for the medical needs of
21 female inmates plagued with PTSD by allowing trans-identifying biological males to live
22 among them and harm them. It continues to fail in this area by rarely, if ever, disciplining trans-
23 identifying male inmates who assault female inmates and instead retaliating against female
24 inmates for advocating for their safety, dignity, and mental wellbeing.

25 103. And even in the unlikely event that CDCR did not possess actual knowledge that
26 complying with S.B. 132 would violate the Plaintiffs' Eighth Amendment rights, this lack of
27 knowledge still amounts to deliberate indifference of a substantial risk of serious harm to
28 Plaintiffs given the inevitable result of placing males adjudicated as violent, or demonstrably

1 violent, in close quarters with traumatized females.

2 104. Plaintiffs have no adequate remedy at law and do and will suffer serious and
3 irreparable harm to their constitutional rights unless Defendants are enjoined from enforcing
4 S.B. 132.

5 105. Pursuant to 42 U.S.C. § 1983 and 1988, Plaintiffs are entitled to declaratory relief,
6 and temporary, preliminary, and permanent injunctive relief, invalidating and restraining
7 enforcement of S.B. 132.

8 106. Plaintiffs found it necessary to engage the services of private counsel to vindicate
9 their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant
10 to 42 U.S.C. § 1988.

11
12 **SECOND CLAIM FOR RELIEF**

13 **42 U.S.C. § 1983 - Violation of the Free Speech Clause of the**

14 **First Amendment of the United States Constitution**

15 **(By All Plaintiffs Against All Defendants)**

16 107. Plaintiffs hereby incorporate by reference each of the preceding paragraphs and
17 allegations as if fully set forth herein.

18 108. S.B. 132 violates the First Amendment both facially and as applied to Plaintiffs.
19 The First Amendment of the U.S. Constitution prohibits Congress from passing any law that
20 abridges the freedom of speech. This is a fundamental right that applies to the state through the
21 Fourteenth Amendment's due process clause. The First Amendment prohibits the government
22 from forcing citizens to adopt the messages of the government and protects a citizen's right to
23 think and speak as they wish. *Taking Offense v. State*, 66 Cal. App. 5th 696 (2021).

24 109. The Free Speech Clause of the First Amendment protects against laws that
25 prohibit speech based on the content of the message, including regulations of speech that
26 "restrict expression because of its message, its ideas, its subject matter or its content." *Taking*
27 *Offense*, 66 Cal. App. at 310.

28 110. S.B. 132 requires Plaintiffs to refer to all inmates with their preferred pronouns,

1 regardless of their biological sex. Defendants actively change Plaintiffs’ speech in their
2 grievances to state that assault is not being perpetrated by trans-identifying males, but by
3 transgender women, referring to these offending inmates with “she/her” pronouns.

4 111. Defendants retaliated against Plaintiffs by (i) issuing Rule Violation Reports
5 (RVR) against Plaintiffs when they referred to trans-identifying male inmates with pronouns
6 that align with their biological sex, and (ii) claiming that Plaintiffs’ reporting is “harassment”.

7 112. S.B. 132’s unconstitutional burden on Plaintiffs’ free speech rights in the form of
8 prohibiting speech that some inmates or prison officials may find offensive or even “harassing”
9 cannot stand. *See Taking Offense*, 66 Cal. App. at 310.

10 113. S.B. 132 violates the Freedom of Speech Clause of the First Amendment for two
11 reasons: (1) S.B. 132 restricts and changes the speech and message that Plaintiffs convey in their
12 grievances, and (2) retaliatory reactions Defendants have in response to Plaintiffs’ speech as
13 included in their grievances and biologically-correct pronoun usage, chills Plaintiffs speech by
14 intimidating them out of filing additional grievances if necessary. It also effectively compels the
15 speech of female inmates by forcing them to choose between speaking in line with S.B. 132’s
16 mandated pronoun language against their own conscience, or remaining in prison longer.

17 114. Defendants, in cooperating with S.B. 132, restricts and changes the speech
18 Plaintiffs convey in their grievances about trans-identifying male inmates. “[T]he government
19 may not compel a person to speak its own preferred messages[.]” *303 Creative LLC v. Elenis*,
20 600 U.S. 570, 586 (2023) (quoting *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S.
21 503, 505-506 (1969)). It also may not “force an individual to *include other ideas with h[er]*
22 *own speech* that [s]he would not prefer to include.” *Id.* (emphasis added).

23 115. S.B. 132 violates these First Amendment protection of free speech by
24 compelling female inmates to use terms that submit to the government’s own conception of
25 gender identity. Indeed, Defendants used retaliatory methods to compel speech, claiming that
26 “misgendering” inmates equates to “harassment” and may result in sentence extensions, and
27 the Defendants changed Plaintiffs speech to reference trans-identifying male inmates with
28 feminine pronouns and labels. Defendant’s impermissible compel Plaintiffs that adopt their

1 preferred message by inserting their own belief about gender identity, thus burdening Plaintiff
2 free speech rights. *303 Creative LLC*, 600 U.S. at 586, 143 S. Ct. at 2312.

3 116. The Defendants also use S.B. 132 to compel Plaintiffs to speak a message which
4 is factually untrue, violating the basic principles of the First Amendment. Given the First
5 Amendment is disturbed even when the government forces an individual to speak *truthfully*,
6 S.B. 132's consequences are especially egregious. *See Nat. Inst. of Fam. and Life Advoc. v.*
7 *Becerra*, 585 U.S. 755, 779, 138 S. Ct. 2361, 2378 (2018).

8 117. Plaintiffs' right to speak a message, regardless of how offensive or unpopular that
9 message is, includes Plaintiffs' right to refer to trans-identifying male inmates on the terms of
10 their biological sex. *See Masterpiece Cakeshop v. Colorado C.R. Comm'n*, 584 U.S. 617, 638,
11 138 S. Ct. 1719, 1731 (2018).

12 118. Plaintiffs have no adequate remedy at law and do and will suffer serious and
13 irreparable harm to their constitutional rights unless Defendants are enjoined from enforcing
14 S.B. 132.

15 119. Pursuant to 42 U.S.C. § 1983 and 1988, Plaintiffs are entitled to declaratory relief,
16 and temporary, preliminary, and permanent injunctive relief, invalidating and restraining
17 enforcement of S.B. 132.

18 120. Plaintiffs found it necessary to engage the services of private counsel to vindicate
19 their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant
20 to 42 U.S.C. § 1988.

21 22 **THIRD CLAIM FOR RELIEF**

23 **42 U.S.C. § 1983 - Violation of the Free Exercise Clause of the** 24 **First Amendment of the United States Constitution**

25 **(By Plaintiffs Janine Chandler and Nadia Romero Against All Defendants)**

26 121. Plaintiffs hereby incorporate by reference each of the preceding paragraphs and
27 allegations as if fully set forth herein.

28 122. The Free Exercise clause of the First Amendment of the United States

1 Constitution protects an individual’s rights to practice her religion without undue governmental
2 interference. *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 523 (2022).

3 123. S.B. 132 is incompatible with the Free Exercise clause of the First Amendment
4 as applied to Plaintiffs Nadia Romero and Janine Chandler. Plaintiffs Romero and Chandler
5 are respectively Catholic and Muslim. Chandler sincerely believes that it is wrong to be
6 unclothed in the presence of unrelated members of the opposite sex, in line with her faith.¹
7 Fortunately, this sincerely-held religious belief is in harmony with CDCR’s penological
8 interest to maintain prison security. Plaintiffs have witnessed violence committed by trans-
9 identifying male inmates against other female inmates not parties to this case.

10 124. Courts examine the sincerity of an individual’s religious beliefs by looking at
11 the individual’s accounts and actions relevant to their religious identity. *See e.g. Pasaye v.*
12 *Dzurenda*, 375 F.Supp.3d 1159, 1168-69 (D. Nev. 2019).

13 125. Nadia Romero and Janine Chandler have sincerely held religious beliefs against
14 nakedness in the presence of males. At all times, Janine Chandler wears a hijab—a traditional
15 religious head covering worn by Muslim women—as a practice of her Islamic faith to abide
16 by modesty. Nadia Romero, a Catholic, believes that women should adorn themselves
17 modestly as a practice of their faith, and should not “do anything that causes your brother to
18 stumble,” and “whatever does not proceed from [this] faith is [a] sin.” *Romans* 14:21, 23
19 (English Standard Version). Both Chandler and Romero have strong held, legitimate, and
20 daily practiced religious beliefs, to the extent possible allowed by Defendants.

21 126. The Constitution protects one’s religious beliefs and practices even where they
22 may not be widely accepted or traditionally practiced. *Thomas v. Rev. Bd. of Indiana Emp.*
23 *Sec. Div.*, 450 U.S. 707, 714 101 S. Ct. 1425, 1430 (1981).

24 127. The sexually perverse and sexually violent behavior by trans-identifying male
25

26 ¹ *See* Ustadha Zaynab Ansari, *Guidelines for Interacting with the Opposite Sex*, IslamQA,
27 (“Another requirement of interaction between the sexes is that everyone should observe
28 Islamic modesty or covering the awrah. . . . For women, this means covering the whole body
except the face and hands.”). <https://islamqa.org/hanafi/seekersguidance-hanafi/32089/guidelines-for-interacting-with-the-opposite-sex/>, last viewed on July 19, 2024.

1 inmates is, in and of itself, a breach in prison security. Not only is the interest Plaintiffs and
2 other female inmates in CDCR's prisons have in living separately from trans-identifying male
3 inmates not in conflict with the penological interest of security, but the failure also to promote
4 this interest clashes with the interest of prison security.

5 128. A constitutional violation exists where an institution puts substantial pressure on
6 an individual to substantially modify her behavior or to violate her religious beliefs. *See*
7 *Washington v. Klem*, 497 F.3d 272, 277-78 (3d Cir. 2007); *See also Vazquez v. Ragonese*, 393
8 F. Appx. 925, 928-29 (3d Cir. 2010).

9 129. S.B. 132 unconstitutionally burdens Plaintiffs' religious practices by forcing
10 female inmates to live, undress, and uncover their bodies to members of the opposite sex, due
11 to the proximity of living in overcrowded housing units with other inmates.

12 130. Plaintiffs each hold strong religious beliefs prohibiting them from living with and
13 uncovering their naked bodies to anyone of the opposite biological sex that is not their lawfully
14 wedded husband, and to abide by tenants of bodily modesty.

15 131. Defendants violate Plaintiffs free exercise of their religious beliefs by requiring
16 them to live with biological males and unconstitutionally burdening their religious beliefs.

17 132. S.B. 132 requires CDCR to impermissibly prevent Plaintiffs from adhering to
18 tenants of modesty as required by their religious practices.

19 133. Plaintiffs have no adequate remedy at law and do and will suffer serious and
20 irreparable harm to their constitutional rights unless Defendants are enjoined from enforcing
21 S.B. 132.

22 134. Pursuant to 42 U.S.C. § 1983 and 1988, Plaintiffs are entitled to declaratory relief,
23 and temporary, preliminary, and permanent injunctive relief, invalidating and restraining
24 enforcement of S.B. 132.

25 135. Plaintiffs found it necessary to engage the services of private counsel to vindicate
26 their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant
27 to 42 U.S.C. § 1988.
28

FOURTH CLAIM FOR RELIEF

**42 U.S.C. § 1983 - Violation of the Equal Protection Clause of the
Fourteenth Amendment of the United States Constitution
(By All Plaintiffs Against All Defendants)**

136. Plaintiffs hereby incorporate by reference each of the preceding paragraphs and allegations as if fully set forth herein.

137. CCWF’s adherence to S.B. 132 violates Plaintiffs’ equal protection secured by the Fourteenth Amendment to the U.S. Constitution. The Equal Protections clause requires that no state shall deny a person equal protection of the law and protects against discrimination against individuals based on arbitrary classification. *Engquist v. Oregon Dep’t. of Agr.* 553 U.S. 591, 598 (2008). The Constitution’s equal protection extends to prisoners, and prison officials cannot discriminate against prisoners based upon membership in a protected class. *Davis v. Powell*, 901 F. Supp. 2d 1196 (S.D. Cal. 2012).

138. Discriminating against individuals on the bases of sex is only justified where there are “exceedingly persuasive” governmental objectives, and that the discriminatory means are substantially related to achieve the government’s interest. *United States v. Virginia*, 518 U.S. 515, 116 S. Ct. 2264 (1996).

139. Inherent differences between men and women exist, and “the two sexes are not fungible; a community made up exclusively of one sex is different from a community composed of both.” *Id.* at 533 (citations omitted), S.B. 132 overlooks legitimate safety and security interest of female inmates by failing to house men and women inmates separate and apart from one another.

140. S.B. 132 policy on transferring trans-identified males to women’s prisons is not exceedingly persuasive to show that housing biological men in women’s prisons meets a compelling governmental interest.

141. In fact, the very reason for providing separate correctional facilities for men and women based on biological sex—not gender identity--serves a legitimate penological purpose of protecting inmate from violence and further abuse by other inmates.

1 142. Lawful incarceration limits and revokes many privileges and rights of inmates,
2 including the rights of prisoners to decide who to live and associate with, and inmates do not
3 have the unbridled privilege to choose where to live as they would outside of penal institutions.
4 *Jones*, 433 U.S. at 125.

5 143. S.B. 132 facially, and as applied, violates the Equal Protection clause because it
6 requires the CDCR and CCWF to place trans-identifying male inmates in single sex female
7 prisons at their request, thereby discriminating against female inmates. S.B. 132 requires the
8 CDCR to value the preference of trans-identifying inmates' housing preferences over the safety
9 and security of female inmates, unconstitutionally impinging on the Plaintiffs' right to equal
10 protection under the law.

11 144. Plaintiffs have no adequate remedy at law and do and will suffer serious and
12 irreparable harm to their constitutional rights unless Defendants are enjoined from enforcing
13 S.B. 132.

14 145. Pursuant to 42 U.S.C. § 1983 and 1988, Plaintiffs are entitled to declaratory relief,
15 and temporary, preliminary, and permanent injunctive relief, invalidating and restraining
16 enforcement of S.B. 132.

17 146. Plaintiffs found it necessary to engage the services of private counsel to vindicate
18 their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant
19 to 42 U.S.C. § 1988.

20
21 **PRAYER FOR RELIEF**

22 **WHEREFORE**, Plaintiffs respectfully request that this court enter judgment against
23 Defendants as follows:

- 24 1. An order and judgement declaring S.B. 132, facially and as applied to Plaintiffs,
25 violates the Cruel and Unusual Punishment clause of the Eighth Amendment to the
26 U.S. Constitution; the Free Exercise clause of the First Amendment to the U.S.
27 Constitution; the Freedom of Speech Clause of the First Amendment to the U.S.
28 Constitution; and the Equal Protections Clause of the Fourteenth Amendment of the

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U.S. Constitution;

2. An order permanently enjoining and prohibiting Defendants from enforcing S.B. 132 or otherwise interfering with Plaintiff’s constitutional rights and federal guarantees;
3. For attorneys’ fees and costs;
4. Such other and further relief as the Court deems appropriate and just.

Dated: July 19, 2024,

DHILLON LAW GROUP INC.

/s/ Mark P. Meuser
Harmeet K. Dhillon, Esq.
Mark P. Meuser, Esq.
Matthew M. Hoesly, Esq.

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