

In The United States District Court
For The Middle District of Florida

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Oscar Contreras Aguilar,
AKA: Fendii G. Skyy,
Plaintiff,

v.

Donald J. Trump (in his
individual & Official Capacity
as President of the United States),

Pam Bondi (in her individual
& Official Capacity as Attorney
General of the United States),

William K. Marshall, III, (in his
individual & Official Capacity
as Director of Fed. Bureau of Prisons),

E.K. Carlton (in his individual
& Official Capacity as Warden of
U.S. Penitentiary - Coleman 2)

Shannon D. Withers (in her
individual & Official Capacity as
Complex Warden of FCC Coleman)

Defendants,

COMPLAINT

Civil No. To be Provided by Clerk
6:25CV1096 - CEM - RMN

CIVIL RIGHTS ACTION

PURSUANT TO 28 U.S.C. § 1331

* JURY TRIAL DEMANDED *

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I. JURISDICTION & VENUE

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1) This is a Civil action brought pursuant to Title 28 U.S.C. § 1331. The Court has jurisdiction under 28 U.S.C. § 1331 and 1343(a)(3).

Plaintiff seeks declaratory and injunctive relief. Plaintiff's claims for injunctive relief are authorized by Rule 65 of the Federal Rules of Civil Procedure.

2) The Middle District of Florida is an appropriate venue under 28 U.S.C. § 1391(b)(2) because it is where the events giving rise to this action are occurring and it is where plaintiff's institution of confinement is located in.

II. PLAINTIFF

3) Plaintiff Oscar Contreras Aguilar ("plaintiff") also known as "Fendii G. Skyy" is a transgender woman in custody of the Federal Bureau of Prisons ("BOP"). She is currently confined in the United States Penitentiary - Coleman 2 ("USP Coleman 2") in Coleman, Florida. Plaintiff has been diagnosed with Gender Dysphoria.

Plaintiff has been on the Hormones Replacement Treatment since July, 2024. Specifically pursuant to BOP P.S. 5200.08 (now rescinded) Plaintiff had been assigned a CMA transgender assignment in the BOP's SENTRY base identifying plaintiff as Male to Female Transgender. Plaintiff identifies as Female.

IIIFACTS

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4) On January 20th, 2025, defendant Trump issued Executive Order No. 14168 titled "Defending Women From Gender Ideology Extremism & Restoring Biological Truth to the Federal Government" which discriminates on the basis of Sex.

5) Specifically, Sections 4(a) & 4(c) of Trump's Order *id.*, prohibits the BOP from providing prisoners such as plaintiff any Gender-Affirming Care that they might be receiving. Sections 4(a) & 4(c) of the Order states, in Part: "[N]o Federal Funds will be used For any medical Procedure, treatment, or drug For the purpose of conforming an inmate's appearance to that of the Opposite Sex" *id.* & 4(c). The Order, *id.*, also does not recognize one's gender identity.

6) Subsequently, in an attempt to implement Trump's Executive Order, *id.*, the BOP, in a memo dated February 25, 2025, canceled the agency's Transgender Offender Manual (BOP Program Statement 5200.08), which the BOP had been operating under for years, and ordered its removal from Federal Prison libraries and the BOP intranet.

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7) The recently Canceled BOP's manual (Program Statement 5200.08 "Transgender Offender Manual") had provided guidance to staff in treating transgender prisoners in a manner consistent with the Federal Prison Rape Elimination Act, 42 U.S.C. ch. 147 § 15601, et seq.

Recognizing the "increased risk of suicide, mental health issues and victimization of transgender inmates," their housing placements were considered on a "case-by-case" basis to "ensure the inmate's health and safety."

The manual, *id.*, also protected transgender prisoners, including plaintiff, from searches (either pat searches or strip searches) by guards who don't share their expressed gender, and staffers were prohibited from deliberately misgendering prisoners.

8) Under new BOP guidelines, staff must "refer to individuals by their legal name or pronouns corresponding to their biological sex", and search accommodations "are no longer authorized." Also banned: "clothing accommodations", including "undergarments that do not align with an inmate's biological sex."

9) As of January 25, 2025, the BOP no longer maintained a tally of transgender prisoners. But a week earlier, it reported having 1,529 trans-women in its custody.

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10) Ever Since defendant Trump's Executive Order No. 14168, id., and the BOP's implementation of that Order, the plaintiff (and other transgender women prisoners) has been subjected to a chain of discriminatory events at the hands of BOP staff. Specifically, Since February, 2025, Plaintiff has been stripped searched at least once by male prison guards over Plaintiff's objections, and pat searched at least 5 times by male prison guards over plaintiff's objections.

When Plaintiff, who looks very feminine, expressed concerns over male guards searching her body, the BOP guards stated "You are not a woman. You are a man in a men's prison", this has caused Plaintiff, who was sexually molested and abused as a child, severe psychological trauma & emotional & psychological distress, including suicidal ideation. Every single time Plaintiff gets pat searched by male guards they grope her breasts.

11) Since defendant Trump's Executive Order, id., and the BOP's implementation of that Order, defendant Carlton (warden of USP Coleman 2) no longer allows transgender women prisoners, including plaintiff, to purchase transgender items such as lipstick, lip gloss, eye shadow, blush, foundation etc... nor panties or bras from commissary which were available on commissary prior to defendant Trump's Order, id.,

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12) To be sure, prior to defendant Trump's Order, id, the BOP, including USP Coleman 2, provided Female undergarments to transgender women, including plaintiff, Upon arrival at the institution. And Female Undergarments as well as other Female Cosmetics were always available For purchase on Commissary. That is no longer the Case. And, in Fact, BOP staff have Confiscated such items and discarded them in its entirety From the Prison. In Contrast, male inmates at the prison and throughout the BOP are still allowed to purchase From Commissary, and are provided with, male undergarments and clothing and male Cosmetics. The Prison and BOP, however, don't do the Same For transgender women inmates like plaintiff. Furthermore, the BOP allows women in women's Prisons to purchase From Commissary all the Female Undergarments, clothing, and Cosmetics, and make up items it does not allow For transgender women inmates.

13) As a direct result of defendant Trump's Order, id., and the BOP's implementation of that Order, plaintiff (and all transgender women inmates) is being Forced by BOP staff to wear male undergarments and clothing. And BOP staff are now deliberately & maliciously referring to plaintiff as "Mr.", "He", "Him" and/or words to that effect even though they are well aware, or should be aware, that plaintiff identifies as Female and has done so For years, and that their deliberate misgendering of plaintiff, Coupled with patdown & strip searches by male guards, Causes plaintiff Severe psychological & emotional pain & distress and greatly exacerbates plaintiff's Gender Dysphoria Symptoms to the point of having Suicidal thoughts & ideation.

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14) Gender Dysphoria is a serious mental illness. And gender-affirming care and treatment for Gender Dysphoria are considered "medically necessary" by the American Medical Association, the American Psychiatric Association, the American Psychological Association, and the Endocrine Society.

To be sure, the World Professional Association of Transgender Health publishes a "Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming people (7th ed. 2011)". Defendant Trump's Executive Order, *Supra*, leaves the BOP no discretion to continue providing transgender women prisoners, including plaintiff, gender-affirming care and treatment and, in fact, medical staff at USP Coleman 2 have recently advised plaintiff that "unless you are protected by Court order you are at risk of being taken off gender-affirming care in the foreseeable future", and encouraged plaintiff to file suit to be on the "safe side". Thus, the risk of plaintiff being taken off her current gender-affirming care is a serious one.

Moreover, the plaintiff, who suffers from numerous mental illnesses, as diagnosed by BOP psychologists, such as: Gender Dysphoria, Adjustment Disorder w/ depressed mood, Anti Social Personality Disorder, and Major Depressive Disorder, and is currently prescribed multiple psychotropic medications, is already contemplating suicide due to all of the above.

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15) In Short Sum, ever since defendant Trump issued Executive Order No. 14168, as mentioned above, and the BOP's implementation of that Order, the BOP is now systematically subjecting transgender women prisoners in men's prisons such as plaintiff to harsher, more degrading treatment than their cisgender counterparts. ∴ BOP refuses to allow plaintiff to wear Female clothing.

BOP refuses to sell plaintiff Female Cosmetic Items such as make up, hair dye, and other hygiene items it sells offenders in its Female Facilities.

BOP refuses to recognize plaintiff as a woman.

BOP staff refuse to refer to plaintiff using Feminine Pronouns.

All of which was mandatory under the recently tore up BOP policy P.S. 5200.08 (Transgender Offender Manual).

16) Defendants' implementation of defendant Trump's Executive Order No. 14168, is significantly precluding plaintiff from expressing her gender, getting medically necessary gender-affirming treatment & care, and defendants know, or should have known, that their actions in furtherance of defendant Trump's Order, id., greatly exacerbates plaintiff's gender dysphoria symptoms which include suicidality thereby placing her at serious risk of harm and subjecting her to wanton pain.

IV. LEGAL CLAIMS

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17) Plaintiff hereby realleges and incorporates by reference Paragraphs 1-16 as if Fully set forth herein.

EIGHTH AMENDMENT VIOLATIONS

18) Defendants' actions as stated in paragraphs 4-16 above, violate plaintiff's rights under the Eighth Amendment to the United States Constitution, and it is causing plaintiff severe physical, psychological, and emotional pain and distress which amounts to the unnecessary and wanton infliction of pain upon plaintiff.

19) FIFTH And/or FOURTEENTH AMENDMENTS VIOLATIONS

Defendants' actions as stated in paragraphs 4-16 above, violate plaintiff's rights under the Equal Protection Clause of the Fifth & Fourteenth Amendments to the United States Constitution, and it is causing plaintiff severe physical, psychological, and emotional pain and distress.

20) FIRST AMENDMENT VIOLATIONS

Defendants' actions as stated in paragraphs 4-16 above, violate plaintiff's right to Freedom of Speech (express her gender) under the First Amendment to the United States Constitution, and its causing plaintiff severe physical, psychological, and emotional pain and distress.

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21) The plaintiff has no plain, adequate, or Complete remedy at law to redress the wrongs described herein. Plaintiff has been and will Continue to be irreparably injured by the Conduct of the defendants Unless this Court grants the declaratory and injunctive relief which plaintiff Seeks.

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully prays that this Court enter judgment granting plaintiff:

22) A declaration that the acts and omissions described herein violated plaintiff's rights Under the United States Constitution..

23) A preliminary and permanent injunction enjoining defendants From implementing and/or enforcing, or taking any actions whatsoever to implement, defendant Trump's Executive Order No. 14168 mentioned above.

24) A preliminary and permanent injunction Ordering defendants to maintain the Status Quo by Continuing to abide by and operate Under the BOP's Transgender Offender Manual Program Statement 5200.08 pending resolution of this Suit, in its entirety.

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- 25) A Court Order striking down defendant Trump's Executive Order No. 14168 titled "Defending Women From Gender Ideology Extremism & Restoring Biological Truth to the Federal Government" as discriminatory and Unconstitutional.
- 26) A preliminary and permanent injunction Ordering defendants to provide plaintiff with, or allow plaintiff to purchase on Commissary, Female Undergarments and Female Cosmetics items such as lipstick, lip gloss, Eye shadow, nail polisher, blush, Foundation, hair dye, and other Female cosmetic items the BOP allows for Female offenders in women's Prisons, and which were available on Commissary prior to defendant Trump's Executive Order No. 14168.
- 27) A preliminary and permanent injunction enjoining defendants from subjecting plaintiff to pat searches and/or Strip Searches by male Prison staff/guards, and enjoining defendants from allowing BOP staff to deliberately misgendering plaintiff by deliberately using male pronouns instead of Female pronouns when referring to plaintiff.
- 28) A Jury or bench trial on all triable issues.
- 29) Plaintiff's Costs in this suit.

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30) Any additional relief this Court deems just, proper, and equitable.

VERIFICATION

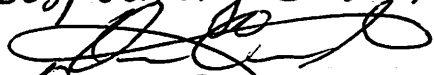
I have read the Foregoing Complaint and hereby verify that the matters alleged therein are true.

I Certify Under penalty of perjury that the Foregoing is true and Correct to the best of my knowledge.

See 28 U.S.C. § 1746.

May 30th, 2025.
Coleman, Florida.

Respectfully Submitted,


Oscar Contreras Aguilar

Reg # 90039-053

U.S. Penitentiary - Coleman 2

P.O. Box 1034

Coleman, FL 33521

Plaintiff