IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AVERY A. TRAINOR, Plaintiff, v. **UNITED STATES OF AMERICA**, *et al*., Defendants.	Civil Action No. 26-cv-3029

PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65(a), and LCivR 65.1(c), Plaintiff, Lieutenant Colonel Avery A. Trainor, USMC ("LtCol Trainor") respectfully moves the Court for a preliminary injunction. LtCol Trainor, an active duty transgender female Marine Corps officer, faces a precipitous end to her service career as of November 1, 2026, due to the May 29, 2026 decision by the Deputy Assistant Commandant for Manpower and Reserve Affairs ("MR&A Action") which accelerated LtCol Trainor's previously approved retirement date of June 1, 2027 to November 1, 2026 and placed stigmatizing conditions on that retirement. LtCol Trainor therefore respectfully requests that the Court issue an order (1) preliminarily enjoining and/or staying, under 5 U.S.C. § 705, the May 29, 2026 M&RA Action; (2) reinstating LtCol Trainor's previously approved retirement date of June 1, 2027 and directing that any retirement of LtCol Trainor be in the grade of Lieutenant Colonel; (3) directing Defendants to correct LtCol Trainor's records in the Marine Corps Total Force System and her official military personnel file to reflect that date, and to remove, and refrain from entering, any reentry code, separation program designator code, deployability code, strength category or duty status entry made pursuant to the

enjoined authorities; and (4) directing restoration of LtCol Trainor to full active duty status, assignment and duties, and that she be subject to, and administered under, the uniform, grooming and other standards and requirements applicable to female Marine Corps officers.

A preliminary injunction is warranted because (1) LtCol Trainor is likely to prevail on her claim that the MR&A Action is arbitrary, capricious, an abuse of discretion and contrary to law in violation of the Administrative Procedure Act, 5 U.S.C. § 551 *et seq*.; (2) absent a preliminary injunction, LtCol Trainor will suffer irreparable harm; and (3) the balance of the equities tips in favor of LtCol Trainor. The grounds in support of this motion are more fully set forth in the Memorandum of Points and Authorities, supporting declaration and exhibits submitted herewith.

Pursuant to LCvR 65.1(d), LtCol Trainor requests that the Court schedule a hearing on this motion to be held no latter than 21 days from today.

Dated this 31st day of August, 2026.

Respectfully Submitted,

/s/ John M. Simpson

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Counsel for Plaintiff LtCol Avery A. Trainor

CERTIFICATE OF SERVICE

I, John M. Simpson, hereby certify that on August 31, 2026, I caused a true and correct copy of the foregoing to be served on USADC.ServiceCivil@usdoj.gov and peter.pfaffenroth@usdoj.gov and through filing on the Court's Electronic Court Filing ("ECF") system.

/s/ John. M. Simpson
John M. Simpson