**UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF COLUMBIA**

**JANE DOE**, *et al.*,

*Plaintiffs*,

**v.**

**JAMES R. MCHENRY, III**, in his official capacity as Acting Attorney General of the United States, *et al.*,

*Defendants*.

**Case No. 1:25-cv-286-RCL**

**ORDER**

On February 4, 2025, after a hearing, this Court entered a Temporary Restraining Order [ECF No. 23] enjoining the enforcement of Sections 4(a) and 4(c) of Executive Order 14168 on Eighth Amendment grounds. In their papers submitted to the Court and at the hearing, the plaintiffs adduced facts suggesting that they would be at a substantially elevated risk of physical and sexual violence if they were transferred to a male penitentiary pursuant to the Executive Order; that the transfer itself would be likely to exacerbate the plaintiffs' diagnosed mental health conditions; and that the withholding of their prescribed hormone therapy medication would be likely to cause severe harm. Importantly, the defendants did not substantially dispute those facts. Instead, the defendants pointed to speculative action that the Bureau of Prisons might take to mitigate those harms and thus assuage the Court's Eighth Amendment concerns. Those hypothetical measures were insufficient to defeat the plaintiffs' largely uncontroverted evidence of harm.

The Temporary Restraining Order noted that the revelation of additional facts then unknown to the Court could affect the plaintiffs' likelihood of success on the merits. However,

since the issuance of the Temporary Restraining Order, the Court has received no further information about what ameliorative steps, if any, the government intends to or would take if the plaintiffs were to be transferred and deprived of their prescribed medications per the terms of the Executive Order.

Therefore, in consideration of the plaintiffs' Motion [ECF No. 13] for a Preliminary Injunction, the Opposition [ECF No. 11] thereto, and the entire record herein, which is essentially unchanged since the issuance of the Temporary Restraining Order [ECF No. 23], and for the reasons contained in the Temporary Restraining Order, it is hereby

**ORDERED** that the plaintiffs' Motion for a Preliminary Injunction is **GRANTED**; and it is further

**ORDERED** that the Defendants are hereby enjoined from implementing Sections 4(a) and 4(c) of Executive Order 14168 against plaintiffs Jane, Mary and Sara Doe, pending further Order of this Court; and it is further

**ORDERED** that, pending further Order of this Court, defendants shall maintain and continue the plaintiffs' housing status and medical care as they existed immediately prior to January 20, 2025.

Date: February 18, 2025
2:10 p.m.

Royce C. Lamberth
United States District Judge