

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

AVISHAY (PREFERRED: ALLISON) ALON,

Plaintiff,

vs.

NEW HAMPSHIRE DEPARTMENT OF
CORRECTIONS

WILLIAM RYAN HART, JR., IN HIS
CAPACITY AS COMMISSIONER, NEW
HAMPSHIRE DEPARTMENT OF
CORRECTIONS

MICHELLE EDMARK, IN HER CAPACITY
AS ACTING ASSISTANT COMMISSIONER
AND WARDEN, NEW HAMPSHIRE STATE
PRISON FOR MEN

MATTHEW G. STEFANCZAK, IN HIS
CAPACITY AS ACTING DEPUTY
WARDEN, NEW HAMPSHIRE STATE
PRISON FOR MEN

JOHN DOE 1, JOHN DOE 2, JOHN DOE 3,
CORRECTIONAL OFFICERS, NEW
HAMPSHIRE STATE PRISON FOR MEN

Defendants

Case No.:

COMPLAINT

**(SEEKING PRELIMINARY AND
PERMANENT INJUNCTIVE RELIEF
AND DAMAGES)**

COMPLAINT

NATURE OF THE ACTION

1. This is a civil action for preliminary and permanent injunctive relief and damages arising from the wrongful classification, housing, and denial of medically necessary, gender-affirming transition care to Plaintiff, Avishay (Preferred: Allison) Alon, a transgender woman currently incarcerated in the New Hampshire State Prison for Men. Plaintiff seeks redress for

violations of her rights under the Eighth and Fourteenth Amendments to the United States Constitution, 42 U.S.C. § 1983, the Prison Rape Elimination Act (“PREA”), the Americans with Disabilities Act (“ADA”), New Hampshire Constitution, Part I, Article 2, and N.H.R.S.A. 354-A and state policies and regulations.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over Plaintiff’s federal claims pursuant to 28 U.S.C. §§ 1331 and 1343.

3. The Court has supplemental jurisdiction over related state law claims under 28 U.S.C. § 1367.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because the events giving rise to these claims occurred within this District and all parties reside or are located within this District.

5. Plaintiff has exhausted all administrative remedies with respect to the claims contained herein.

6. Plaintiff seeks declaratory and injunctive relief, as well as compensatory and punitive damages, attorney’s fees, and costs, to remedy the ongoing violations of her constitutional and statutory rights.

THE PARTIES

7. Plaintiff Avishay (Preferred: Allison) Alon (Allison) is an individual currently incarcerated in the New Hampshire State Prison for Men (NHSPM) physically located at 281 North State Street, Concord, New Hampshire. Allison is a transgender woman who has been diagnosed with gender dysphoria and has received gender-affirming transition medical care prior to and during her incarceration. She has filed a declaration in support of this Complaint (Allison

Decl.)

8. Defendant New Hampshire Department of Corrections (“NHDOC”) is a state agency responsible for the custody, care, and treatment of individuals incarcerated in New Hampshire state correctional facilities. The physical address for the Department of Corrections is 64 South Street Concord, New Hampshire. The mail address is PO Box 1806, Concord N.H. 03302-1806

9. Defendant William Ryan Hart, Jr., is the Commissioner of NHDOC (Commissioner) and is responsible for the overall administration and operation of the NHDOC, including the implementation of policies and procedures affecting the classification, housing, and treatment of transgender inmates. His official physical address is 64 South Street Concord, New Hampshire. The mail address is PO Box 1806, Concord N.H. 03302-1806

10. Defendant Michelle Edmark, is the Acting Assistant Commissioner of NHDOC and also appears to be the Warden at NHSPM (Warden) and thus responsible for the overall administration and operation of the NHDOC and NHSPM, including the implementation of policies and procedures affecting the classification, housing and treatment of transgender inmates. Her official physical address is 64 South Street Concord, New Hampshire. The mail address is PO Box 1806, Concord N.H. 03302-1806

11. Defendant Matthew G. Stanczak, is the Acting Deputy Warden and during relevant time frames was responsible for the day-to-day management of the New Hampshire State Prison for Men, including the housing and care of inmates at that facility. His official physical and mail address is 281 North State Street, Concord N.H. 03301.

12. Defendants John Doe 1, John Doe 2, and John Doe 3 (collectively Does or Doe Defendants) are correctional officers employed by NHDOC at NHSPM acting in both their

official and individual capacities.

13. At all times relevant herein, each Defendant was acting in the course and scope of their employment and under color of state law.

FACTS

14. Allison Alon is a transgender woman formally diagnosed with gender dysphoria by a qualified mental health professional, consistent with the criteria set forth in the DSM-5 and ICD-10. (Allison Decl. ¶ 2)

15. Allison's gender identity as a woman is well-documented, and her medical history includes over two years of gender-transition care, such as hormone therapy, counseling, laser hair removal, speech therapy, and real-life experience in her affirmed gender role. (Allison Decl. ¶ 3)

16. Gender Dysphoria is a diagnosable and treatable condition recognized by the American Psychiatric Association and included in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition ("DSM-V"), as well as the International Classification of Diseases-10 (World Health Organization).

17. Gender Dysphoria is a diagnostic term that refers to clinically significant distress associated with an incongruence or mismatch between a person's gender identity and birth at sex. An individual can identify as transgender without suffering from Gender Dysphoria. However, if an individual does suffer from Gender Dysphoria, severe cases can result in a person's inability to function in everyday life.

18. Gender Dysphoria is highly treatable. When not properly treated, Gender Dysphoria is associated with dangerous related conditions such as depression, substance abuse, self-mutilation, suicidal ideations, and suicide. Forty percent of persons identifying as

transgender attempt suicide, nearly nine times the national average of 4.6 percent, according to the 2015 National Transgender Discrimination Survey.

19. During her pretrial detention at Strafford County Jail, Allison was housed in protective custody within a women's unit. While there, she was provided with injectable hormone therapy and sufficient razors and tweezers for hair removal, which were medically necessary to support her gender transition and alleviate her gender dysphoria. This treatment was consistent with the standards of care for transgender individuals and was uninterrupted during her pretrial confinement. (Allison Decl. ¶ 4)

20. The medical team at the Strafford County Jail also recommended continued laser hair removal and continued speech therapy for Allison, but the Strafford County Jail could not accommodate those recommendations. (Allison Decl. ¶ 4).

21. On or about July 7, 2025, Allison was sentenced in Strafford Superior Court following convictions for conspiracy to commit kidnapping, possession of a controlled drug and criminal threatening. The sentencing judge explicitly recommended that Allison's established medical and mental health care be continued without interruption during her incarceration. The mittimus and sentencing orders reflect this recommendation and were provided to NHDOC and NHSPM upon Allison's transfer. (Allison Decl. ¶ 6).

22. Despite the judicial recommendation and Allison's documented medical needs, she was transferred to and classified at the New Hampshire State Prison for Men. This placement is fundamentally inconsistent with her gender identity and established treatment plan. Upon arrival at the men's facility, Allison's access to gender-transition accommodations, including hormone therapy, grooming products, and other necessary supports—was interrupted or denied, contrary to her prior treatment and the recommendations of her healthcare providers.

23. The abrupt change in housing and the denial of appropriate gender-transition accommodations place Allison at significant risk of physical and psychological harm. The interruption of her treatment exacerbates her gender dysphoria, causes severe emotional distress, and exposes her to a heightened risk of victimization, including sexual harassment and assault, as recognized risks for transgender women housed in men's correctional facilities.

24. On July 14, 2025, Allison filed an inmate request slip with the NHDOC requesting that she be classified to the New Hampshire Correctional Facility for Women or to administrative home confinement. (Allison Decl. ¶ 10). N.H. Admin. R. Cor 312.01 (l) requires responses to inmate request slips be provided within 10 working days of receipt. If additional time is needed the inmate must be informed. *See* N.H. Admin. R. Cor 312.01 (m). Allison received no notification that additional time would be needed to respond to her inmate request slip. (Allison Decl. ¶ 10).

25. On July 28, 2025, having not received a reply to her inmate request slip, Allison filed a grievance form as required by N.H. Admin. R. Cor 313.04 and 313.05. Grievances must be responded to within 15 working days. *See* N.H. Admin. R. Cor 313.05 (q). Allison did not receive a timely response to her grievance. (Allison Decl. ¶ 10 - 11).

26. On July 31, 2025, Allison received a form stating she was classified to the Northern Correction Facility Close Custody Unit. This form was not styled, nor did it properly reply to the grievance she filed. During the month of July, she sent several inmate request slips to health services personnel, mental health services personnel, and her unit Lieutenant requesting medically necessary gender affirming transition health care items particularly items for hair removal such as razors and tweezers (which had regularly provided to her while detained pretrial at the Strafford County Department of Corrections). (Allison Decl. ¶ 11).

27. On August 1, 2025, counsel for Allison sent and emailed a letter to the Commissioner. The letter sought classification of Allison to the women's prison. The letter explained Allison's gender dysphoria; the fact that she had been receiving some gender transition care while detained pretrial; that she had be detained pre-trial in the women's unit at the Strafford County jail, the judge's recommendation and the harm that Allison was and would continue to suffer if classified to the State Prison for Men. The letter demanded classification to the women's prison. (Allison Decl. ¶ 12).

28. On August 8, 2025, Allison received a response to an inmate request slip filed on August 4, 2025. That response noted that the Commissioner received the letter from her counsel but did not reply to the relief she requested. (Allison Decl. ¶ 13).

29. Allison subsequently received two responses from the Commissioner's office, each indicating that they required an additional 30 days to consider her grievance. (Allison Decl. ¶ 14).

30. On October 28, 2025, the Commissioner of the DOC acting through a delegate, Michele Edmark, denied the request to be housed at the women's prison or for administrative home confinement. The denial was transmitted to Counsel for Allison on November 5, 2025. Allison received the denial on November 6, 2025. (Allison Decl. ¶ 14).

31. The denial included a statement that the Department of Corrections "is willing to review you for placement at a county facility contingent upon their willingness to accept you and as long as you continue to be a suitable candidate for county placement. NHDOC is also willing to place you in the Residential treatment unit as I understand this option was discussed with you and you are open to this program." (Allison Decl. ¶ 14).

32. Allison and her counsel both alerted NHDOC representatives that without

waiving her rights and objections, Allison wished to be transferred to the residential treatment unit (RTU.)

33. On November 24, 2025 , Allison was transferred to the RTU at NHSPM. (Allison Decl. ¶ 14). Although not a maximum-security unit, the Department of Corrections continues to deny proper gender transition and medically necessary care.

34. From the time of her transfer to the NHSPM she has been discriminated against due to her transgender.

35. John Doe 1, a male correctional officer, told her she was in the men's prison because "you have a penis." (Allison Decl. ¶ 15).

36. John Doe 2 , a male correctional officer, stated to her that she was in a men's prison so she "would be treated just like a man. " (Allison Decl. ¶ 15).

37. John Doe 3, a male correctional officer, stripped searched Allison despite her request for a female correctional officer. (Allison Decl. ¶ 15). This has occurred on other occasions as well. (Allison Decl. ¶ 15).

38. All of the John Doe Defendants have engaged in deliberate discriminatory misgendering including but not limited to deliberately calling Allison, "Sir." (Allison Decl. ¶ 15).

39. All of the Defendants have denied Allison gender transition accommodations. Upon arrival at NHSPM the Doe Defendants seized her female undergarments including the sports bra and clothes that she arrived in. For a significant period of time, they refused to provide her with female undergarments.

40. All Defendants have denied Allison's request for razors and tweezers for hair removal despite the fact that these items were specifically requested and were available to her at

the Strafford County Jail without incident.

41. NHDOC has failed to permit Allison to undergo injectable hormone therapy which was prescribed to her prior to transfer to the State Prison for Men and was provided at the Strafford County Facility. Rather, she has only been provided with hormone pills that are not supplemented by injections. This has resulted in a significant and detrimental decrease in Allison's estradiol levels.

42. Allison's gender dysphoria and her transition plan were well established prior to her arrest and were recognized and accommodated to some degree by the Strafford County Jail. Allison's well established transition plan and accommodations made at the Strafford County jail result in a significant decrease if not a complete cessation of testosterone creation.

43. In effect, the NHDOC's failure to accommodate Allison's transition plan is resulting in a forced detransition. This is a dangerous situation and constitutes medical harm.

44. The World Professional Association for Transgender Health ("WPATH") is the leading international organization focused on transgender health care. WPATH has more than 1,000 members throughout the world consisting of physicians, psychiatrists, psychologists, social workers, surgeons, and other health professionals who specialize in the diagnosis and treatment of gender dysphoria. WPATH's Standards of Care (the "Standards of Care") are the prevailing standards of care used by mental health providers and medical professionals treating gender Dysphoria. The Standards of Care require that a competent medical professional with knowledge and expertise in gender dysphoria evaluate a patient for appropriate and necessary treatment options. This medical treatment not only improves a patient's quality of life but also limits the development of mental health issues which often accompany lack of treatment.

45. The Standards of Care set forth treatment options for gender dysphoria including: changes in gender expression and role; hormone therapy; surgery to change primary and/or secondary sex characteristics; and psychotherapy addressing the negative impact of gender dysphoria and stigma on mental health, alleviating internalized transphobia, enhancing social and peer support, improving body image and promoting resilience.

46. The NHDOC's own Policy and Procedure Directive 6.85 requires that treatment for gender dysphoria be provided in accordance with accepted medical standards, including the World Professional Association for Transgender Health ("WPATH") Standards of Care. The policy mandates that housing and programming assignments for transgender inmates be made on a case-by-case basis, with consideration for the inmate's health and safety, and that such decisions be documented in writing. The policy further provides that hormone therapy and other medically necessary treatments should be continued without interruption for inmates who received such care prior to incarceration, absent urgent medical reasons to the contrary.

47. The Prison Rape Elimination Act ("PREA") and its implementing regulations require that housing decisions for transgender inmates be made on an individualized basis, taking into account the inmate's own views regarding their safety, and prohibit automatic assignment based solely on anatomy or sex assigned at birth. PREA also requires that such placement decisions be reassessed at least twice per year and that transgender inmates be given the opportunity to shower separately from other inmates.

48. Allison's placement in the men's facility disregarded these policies and standards. No individualized assessment was conducted that adequately considered her gender identity, medical needs, or personal safety. The NHDOC failed to identify any legitimate management or

security concerns that would justify her placement in a men's facility, nor did it provide written reasoning for the denial of her transfer to the New Hampshire Correctional Facility for Women.

49. As a result of her wrongful classification and the denial of medically necessary, gender-transition care, Allison has suffered and continues to suffer severe psychological distress, suicidal ideation, exacerbation of gender dysphoria, humiliation, and a persistent fear for her safety. She has been deprived of the ability to live consistently with her gender identity, denied access to appropriate medical and mental health care, and subjected to conditions that undermine her dignity and well-being.

50. Plaintiff, through counsel, made a formal written demand to the NHDOC and its Acting Commissioner for Allison's immediate reclassification and transfer to the New Hampshire Correctional Facility for Women, citing the requirements of the WPATH Standards of Care, PREA, NHDOC policy, and the sentencing judge's recommendation. The demand letter requested prompt compliance and warned of legal action in the absence of relief. As of the date of this Complaint, Defendants have failed to transfer Allison to the women's prison and continue to deny her important gender transition care that is medically necessary. These violations of Allison's rights and well-being continue despite her transfer to the RTU.

51. Courts, researchers and corrections professional recognize that transgender women housed in men's prisons face extremely high levels of violence and sexual assault, as well as pervasive sexual harassment. A 2013 study by the Department of Justice estimated that nearly 35% of transgender inmates in state and federal prisons were sexually assaulted between 2007 and 2012. U.S. Dep't of Justice Off. Of Justice Programs, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12*, NCJ No. 241399, Supplemental Table 1 (2013).¹

¹ Available at: <https://bjs.ojp.gov/content/pub/pdf/svpjri1112.pdf> last visited on 8/11/2025.

52. Housing Plaintiff in a men's facility poses an extreme risk of sexual abuse, recognized in *Farmer v. Brennan*, 511 U.S. 825 (1994), which held that placing a transgender woman in a men's facility despite known risks violates the Eighth Amendment.

53. PREA Standard § 115.42 requires housing decisions for transgender inmates to be made on a case-by-case basis, with serious consideration of the inmate's own views of safety.

54. NHDOC's classification and housing determination disregards Allison's recognized concerns, her successful prior housing in a women's facility, and the documented risks to her safety.

55. In NHSPM Plaintiff is at extremely high risk of rape and sexual and physical assault as well as sexual harassment and discrimination. The harm to Plaintiff is ongoing and irreparable absent immediate judicial intervention. She remains at grave risk of psychological and physical harm, and her established medical treatment continues to be disrupted in violation of medical, legal, and ethical standards.

56. Defendants' decision constitutes deliberate indifference to a substantial risk of serious harm to Plaintiff, violating her rights under the Eighth Amendment.

57. Though PREA does not create a private right of action to sue for violations of the Act or regulations, noncompliance with the PREA standards presents evidence that facilities are not meeting their constitutional obligations. NHDOC's non-compliant policies or practices, are evidence that officials have been deliberately indifferent to an objectively serious risk of harm.

58. The final PREA regulations require adult prisons and jails and juvenile detention facilities to screen individuals within 72 hours of intake to assess the individual's risk for sexual victimization or abuse. 28 C.F.R. § 115.41. This screening "shall consider, at a minimum...whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender,

intersex or gender nonconforming.” Agencies are then charged with using this screening information to “inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.” 28 C.F.R. § 115.42. Safety determinations must be made on an individualized basis. 28 C.F.R. § 115.42.

59. The PREA regulations also require agencies to make individualized housing and program placements for all transgender and intersex individuals. 28 C.F.R. § 115.42. This includes assignment of transgender and intersex individuals to male or female facilities. 28 C.F.R. § 115.42. All such program and housing assignments must “be reassessed at least twice each year to review any threats to safety experienced by the inmate”. 28 C.F.R. § 115.42. An individual’s “own views with respect to his or her own safety shall be given serious consideration” in these assessments. 28 C.F.R. § 115.42(e). Historically corrections agencies in the United States almost universally assigned people to male or female facilities based solely on genital characteristics or birth assigned sex. PREA standards mark an important and significant departure from such practice and require oversight and pressure from advocates and the courts to ensure that it is effectively implemented.

60. The Eighth Amendment imposes on prison officials a duty to “take reasonable measures to guarantee the safety of the inmates.” This includes a duty to protect prisoners from violence at the hands of other prisoners. In *Farmer v. Brennan*, 511 U.S. 825 (1994) the Supreme Court held that an Eighth Amendment claim based on deliberate indifference to the health and safety of an inmate must satisfy both an objective and a subjective component test. The official’s act must have objectively caused a substantial risk of serious harm, and the official must have been subjectively aware of that risk of that harm yet acted indifferently towards it.

COUNT I - Eighth Amendment – (42 U.S.C. §1983)

Deliberate Indifference to Serious Medical Needs

Against ALL Defendants

61. Plaintiff repeats and re-alleges the allegations in all preceding paragraphs as if fully set forth herein.

62. Defendants have acted with deliberate indifference to Allison's serious medical needs in violation of the Eighth Amendment to the United States Constitution. Gender dysphoria is a recognized, serious medical condition requiring individualized, medically necessary treatment, including gender-transition care and housing consistent with gender identity.

63. Plaintiff had an established regimen of hormone therapy and other medical necessary interventions prior to incarceration, which were arbitrarily interrupted by Defendants. Defendants have failed to monitor, adjust, or provide appropriate continuity of care, demonstrating deliberate indifference to the serious medical consequences of disruption.

64. The denial of such care, and the interruption of established treatment regimens, constitutes deliberate indifference and violates the Eighth Amendment. In *Edmo v. Idaho Department of Correction*, 935 F. 3d 757 (2019) the Ninth Circuit held that failure to provide gender-transition care and appropriate housing for a transgender inmate amounted to unconstitutional deliberate indifference. Similarly, the First Circuit, in *Kosilek v. Spencer* 774 F.3d 63 (2014). recognized that gender dysphoria is a serious medical need and that denial of necessary treatment may constitute deliberate indifference. The Supreme Court in *Farmer v. Brennan* 511 U.S. 825 (1994) further established that prison officials have a constitutional duty to protect transgender women from substantial risk of serious harm when housed in men's prisons.

65. Defendants' failure to provide uninterrupted, medically necessary gender-transition care, and their refusal to reclassify and transfer Plaintiff to a women's facility consistent with her gender identity and medical needs, and their disregard for her repeated requests for medically appropriate care, constitutes deliberate indifference to Plaintiff's serious medical needs and place her at substantial risk of psychological and physical harm.

Count II - Fourteenth Amendment

Due Process and Equal Protection (42 U.S.C. § 1983)

Against ALL Defendants

66. Plaintiff repeats and re-alleges the allegations in all preceding paragraphs as if fully set forth herein.

67. Despite being a transgender woman, Plaintiff was immediately placed in a men's prison without any type of individualized, formal review regarding whether placement would be appropriate and without meaningful consideration of her own assessment of safety, the recommendations of medical personnel, and the sentencing judge.

68. The Defendant's continue to deny Allison appropriate housing in a women's facility.

69. Defendants continue to deny necessary gender transition care including appropriate medical care to Allison.

70. Defendants' actions violate Plaintiff's rights under the Fourteenth Amendment. The Due Process Clause prohibits arbitrary and capricious treatment of incarcerated individuals, including the denial of medically necessary care and the failure to follow established policies and judicial recommendations regarding treatment and housing. The Equal Protection Clause prohibits discrimination on the basis of sex, gender identity, and transgender status. By

classifying Plaintiff in a men's facility solely on the basis of her anatomy or sex assigned at birth, and by denying her access to gender-transition accommodations, Defendants have treated Plaintiff differently from similarly situated cisgender women and have failed to provide equal protection under the law.

COUNT III - Violations of the Prison Rape Elimination Act (PREA)

Against ALL Defendants

71. Plaintiff repeats and re-alleges the allegations in all preceding paragraphs as if fully set forth herein.

72. Defendants have violated the Prison Rape Elimination Act ("PREA"), 34 U.S.C. § 30301 et seq., and its implementing regulations. PREA requires that housing and programming assignments for transgender inmates be made on a case-by-case basis, with serious consideration given to the inmate's own views regarding their safety, and prohibits automatic assignment based solely on anatomy or sex assigned at birth. PREA further mandates periodic reassessment of placement decisions and requires that transgender inmates be given the opportunity to shower separately from other inmates. Defendants failed to conduct an individualized assessment of Plaintiff's housing needs, disregarded her safety and medical requirements, and failed to document any legitimate management or security concerns justifying her placement in a men's facility.

73. Defendants failed to conduct an individualized assessment of Plaintiff's housing needs, disregarded her safety and medical requirements, failed to document any legitimate management or security concerns justifying her placement in a men's facility.

74. Defendants' failure to comply with PREA has exposed Plaintiff to threats of sexual harassment, assault and other forms of victimization, creating an environment of fear and harm.

COUNT IV - Violations of the Americans with Disabilities Act (ADA)

Against ALL Defendants

75. Plaintiff repeats and re-alleges the allegations in all preceding paragraphs as if fully set forth herein.

76. Plaintiff's gender dysphoria constitutes a disability under the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. The ADA prohibits discrimination against qualified individuals with disabilities in the provision of services, programs, and activities by public entities, including correctional facilities. Defendants' failure to provide reasonable accommodation for Plaintiff's gender dysphoria—including access to gender-transition care, housing, and daily living accommodations—constitutes unlawful discrimination under the ADA.

77. Defendants' policies and actions systematically deny accommodations to transgender inmates with gender dysphoria, treatment them as less deserving of medical and protective services than other inmates with recognized medical disabilities.

Count V - Violations of State Constitutional Claim (NH Constitution, Part I, Article 2)

Against ALL Defendants

78. Plaintiff repeats and re-alleges the allegations in all preceding paragraphs as if fully set forth herein. The New Hampshire Supreme Court has held that classifications based on sex implicate a fundamental right and are subject to strict scrutiny. *Cheshire Medical Center v. Holbrook*, 140 N.H. 187, 191 (1995); *State v. Lilley*, 171 N.H. 766, 780–81 (2019). Housing

Plaintiff in a men's facility despite her gender identity is a sex-based classification that is not narrowly tailored to serve a compelling governmental interest.

Count VI - Violations of NHDOC Policy

Against ALL Defendants

79. Plaintiff repeats and re-alleges the allegations in all preceding paragraphs as if fully set forth herein.

80. Defendants have violated the New Hampshire Department of Corrections Policy and Procedure Directive 6.85, which requires that treatment for gender dysphoria be provided in accordance with accepted medical standards, including the WPATH Standards of Care. The policy mandates that housing and programming assignments for transgender inmates be made on a case-by-case basis, with consideration for the inmate's health and safety, and that hormone therapy and other medically necessary treatments be continued without interruption for inmates who received such care prior to incarceration, absent urgent medical reasons to the contrary. Defendants' actions are inconsistent with these requirements and constitute violations of state law and policy.

81. Defendants' failed to provide and maintain records documenting Plaintiff's medical and housing needs, in violation of NHDOC policies regarding individualized treatment and oversight.

Count VI - Violations of the WPATH Standards of Care

Against ALL Defendants

82. Plaintiff repeats and re-alleges the allegations in all preceding paragraphs as if fully set forth herein.

83. The World Professional Association for Transgender Health (“WPATH”) Standards of Care are widely recognized as the authoritative standard for the treatment of transgender individuals in correctional settings. Federal courts have cited the WPATH Standards as the benchmark for constitutionally adequate care. The Standards require that transgender individuals be provided with individualized, medically necessary care, including access to gender-transition hormone therapy, grooming products, and housing consistent with their gender identity whenever possible.

84. Defendants’ failure to comply with these standards constitutes a violation of Plaintiff’s rights and exposes her to significant psychological harm and increased risk of victimization.

Count VII – NHRSA 354-A

Against ALL Defendants

85. Defendants’ conduct violates N.H. R.S.A. 354-A which prohibits discrimination based on sex and gender identity. The discriminatory conduct of all defendants causes medical harm, psychological harm, and threatens Allison’s physical safety. The conduct of all the Defendants discriminates against Allison based on her sex and gender identity.

86. In sum, Defendants’ conduct constitutes ongoing violations of Plaintiff’s constitutional, statutory, and policy-based rights, warranting declaratory and injunctive relief, as well as compensatory and punitive damages.

Request for Declaratory Relief

87. Plaintiff respectfully requests a declaratory judgment that Defendants’ actions violate Plaintiff’s rights under the Eighth and Fourteenth Amendments, the ADA, NH Constitution, PREA, NHDOC Policies and the WPATH Standards of Care.

Request for Injunctive Relief

88. Plaintiff respectfully requests that this Court issue immediate and permanent injunctive relief as follows:

89. Order Defendants to reclassify Plaintiff and transfer her to the New Hampshire Correctional Facility for Women, consistent with her gender identity and established medical needs, in accordance with the WPATH Standards of Care, PREA regulations, NHDOC Policy and Procedure Directive 6.85, and the sentencing judge's recommendation.

90. Direct Defendants to provide Plaintiff with uninterrupted, medically necessary gender-transition care, including but not limited to hormone therapy, access to appropriate grooming products including hair removal items such as razors and tweezers, and all other accommodations required to treat her gender dysphoria and support her gender transition, as determined by qualified medical professionals.

91. Require Defendants to ensure Plaintiff's safety and dignity by providing individualized housing, programming, and daily living accommodations consistent with her gender identity, and to conduct all future housing and treatment decisions on a case-by-case basis with documented consideration of Plaintiff's health, safety, and expressed views.

92. Enjoin Defendants from taking any retaliatory or adverse action against Plaintiff for seeking or obtaining relief in this matter.

93. Plaintiff seeks this injunctive relief on an expedited basis due to the ongoing and irreparable harm to her physical and psychological health, safety, and constitutional rights.

Damages and Monetary Relief

94. Plaintiff seeks compensatory damages for the psychological harm, emotional distress, humiliation, and exacerbation of gender dysphoria suffered as a direct result of

Defendants' wrongful classification, denial of medically necessary care, and failure to protect her from known risks of harm. Plaintiff further seeks damages for any physical injuries, loss of dignity, and deprivation of equal access to programs, services, and benefits.

95. In addition, Plaintiff requests punitive damages to deter Defendants and others from engaging in similar conduct in the future, to the extent permitted by law.

96. Plaintiff also seeks an award of reasonable attorney's fees and costs incurred in bringing this action, pursuant to 42 U.S.C. § 1988 and other applicable statutes.

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Issue preliminary and permanent injunctive relief ordering Defendants to reclassify and transfer Plaintiff to the New Hampshire Correctional Facility for Women or another women's facility (or grant administrative home confinement) and to provide uninterrupted, medically necessary gender-affirming care and accommodations consistent with her gender identity;
2. Award compensatory damages for psychological harm, emotional distress, and other injuries suffered as a result of Defendants' conduct;
3. Award punitive damages as permitted by law;
4. Award reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988 and other applicable statutes;
5. Grant such other and further relief as the Court deems just and proper

Respectfully submitted,
Avishay "Allison" Alon
By and through her counsel,
Brennan Lenahan Iacopino & Hickey

Date: December 8, 2025

By: /s/ Michael J. Iacopino
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UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

AVISHAY (ALLISON) ALON,

Plaintiff,

v.

N.H. DEPARTMENT OF CORRECTIONS ET.
AL.,

Defendant

Case No.:

**DECLARATION OF ALLISON ALON IN
SUPPORT OF REQUEST FOR
PRELIMINARY AND PERMANENT
INJUNCTIVE RELIEF**

I, Avishay (Preferred: Allison) Alon, hereby submit this declaration in support of my request for both preliminary and permanent injunctive relief in the above-captioned matter. I make this declaration based on my personal knowledge, and the facts stated herein are true and correct to the best of my knowledge and belief:

1. My legal name is Avishay Alon, and my preferred name is Allison. I am a transgender woman currently incarcerated at the New Hampshire State Prison for Men (NHSPM).

2. I have been formally diagnosed with gender dysphoria by a qualified mental health professional, consistent with the criteria set forth in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), and the International Classification of Diseases-10 (ICD-10).

3. Prior to my incarceration, I received medically necessary, gender-affirming care, including hormone therapy, counseling, laser hair removal, speech therapy, and real-life experience in my affirmed gender role. My gender identity as a woman is well-documented in my medical and mental health records.

1 4. I was detained on a pretrial basis in the Strafford County House of Correction.
2 During my pretrial detention at Strafford County Jail, I was housed in the women's unit. While
3 there, I received hormone therapy and sufficient razors and tweezers for hair removal, which
4 were medically necessary to support my gender transition and alleviate my gender dysphoria.
5 This treatment was consistent with accepted standards of care and was uninterrupted during my
6 pretrial confinement. The medical team at Strafford County Jail also recommended continued
7 laser hair removal and speech therapy, but the facility was unable to accommodate those
8 recommendations. I was permitted to socialize with other female inmates as part of my real-life
9 experience and part of my transition planning.
10

11
12 5. I have firsthand knowledge of my medical condition, treatment needs, transition
13 plan, and the impact of any interruption or denial of care on my health and well-being.

14 6. On or about July 7, 2025, I was sentenced in Strafford Superior Court following
15 convictions for conspiracy to commit kidnapping, criminal threatening, and possession of a
16 narcotic drug. The sentencing judge explicitly recommended that my established medical and
17 mental health care be continued without interruption during my incarceration. The mittimus and
18 sentencing orders reflect this recommendation and were provided to the New Hampshire
19 Department of Corrections (NHDOC) upon my transfer.
20

21 7. Despite the judicial recommendation and my documented medical needs, I was
22 transferred to and remain at the New Hampshire State Prison for Men. This placement is
23 fundamentally inconsistent with my gender identity and established treatment and transition plan.
24 Upon arrival at the men's facility, my access to medically necessary and gender-affirming
25 accommodations—including hormone therapy, grooming products, counseling, and other
26
27
28

1 necessary supports—was interrupted or denied, contrary to my prior treatment and the
2 recommendations of my healthcare providers.

3 8. The abrupt change in housing, denial of medically necessary and gender-
4 affirming accommodations, and being treated as and referred to as a male inmate places me at
5 significant risk of physical and psychological harm. Moreover, my assignment to a men’s prison
6 as a transgender woman also puts me at risk of victimization and psychological harm. The
7 interruption of my treatment exacerbates my gender dysphoria, causes severe emotional distress,
8 and exposes me to a heightened risk of victimization, including sexual harassment and assault,
9 all recognized risks for transgender women housed in men’s correctional facilities.
10

11 9. Upon my incarceration at NHSPM on July 7, 2025, I was housed in the
12 maximum-security Secure Housing Unit (SHU) in the men’s prison where I remained for one-
13 hundred and forty days, until November 24, 2025, when I was transferred to the Residential
14 Treatment Unit.
15

16 10. When I was transferred to NHSPM I was provided with a tablet device. I was also
17 provided with a pamphlet entitled Manual for the Guidance of Residents (2020). The Manual at
18 page 19 referred to PPDs contained in an NHDOC library on the tablet but no such documents
19 were contained on the tablet provided to me. On July 14, 2025, I filed an Inmate Request Slip
20 with NHDOC requesting that I be classified to the New Hampshire Correctional Facility for
21 Women or to administrative home confinement. Pursuant to N.H. Admin. R. Cor 312.01(l),
22 responses to Inmate Request Slips must be provided within 10 working days of receipt, and if
23 additional time is needed, the inmate must be informed. I received no notification that additional
24 time would be needed to respond to my request.
25
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1 11. On July 28, 2025, having not received a reply to my Inmate Request Slip, I filed a
2 grievance form as required by N.H. Admin. R. Cor 313.04 and 313.05. Grievances must be
3 responded to within 15 working days, or within 30 days of receipt. On July 31, 2025, I received a
4 form stating that I was classified to the Northern Correction Facility Close Custody Unit. This
5 form was not styled, nor did it properly reply to the grievance I had filed. During the month of
6 July, I sent several inmate request slips to health services personnel, mental health services
7 personnel, and my unit Lieutenant requesting medically necessary gender affirming health care
8 items particularly items for hair removal such as razors and tweezers (which had regularly
9 provide to me when I was detained pretrial at the Strafford County Department of Corrections)
10

11 12. On August 1, 2025, my counsel sent and emailed a letter to the Commissioner of
12 NHDOC, seeking my classification to the Women's Prison and explaining my medical needs,
13 prior treatment, and the harm I am suffering and will continue to suffer if classified to the State
14 Prison for Men. The letter demanded my immediate reclassification and transfer to a women's
15 prison. On August 6, 2025, I received a notice that I was to remain in restricted housing until a
16 housing determination was made.
17

18 13. I subsequently filed additional inmate request slips addressing my housing and the
19 lack of medically necessary gender affirming care. On August 8, 2025, I received a response to
20 my Inmate Request Slip dated August 4, 2025, noting that the Commissioner had received the
21 letter from my counsel but did not reply to the relief I requested in the request slip.
22

23 14. I subsequently received two responses from the Commissioner's office, each
24 indicating that they required an additional 30 days to consider my grievance. Finally, on October
25 28, 2025, the Commissioner of the DOC acting through a delegate, Michele Edmark, denied the
26 request to be housed at the women's prison or for administrative home confinement. The denial
27
28

1 was not transmitted to me until November 5, 2025, when a copy was provided to my lawyer. I
2 received an actual copy on November 6, 2025. The denial included a statement that the
3 Department of Corrections “is willing to review you for placement at a county facility contingent
4 upon their willingness to accept you and as long as you continue to be a suitable candidate for
5 county placement. NHDOC is also willing to place you in the Residential treatment unit as I
6 understand this option was discussed with you and you are open to this program.” On November
7 24, 2025¹, I was transferred to the RTU unit of the men’s prison. Although not a maximum-
8 security unit the Department of Corrections continues to deny proper gender affirming and
9 medically necessary care.
10

11
12 15. Since my transfer to the State Prison for Men, I am being harassed and
13 discriminated against due to my transgender status. I experience harassment from staff, including
14 male correctional officers and others stating that I was in the men’s prison because “you have a
15 penis.” I have been told, “This is a men’s prison so we will treat you like a man.” I have been
16 subjected to strip searches by male correctional officers despite requests for female correctional
17 officers. The staff intentionally engages in misgendering by referring to me as “sir” and “mister.”
18 My injectable hormone therapy was disrupted and is now replaced with pills. My hormone levels
19 have decreased to a level that amounts to a forced detransition². I was forced to become fully
20 bearded³ which is a hazard to my mental health, exacerbates my gender dysphoria and causes
21
22
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24
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26 ¹ Both my counsel and I did communicate to the Commissioner or his counsel that, without waiving my objections
27 and rights, I wished to be transferred out of the maximum-security SHU to the residential treatment unit.

28 ² The DOC, so far, has not complied with my counsel’s request for copies of my prison medical records.

³ While at SHU I was eventually allowed to use cream intended to remove hair. It does not work well. Since my
transfer o RTU I am told that I cannot even use the cream and, in fact, have been disciplined for having it.

1 suicidal ideation. While at SHU I was placed on suicide watch at least twice (once for two days
2 and once for 14 days.) Notably, suicide watches were never required during my pretrial
3 detainment at Strafford County.

4
5 16. I remain at grave risk of psychological and physical harm, and my established
6 medical treatment continues to be disrupted in violation of medical, legal, and ethical standards. I
7 have been on suicide watch twice since my incarceration at NHSPM.

8 17. The relief I seek is supported by established medical, legal, and policy standards.
9 The World Professional Association for Transgender Health (WPATH) Standards of Care
10 require that transgender individuals receive individualized, medically necessary care, including
11 access to hormone therapy, grooming products, and housing consistent with their gender identity
12 whenever possible. Federal courts have recognized that gender dysphoria is a serious medical
13 need and that denial of necessary treatment may constitute deliberate indifference in violation of
14 the Eighth Amendment.
15

16 18. The Prison Rape Elimination Act (PREA) mandates that housing and
17 programming assignments for transgender inmates be made on a case-by-case basis, with serious
18 consideration given to the inmate's own views regarding safety and prohibits automatic
19 assignment based solely on anatomy or sex assigned at birth. PREA further requires periodic
20 reassessment of placement decisions and access to separate shower facilities for transgender
21 inmates.
22

23 19. Under the Americans with Disabilities Act (ADA), gender dysphoria constitutes a
24 disability, and correctional facilities are required to provide reasonable accommodations and
25 prohibit discrimination against qualified individuals with disabilities.
26
27
28

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.