

### Federal Court In New York Rules on Request For Preoperative Transsexual To Receive Treatment

In an unofficially reported decision, *Cuoco v. Quinlan* (1992 WL 350755) (Nov. 16, 1992), the U.S. District Court, Southern District of New York (McKenna, J.) considered the case of a preoperative male-to-female transsexual prisoner. Plaintiff's requests to use a Federal prison library and writing implements in New York was denied as moot because plaintiff had been transferred to a federal prison in New Jersey. Defendants moved for summary judgment on 12(b)(6) grounds (failure to state a claim on which relief can be granted.) The court granted their motion in part and denied in part. As to plaintiff's Eighth Amendment claim of cruel and unusual punishment due to defendants' *failure to provide treatment for gender dysphoria*, the court refused to dismiss, finding that factual issues remained and that plaintiff had stated either an 8th Amendment or Due Process claim. (Plaintiff claimed that defendants prohibited her from receiving a dosage of a synthetic estrogen hormone that she said was necessary to aid her sex change.) However, the court dismissed plaintiffs' privacy, Equal Protection and 6th Amendment claims on the grounds that "(a) prisoner's expectation of privacy is extremely limited in light of the overriding need to maintain institutional order and security.... Prison officials must be accorded wide latitude in matters of internal order and security." C.C.