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Disposition

In re LYRALISA LAVENA STEVENS on Habeas Corpus
Division 2
Case Number [A126466](#)

Description:	Petition summarily denied by order
Date:	09/21/2011
Status:	Final Petitioner, in pro per, challenged her conditions of confinement as "a pre-operative Transgendered Lady" being housed in "an all males facility." We appointed counsel, allowed counsel to file a supplemental petition and asked the Attorney General and the receiver for informal opposition. We have now received all of those documents. ¹ In her supplemental petition, petitioner claims that she is entitled to (1) sex reassignment surgery under the Eighth Amendment to the United States Constitution because she suffers from gender identity disorder and (2) reasonably safe housing in CDCR under the Eighth Amendment and article I, section 17 of the California Constitution. As to this second claim, petitioner argues that CDCR "must develop a plan adequate to address her reasonable safety needs. Assuming this Court concludes that sex reassignment surgery is medically necessary, this will be accomplished by providing her with the surgery and housing in a women's prison." Regarding petitioner's first argument, that she is entitled to sex reassignment surgery, the petition is denied with prejudice. As to the second claim, we agree that she must be housed in a reasonably safe manner. While it is arguable that she had not been housed in a reasonably safe manner in the past, given the evidence before the court, including the fact that petitioner is now in a single cell, her current housing appears to satisfy the constitutional requirements. Therefore, on this issue the petition is denied without prejudice to be renewed directly in this Court if petitioner is no longer singled-celled, her reasonable safety is otherwise compromised or her housing is materially changed to her detriment.

	1 Petitioner has moved to strike the receiver's unauthorized supplemental informal response. That motion is denied.
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