

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

ROBBIN AMANDA BAYSE, a/k/a)
ROBERT BAYSE,)
)
Plaintiff,)
)
v.)
)
TED PHILBIN, et al.,)
)
Defendants.)

CV 122-024

ORDER

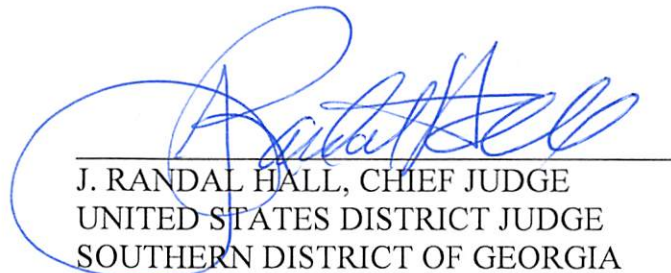
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge’s Report and Recommendation (“R&R”), to which objections have been filed. (Doc. nos. 127, 128.) One aspect of the objections merits brief discussion.

Defendants Philbin, Shelton, and Harvey argue the question “for qualified immunity purposes is whether there was, at the relevant time, clearly established law that ‘social transitioning accommodations,’ such as requested by Plaintiff, were required to be given for the gender dysphoria condition.” (Doc. no. 128, p. 3.) However, there need not exist a case requiring specific treatment for a particular diagnosis. Greason v. Kemp, 891 F.2d 829, 834 (11th Cir. 1990) (“[O]ne simply cannot say that a prisoner has a clearly established constitutional right to adequate psychiatric care but that that right is not violated by a particular treatment amounting to grossly inadequate care unless some prior court has expressly so held on ‘materially similar’ facts. Such an approach would add an unwarranted degree of rigidity

to the law of qualified immunity.”); see also Hope v. Pelzer, 536 U.S. 730, 741 (2002) (“[O]fficials can still be on notice that their conduct violates established law even in novel factual circumstances.”).

In sum, the Court **OVERRULES** Defendants’ objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DENIES** Plaintiff’s motion for summary judgment, (doc. no. 87), **DENIES** Defendants Clements, Davis, and Young’s motion for summary judgment, (doc. no. 93), **GRANTS** Defendants Philbin, Shelton, Harvey, Gaines, and Smith’s motion for summary judgment as to Defendants Gaines and Smith, (doc. no. 102), and **DENIES** Defendants Philbin, Shelton, Harvey, Gaines, and Smith’s motion for summary judgment as to Defendants Philbin, Shelton, and Harvey, (doc. no. 102). The case shall proceed to trial as to Plaintiff’s claims against Defendants Clements, Davis, Young, Philbin, Harvey, and Shelton.

SO ORDERED this 21st day of March, 2024, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA