

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ISIS BENJAMIN; FANTASIA
HORTON; NAEOMI MADISON;
BRYNN WILSON; and JOHN DOE;
on behalf of themselves and all
persons similarly situated,

Plaintiffs,

v.

COMMISSIONER TYRONE
OLIVER, in his official capacity;
ASSISTANT COMMISSIONER
RANDY SAULS, in his official
capacity; STATEWIDE MEDICAL
DIRECTOR DR. MARLAH
MARDIS, in her official capacity;
and CENTURION OF GEORGIA,
LLC,

Defendants.

Case No. 1:25-cv-04470-VMC

**DEFENDANT CENTURION OF GEORGIA, LLC'S
RESPONSE TO PLAINTIFFS' EMERGENCY MOTION
FOR PRELIMINARY INJUNCTION**

Defendant Centurion of Georgia, LLC ("Centurion"), the contract medical provider for the Georgia Department of Corrections, files this response to Plaintiffs' Motion for Provisional Class Certification (ECF No. 2) and Emergency Motion for Preliminary Injunction (ECF No. 3).

BACKGROUND

Plaintiffs Isis Benjamin et al., transgender individuals incarcerated by the Georgia Department of Corrections (“GDC”), have sued to enjoin Senate Bill 185 (“SB 185”), which was enacted by the Georgia Legislature and signed by the Governor of Georgia. Subject to certain exceptions, SB 185 prohibits the use of “state funds and resources” for the following treatments:

(A) Sex reassignment surgeries or any other surgical procedures that are performed for the purpose of altering primary or secondary sexual characteristics; (B) Hormone replacement therapies; and (C) Cosmetic procedures or prosthetics intended to alter the appearance of primary or secondary sexual characteristics.

S.B. 185, § 1(e)(1). The law became effective on May 8, 2025.

Plaintiffs allege that SB 185 is a “blanket ban” on necessary medical treatment in violation of the Eighth Amendment to the United States Constitution. *See* ECF No. 1 (Complaint). Plaintiffs seek provisional certification of a class of transgender inmates for purposes of applying preliminary injunctive relief. ECF No. 2. In their emergency motion for a preliminary injunction, Plaintiffs seek to enjoin enforcement of SB 185, resume the provision of hormone therapy for the named plaintiffs and members of a proposed class, and continue the evaluation of the proposed class members for hormone therapy. ECF No. 3.

Centurion was served with the complaint on August 11, 2025, and it has not yet had an opportunity to answer the allegations or assert affirmative defenses.

CENTURION'S RESPONSE

Centurion and its providers are obligated to follow Georgia law, including SB 185. Plaintiffs allege that SB 185 is unconstitutional under the Eighth Amendment. Centurion understands that the GDC officials named as defendants in this suit intend to defend SB 185 and respond to Plaintiffs' arguments. Ultimately, this Court will decide if SB 185 is an enforceable state law or an unconstitutional act.

Centurion is still analyzing Plaintiffs' allegations and arguments, as it will GDC's response briefs, but it offers two preliminary points.

First, Centurion understands the purpose of this suit is to challenge a state law, SB 185, that was enacted by the Georgia Legislature and must be implemented by GDC. Presumably, Centurion is a defendant because it is the contract medical provider for GDC. Centurion does not understand Plaintiffs to allege that Centurion has taken some action apart from complying with SB 185 that would give rise to claims against Centurion.

Second, Centurion is bound by state law and GDC policy when providing care and treatment to persons in GDC's custody. Centurion and its providers cannot be deemed deliberately indifferent based on actions taken to comply those laws or policies. *See Howell v. Evans*, 922 F.2d 712, 724-26 (11th Cir. 1991).¹

¹ As *Howell* explains, a private contractor cannot be deemed a "final authority," subject to pattern-or-practice liability, if a state agency has retained or exercised final decision-making authority on the subject. 922 F.2d at 724-46; *see also Whiting v. Wexford Health Sources, Inc.*, 839 F.3d 658, 664 (7th Cir. 2016) ("To prevail on his *Monell* claim, Whiting needs to show that Wexford's policy,

Centurion reserves the right to supplement this response or provide additional argument and information to the Court as this suit progresses.²

Respectfully submitted,

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practice, or custom, caused a constitutional violation.”); *Johnson v. Karnes*, 398 F.3d 868, 877 (6th Cir. 2005) (“[A] private contractor is liable for a policy or custom of that private contractor, rather than a policy or custom of the municipality.”).

² As noted, Centurion has not had an opportunity to formally respond to the allegations or assert affirmative defenses. Given the emergency nature of Plaintiffs’ motion and the Court’s order on briefing and a hearing, Centurion files this response without waiving any arguments or defenses to the suit or Plaintiffs’ allegations.

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rules 5.1(B) and 7.1(D), I hereby certify that the foregoing filing complies with the applicable font and size requirements and is formatted in Times New Roman, 14-point font.

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CERTIFICATE OF SERVICE

I certify that on August 18, 2025, I electronically filed the foregoing with the Clerk of the Court using the Court's ECF system, which will automatically send email notification to all counsel of record.

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