



May 9, 2025

VIA CM/ECF

Clifton Cislak
Clerk, United States Court of Appeals for the D.C. Circuit
E. Barrett Prettyman United States Courthouse & William B. Bryant Annex
333 Constitution Ave., NW
Washington, DC 20001

Re: *Talbott et al. v. United States of America et al.*, No. 25-5087 (argued Apr. 22, 2025)

Dear Mr. Cislak:

Plaintiffs-Appellees write to notify the Court of new information regarding the government's implementation of the transgender military ban that is material to the Court's consideration of the pending motion for stay of the district court's preliminary injunction pending appeal.

On May 8, 2025, Defendant Secretary of Defense Hegseth issued a directive on May 8, 2025, ordering the separation of Plaintiffs and all other transgender service members. The directive restates the unsupported assertion that "expressing a false 'gender identity' divergent from an individual's sex cannot satisfy the rigorous standards necessary for Military Service," further corroborating the district court's finding that the transgender military ban was motivated by animus against transgender people as a group. The directive requires Plaintiffs to end their careers and military service "voluntarily" by June 6, 2025, or to be placed into involuntary administrative separation. A copy of the Secretary's directive is attached as Exhibit A.

The Secretary reiterated the assertion of animus in a public statement on social media following the issuance of the order, stating, again, that "expressing a false 'gender identity' divergent from an individual's sex cannot satisfy the rigorous standards necessary for Military Service."¹

Sincerely,

/s/ Jennifer Levi

Jennifer Levi

Attorney for Plaintiffs-Appellees

¹ X post at <https://x.com/secdef/status/1920592223147540887?s=42>.