
8th Circuit Rejects Constitutional Challenge to Treatment Denial for Transvestite Prisoner

In *Long v. Nix*, 1996 WL 303454 (8th Cir. June 7), the court rejected Merlin Long's claim that prison officials violated his rights under the 8th Amendment by refusing to satisfy his requests for particular treatment for his gender-identity disorder. Long has been an inmate since 1964, when he received a life sentence for "the brutal murder of a woman." He arrived in prison in full drag, but state prison officials forced him to change to a standard male prison uniform. Over the years, he has sometimes been allowed to

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dress as a woman, but has been denied a variety of medical treatments he requested. Psychiatric experts retained in connection with the litigation agreed that Long is *not* a transsexual, and thus, the court found, he is not entitled to certain medical treatments that other courts have held must be provided to transsexual prisoners. Ultimately, the court of appeals agreed with the district court that under the deferential standard of review used to evaluate 8th Amendment "refusal of treatment" claims by prisoners, Long had failed to state a constitutional claim. There was not deliberate indifference to his medical needs because the prison followed the advice of psychiatric experts in dealing with Long. A.S.L.