

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NICOLAS TALBOTT <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:25-cv-00240
)	
UNITED STATES OF AMERICA <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

DECLARATION OF HUNTER MARQUEZ

I, Hunter Marquez, declare as follows:

1. I am currently a senior cadet at the United States Air Force Academy. I have personal knowledge of the facts stated in this declaration and could testify competently to them if called as a witness.

2. I am 22 years old, and I am transgender. My birth sex is female, but I do not identify as female. I was diagnosed with gender dysphoria in March 2022.

3. Following my diagnosis, I began medical transition while enrolled at the Air Force Academy. I have been on testosterone hormone therapy since May 2022 and underwent top surgery (male chest reconstruction) in May 2023.

4. I am a cadet at the Air Force Academy and have been attending for approximately four years and am in my senior year, scheduled to graduate in May 2025.

5. My gender marker in the Defense Enrollment Eligibility Reporting System (DEERS) was changed to male following my medical transition, consistent with Department of Defense policies in place at the time of my transition.

6. Beginning on March 3, 2025, and continuing to the present, the implementation of new policies at the Academy has dramatically affected my daily life, education, and career trajectory.

7. Despite my male gender marker in DEERS, I have been directed to use facilities corresponding to my birth sex (female). While I have been trying to cooperate with command, I cannot comply with female military standards.

8. I have been prohibited from using the male facilities which I had previously used without incident.

9. The nearest single-use restroom to my dormitory room in Sijan Hall is located three levels below my room, creating significant inconvenience throughout the day.

10. I am prohibited from using multi-person shower facilities in my dormitory building. Instead, I must cross the terrazzo (main campus area) to another dormitory building, Vandenberg Hall, simply to shower.

11. The Academy has required me to comply with standards based on my birth sex rather than my sex as indicated in DEERS. This presents significant challenges as I do not live as female. Complying with female standards is not possible for me because I have transitioned to living in a different sex.

12. Because I am transgender and do not live in my birth sex, I have had to move to an accelerated academic schedule in the event that I am either made to be on administrative absence or begin the separation process on March 26. If either of those events transpire, I will not be allowed to continue to take academic classes at the Academy.

13. While other cadets will complete the spring semester on May 16, 2025, I have been directed to complete all 16 credit hours of coursework by March 25, 2025.

14. This compressed timeline has caused me to miss critical military training exercises, top-secret briefings, and squadron events that are integral parts of preparation for military service.

15. I have been informed that I cannot commission as an officer despite meeting all male standards and having previously been deemed highly qualified.

16. My post-graduation Combat Systems Officer slot has been withdrawn, and I am now facing uncertain prospects for employment after completing my degree.

17. These changes have occurred despite my successful academic and military performance at the U.S. Air Force Academy over the past four years, creating significant disruption and uncertainty at what should be the culmination of my education and the beginning of my military career

18. I wish to remain with my academic cohort, be able to remain on an academic schedule that allows me to graduate in May 2025, and remain in classes anticipating course completion on May 16, 2025, similar to my cohort.

19. I do not wish to be isolated for course completion independent of my class cohort. I also do not wish to be pulled from non-academic exercises that focus on our military training.

20. My Command has assured me that, from their perspective, my being transgender has had no negative impact on my ability to meet Academy standards.

21. I can meet all standards applicable to male service members. I adhere to male grooming standards and have used men's restrooms since my transition without incident before being made to comply with female standards. Others refer to me as a man.

22. It is not possible for me to serve in the military as a woman, which I am not. Before the direction to me not to use men's facilities, I had used men's facilities since my transition without incident. It would be extraordinarily disruptive and inappropriate for me to use women's restrooms

and showers, sleep in women's berthing units, or otherwise access sex-segregated facilities for women.

23. If others were required to refer to me by female pronouns or address me as "ma'am," it would cause confusion and disruption, negatively impacting my ability to effectively perform the duties of my job.

24. I am unable to demonstrate that I have never attempted to transition to any sex other than the sex I was assigned at birth, because I have undergone a gender transition. Moreover, as stated above, I am unable to adhere to the standards associated with women.

25. If I have to serve in the military as a woman, I cannot serve at all.

26. For the last four years, I have studied and served alongside my peers. That changed with the issuance of the President's Executive Order banning transgender people from service in the military.

27. The cohort-based training model at the Air Force Academy represents the cornerstone of effective officer development, where cadets learn not merely through academic instruction but through the crucible of shared experience. Within this environment, future leaders develop the critical capacity for unit cohesion, tactical decision-making, and operational coordination that form the foundation of military effectiveness. The bonds forged through collective challenge create the trust necessary for military units to function under extreme pressure, while providing the essential feedback mechanisms through which leadership abilities are refined and tested in real-time conditions.

28. Being removed from this troop-based environment and being forced to study independently has caused me serious harm and continues to do so. I am being denied the opportunity to practice leadership with peers and subordinates, I cannot develop the

communication skills essential for battlefield coordination, and I am missing the critical socialization process through which military values and professional identity are internalized. Being made to study independently and being denied the chance to train with other cadets because of having to accelerate my academic program impairs my ability to function within the military's inherently collective operational structure.

29. The different treatment to which I am being subject interferes with my ability to develop the professional network, mutual support systems, and shared tactical language that ensures my ability to thrive not just in the military but, someday, also in civilian life.

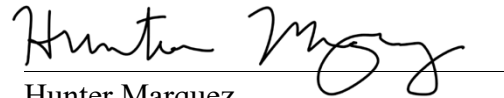
30. I earned my spot at the Academy through hard work. The promise of that education and training that was made to me included ensuring that I would have the chance to build the psychological resilience through collective hardship needed to be an effective Airman.

31. Every day that I am denied the chance to learn and train with my peers, I am being harmed in ways that I know cannot be undone.

32. The Executive Order demeans me. It says that I am undisciplined, selfish, and dishonest. None of those are correct descriptions of my character or my abilities. I have achieved alongside my peers throughout my time at the Academy. However, the Executive Order and all of the directives that have flowed from it, including the most recent policy explaining how I and others will be identified in order to be separated from our service commitments, disparage me for reasons unrelated to my ability or my commitment to the Academy and the Force. They tell my command and all of the Cadets that I am less worthy than others having nothing to do with my abilities or my commitment but just because I am transgender.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 22, 2024



Hunter Marquez