

Maryland judge rescinds block against transgender military ban

By Eli Watkins, CNN

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CNN)A federal judge in Maryland cleared the way Thursday for the Pentagon to put in place a Trump administration policy banning most transgender individuals from serving in the military, a move advocates said left only one temporary block in place against the ban.

The ultimate fate of the transgender ban is still playing out in court, although Thursday's decision saw the removal of a nationwide block that had prevented the policy from going into place on a temporary basis. The American Civil Liberties Union, which is fighting the ban, said in a statement following the Maryland ruling that "one additional block on the ban still exists from a different case."

In January, the Supreme Court enabled the policy to go into effect while legal challenges proceeded in lower courts, but US District Judge George Russell [had not lifted his court's injunction](#) on the ban, preventing the Pentagon from moving ahead.

That changed on Thursday, when Russell [agreed](#) with the Justice Department that in light of the Supreme Court's ruling, the nationwide injunction should no longer stand.

The Justice Department said in response to Thursday's move that it was "pleased this procedural hurdle has been cleared."

"The Department of Defense will be able to implement personnel policies it determined necessary to best defend our nation as litigation continues," said Justice Department spokesperson Kelly Laco.

Pentagon spokesperson Jessica Maxwell told CNN that existing policy from 2016 would remain in place until the department "issues further guidance, which will be forthcoming in the near future."

ACLU attorney Joshua Block said in a statement that the decision was "deeply disappointing for our clients and for transgender service members across the nation."

"We will continue to fight against this discriminatory policy and the Trump administration's attacks on transgender people," Block said.

Thursday's move marked the latest step for the ban President Donald Trump sought to impose early in his presidency.

Trump [tweeted](#) in July 2017 that he would reinstate a ban on transgender individuals in the military, and the administration [announced last March](#) under then-Defense Secretary James Mattis that it would move ahead with a policy to bar most transgender people from military service.

Last fall, Russell [issued](#) an injunction blocking the ban from going forward as it faced significant legal challenges. The Supreme Court moved in January through an unsigned 5-4 order to allow the ban to go into effect. The justices took no stance on the overall legality of the ban but cleared the way for it to go into place as lower courts hear additional arguments, which are ongoing. In its January move, the Supreme Court ended two temporary injunctions against the policy, but the Maryland injunction stood until Thursday.

Additionally, the ACLU said a remaining temporary block on the ban came from a separate case, *Doe v. Trump*, where an appeals court [wrote](#) in early January that a nationwide injunction from a lower

federal court in that case would end as well.

The group GLBTQ Legal Advocates and Defenders, a legal group in that case, said the injunction in Doe would "remain in place at least 21 days after the DC Circuit Court of Appeals releases its signed ruling in that case."

Jennifer Levi, an attorney with GLAD, told CNN the preliminary injunction from a federal court in Doe would stand until after the higher court published its ruling at a time of its choosing. Levi further warned against "harm" the military would cause if it moved to impose the ban once all hurdles to putting it into place temporarily were removed.

CNN's Ariane de Vogue, Ryan Browne and Barbara Starr contributed to this report.