

<p>City & County of Denver District Court 1437 Bannock Street Denver, CO 80202</p>	<p style="text-align: right;">DATE FILED June 9, 2026 12:49 PM FILING ID: 4530F83587599 CASE NUMBER: 2026CV32110</p>
<p>Tristan Huff and Adam Schwartz, Plaintiffs, v. The State of Colorado; And Jared Polis, in his official capacity as Governor of the State of Colorado, Defendants</p>	
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<p>Court Use Only</p> <p>Case Number: _____</p> <p>Division ____ Courtroom ____</p>	
<p>COMPLAINT</p>	

INTRODUCTION

1. Tristan Huff and Adam Schwartz (“Plaintiffs”) seek a judicial declaration that Colorado’s anti-female genital mutilation statute, CRS 18-6-401(1)(b) (“anti-FGC statute”), denies male children equal protection of the law and unjustifiably treats male and female children disparately in violation of Colorado’s Equal Rights Amendment, Colo. Const. art. II § 29.

2. Plaintiffs ask the Court to declare that, under the Colorado Constitution, either (a) Plaintiffs and all similarly-situated Coloradans are protected from medically unnecessary genital cutting under Colorado’s anti-FGC (female genital cutting) law, or (b) Colorado’s anti-FGC law is null for impermissibly discriminating based on sex. Plaintiffs also ask the Court to enjoin Colorado from enforcing its anti-FGC law discriminatorily.

PRELIMINARY STATEMENT

3. Every person, including every child, has a right to bodily integrity and autonomy, regardless of biological sex. These rights are violated when the law conditions the protection of bodily integrity and personal autonomy on an individual's sex. The law of Colorado does just that.

4. Female genital mutilation ("FGM"), also known as female genital cutting ("FGC") or female circumcision, is a brutal practice. It is explicitly outlawed in all forms federally and in 41 states, whether performed ritually or in a medical setting. And with good reason: FGC is painful, harmful, traumatic, and unethical. It violates the rights of girls to bodily integrity and autonomy. Where it is practiced, it is done primarily for cultural or religious reasons or out of a misguided conception of hygiene. Western medical authorities ubiquitously and rightly view FGC as non-medicine.

5. In 1999, Colorado amended its definition of child abuse to protect Colorado youth from harmful genital cutting practices lacking medical merit. See S.B. 99-096, Gen. Assemb., Reg. Sess. 1999 (codified at CRS 18-6-401(1)(b)).

6. But Colorado extended these special protections only to "female child[ren]." CRS 18-6-401(1)(b)(I).

7. Today, it is misdemeanor child abuse to "excise[] or infibulate[], in whole or in part, the labia majora, labia minora, vulva, or clitoris of a female child," or facilitate the same as the child's guardian, unless medically necessary. CRS 18-6-401(1)(b). Religious belief is no defense. See *id.* § (1)(b)(II).

8. In stark contrast, the city of Denver has made it unlawful to declaw a house cat unless "medically necessary." See Denver Ord. § 8-138: Declawing of cats prohibited.¹

9. But it remains completely legal in Colorado to amputate a male child's foreskin for any reason, even if he is completely healthy.

10. The most recent guidance from physicians of the American Academy of Pediatrics ("AAP") advises that male circumcision is not medicine. Two authors of the AAP's most recent (but now-expired) male circumcision policy statement stated in October 2025 that male

¹ Prophylactic declawing is not allowed:

Medically necessary means that a procedure is necessary to treat or relieve physical illness, infection, disease, or injury, or to correct a congenital abnormality that is causing or will cause the cat physical harm or pain. *Medical necessity does not include cosmetic or aesthetic reasons or reasons of convenience* in keeping or handling the cat.

Denver Ord. § 8-138(c)(2) (emphasis added).

circumcision is “only a ‘medical procedure’ in the sense that medical professionals are performing it.”² They continued:

[Male circumcision] is a non-therapeutic procedure. If it can be called preventive medicine, it is at the very weakest level. There is nothing wrong with the [uncircumcised] penis; you cannot recommend circumcision based on the medical benefit alone. Nothing about the potential benefits is communicable, so I don’t see how it could be called a public health concern.

11. International medical associations—especially in Europe where male circumcision rates are in the low single digits—have long agreed circumcision is harmful and unethical. Several countries have attempted to ban male child circumcision, but their efforts have been thwarted by pressure from American interest groups.

12. Child genital cutting³ is physically and emotionally harmful. Plaintiffs’ experiences are instructive. Although their circumcisions were performed in a hospital by a doctor, they have both lost functional genital tissue and suffered from pain, genital scarring, loss of sexual sensitivity over time, and related sexual difficulties stemming from their circumcisions. They therefore continue to suffer a sense of lost bodily integrity and personal autonomy.

13. Thousands of Coloradan newborns, infants, and children are still at risk of medically unnecessary genital cutting, the very same circumstances that spurred lawmakers to enact Colorado’s anti-FGC law.

14. Not only are all Colorado boys at risk of physical and emotional harm, but they live with the stigma that their bodies deserve less legal protection against harm than their female peers. Anti-FGC laws like Colorado’s explicitly condone male circumcision with full state backing. Male circumcision comes to be viewed as acceptable only because FGC is thought to be worse (“if male circumcision were so bad, why isn’t it illegal like FGC?”). But as scholars have recognized, “[l]aw . . . signals what behavior is appropriate toward certain groups. Thus, when law treats members of a group as second-class citizens, it invites others to discriminate against that group as well.”⁴

15. Male circumcision—a legal form of MGC—is harmful for the exact same medical and ethical reasons that certain forms of illegal FGC are. As the AAP has long recognized, “[s]ome forms of FGC are less extensive than the newborn male circumcision commonly performed in the West.”⁵

² Max Buckler, *As Controversies Mount, Circumcision Policies Need a Rethink* (J. Med. Ethics Preprint, 2025), https://www.researchgate.net/publication/396776580_As_controversies_mount_circumcision_policies_need_a_rethink.

³ “Child genital cutting” encompasses both FGC and male circumcision.

⁴ Thomas Healy, *Stigmatic Harm and Standing*, 92 IOWA L. REV. 417, 452 (2007).

⁵ AM. ACAD. PEDIATRICS, *Ritual Genital Cutting of Female Minors*, 125 PEDIATRICS 1088, 1089 (2010), <https://doi.org/10.1542/peds.2010-0187> (emphasis added).

16. Plaintiffs seek a judicial declaration that Colorado’s anti-FGC law unjustifiably treats male and female children disparately in violation of Colorado’s Equal Rights Amendment. Colo. Const. art. II § 29. In addition, Plaintiffs seek an order enjoining Colorado from enforcing its prohibition on child genital cutting only in favor of girls.

JURISDICTION AND VENUE

17. This is an action for injunctive relief under CRCP 65 and declaratory relief under CRCP 57 and Colorado’s Uniform Declaratory Judgments Act, CRS 13-51-101 et seq., that will resolve an actual controversy between the parties over the construction of a statute and the Colorado Constitution.

18. Plaintiffs have standing to pursue their claims because they are males who suffered medically unnecessary circumcision in Colorado as minors (under 16 years of age) after Colorado’s anti-FGC law was enacted.

19. This Court has jurisdiction under Colo. Const. art. VI § 9. Venue is proper in the City and County of Denver under CRCP 98(b).

PLAINTIFFS

20. **Plaintiff Tristan Huff** is a 21-year-old male born in Fort Collins, Colorado, on October 25, 2004. Huff still lives in Fort Collins. Shortly after his birth, doctors surgically removed parts of his genitals without medical need or a religious reason. Colorado law allowed this to happen despite outlawing analogous—and even some less-intrusive—procedures for female children years before he was born. Colorado law would have prevented this result if Huff were born female.

21. Huff has suffered physical and emotional harm, as well as stigmatic harm because Colorado law treats him as undeserving of protection against genital cutting.

22. *Physical Harm:* Huff’s genitals bled profusely after his foreskin was cut off. His circumcision caused reduced sexual pleasure, dramatic reductions in the mechanical function of his penis, difficulty achieving erection and orgasm, and drastic aesthetic changes including a circumferential scar on his penis. His initial circumcision also led to a revision procedure, undertaken when he was a minor, which further scarred his penis, leaving it “weak and in pain.”

23. *Emotional Harm:* Huff is resentful and suffers episodes of emotional distress because of the harm caused to him both by the circumcision itself and Colorado’s imprimatur on the abuse he suffered.

24. *Economic Harm:* Huff has spent money to mitigate the consequences of his circumcision.

25. *Stigmatic Harm*: Huff suffers ongoing stigmatizing injury stemming from his circumcision. Huff is aggrieved that the most sensitive part of his penis was cut off without medical need, and that Colorado law did not protect him despite protecting similarly situated females from that result. Under current Colorado law, Huff lacks special statutory protection against medically unnecessary genital cutting solely because of his sex.⁶ In fact, the exact opposite is true: By prohibiting only FGC, Colorado’s anti-FGC law implicitly condones male circumcision. Huff feels humiliated and degraded from the stigma he suffers from Colorado’s anti-FGC law that fails to protect him solely because he was born male.

26. Huff suffered a stigmatizing injury (his circumcision) as a direct result of having personally been denied equal treatment. Circumcision is a prototypical stigmatizing injury in the most literal sense. The word stigma comes from Latin for “mark [or] brand,” and the word stigmata literally refers to bodily scars like the one left from circumcision.⁷

27. This state-sanctioned discrimination has branded Huff from birth as a second-class citizen, leaving him feeling degraded and humiliated over losing agency over his own body. Under current Colorado law, Huff—like all similarly-situated Coloradan males—suffers harm because he is unjustifiably deemed inherently less worthy of bodily integrity, personal autonomy, and privacy due to his sex.

28. **Plaintiff Adam Schwartz** is a 23-year-old male born in Denver, Colorado, on August 28, 2002. Schwartz still lives in Denver. Shortly after his birth, doctors surgically removed parts of his genitals without medical need or a religious reason.

29. Schwartz has suffered substantially similar physical, emotional, economic, and stigmatic harms as Huff, as alleged above in Paragraphs 20-27.

GENERAL ALLEGATIONS

30. Male circumcision, a form of male genital cutting (“MGC”), is the surgical removal of the penile prepuce (“foreskin”) and often the penile frenulum.

31. Female genital cutting (“FGC”), sometimes called female genital mutilation or female circumcision, is the surgical removal of parts of the vulva, including the clitoral prepuce (“clitoral hood” or “female foreskin”) and clitoral frenulum.

32. The clitoral and penile prepuces, and the clitoral and penile frenula, are homologous structures, meaning they develop from the same embryonic structures in males as in females.

⁶ Cf. *Romer v. Evans*, 517 U.S. 620 (1996) (holding that a Colorado constitutional amendment—that prohibited local ordinances from granting homosexuals quota preferences, affirmative action, or other special legal protections—violated the Equal Protection Clause).

⁷ *Stigma*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/stigma>.

33. Genital cutting is medically unnecessary when it is performed (1) without a medical diagnosis or in the absence of an extant or imminent medical condition, (2) to confer speculative preventative health benefits, and/or (3) to satisfy aesthetic, cultural, or religious preferences of the victim or his/her guardian.

34. Medically unnecessary child genital cutting is a harmful practice condemned worldwide. No western medical association, not even in the United States, affirmatively recommends genital cutting of children as a routine health measure.

35. Internationally, male and female genital cutting face strong condemnation. Medical associations in Australia, Canada, and Europe have expressed grave concerns over the ethics of cutting children’s healthy genitals for any reason, regardless of sex. Courts and legislatures in Denmark, Finland, Iceland, and Germany have attempted to ban male circumcision. San Francisco voters proposed a similar ballot initiative in 2011.

36. Male and female genital cutting share strong similarities. It is a common misconception that FGC always involves extensive vulvar cutting and/or sewing shut the vaginal canal. But this form of FGC, known as “infibulation” or “Type III” FGC, accounts for less than 15 percent of cases worldwide.⁸ The World Health Organization recognizes the following FGC categories, all banned under Colorado law⁹:

Type	Name	Description
Type Ia	Female circumcision	“Removal of the prepuce/clitoral hood only.”
Type Ib	Clitoridectomy	“Removal of the clitoral glans with the prepuce/clitoral hood.”
Type II	Excision	“Partial or total removal of the clitoral glans and the labia minora . . . , with or without removal of the labia majora.”

⁸ United Nations Pop. Fund., *Female genital mutilation (FGM) frequently asked questions* (Feb. 2026), <https://www.unfpa.org/resources/female-genital-mutilation-fgm-frequently-asked-questions> (“Infibulation – or type III female genital mutilation – makes up 15 per cent of all cases and is the severest form.”).

⁹ World Health Org., *Types of Female Genital Mutilation*, [https://www.who.int/teams/sexual-and-reproductive-health-and-research-\(srh\)/areas-of-work/female-genital-mutilation/types-of-female-genital-mutilation](https://www.who.int/teams/sexual-and-reproductive-health-and-research-(srh)/areas-of-work/female-genital-mutilation/types-of-female-genital-mutilation).

Type	Name	Description
Type III	Infibulation	“(Often referred to as infibulation). Narrowing of the vaginal opening with the creation of a covering seal.”
Type IV	E.g., “Ritual/ceremonial nick”	“All other harmful procedures to the female genitalia for non-medical purposes, for example pricking, piercing, incising, scraping and cauterization.”

37. Type Ia FGC—also known as “female circumcision”—removes the female prepuce, a structure homologous to (though much smaller than) the male prepuce. It is illegal to perform Type Ia FGC on a child in Colorado.

38. Type IV FGC can be less extensive than male circumcision as it may involve a simple “ritual nick.” A ritual nick of the female genitals performed in a medical setting typically removes less tissue than male circumcision (i.e., none); is less painful than male circumcision; and imposes effects less severe and permanent than male circumcision. It is illegal to perform Type IV FGC, including “ritual nick” procedures, on a child in Colorado.

39. The male prepuce, like the female prepuce, has sexual value. Both organs play a role in sexual pleasure and have a similar anatomical structure, immunological function, and need for hygiene.

40. Male circumcision, like Type Ia FGC, is harmful. Both forms of genital cutting are major—not minor—operations that irreversibly remove functional and erogenous tissue in every case and are linked to numerous sexual dysfunctions. Both are performed on healthy children without the child’s consent, usually requiring him or her to be physically restrained. Neither is medically necessary in the overwhelming majority of cases but rather are performed without a medical indication and to please parents’ aesthetic, cultural, or religious preferences.

41. Beyond physical harm, both male circumcision and Type Ia FGC deprive the victim of the ability to decide upon the look and function of his or her own genitals, even though most people who are kept intact at birth never elect to undergo genital cutting without a medical need to do so. Both male circumcision and Type Ia FGC have also been linked to psychological harm.

42. Male circumcision, like Type Ia and IV FGC, is painful. Male circumcision is routinely performed without analgesics—even in the medical setting—causing acute pain during the procedure. When analgesics are used, a common form is a sucrose pacifier—essentially a sweet lollipop. After circumcision, Tylenol is the best a child may hope for, whereas adults who undergo circumcision are routinely prescribed narcotics to handle the acute post-operative pain.

43. Male circumcision, like Type Ia and IV FGC, carries operational risks including bleeding, loss of genital anatomy (beyond the prepuce itself), and death.

44. Male circumcision, like Type Ia and IV FGC, lacks compelling health benefits. The AAP's most recent, but now-expired, policy statement¹⁰ failed to link male circumcision with a compelling reduction of urinary tract infection (UTI), penile cancer, human immunodeficiency virus (HIV), chlamydia, gonorrhea, or herpes.

45. The alleged nominal benefits of male circumcision are irrelevant because there are safer, more effective, and less expensive ways to treat UTI (with antibiotics), to avoid penile cancer (with HPV vaccines), and to prevent HIV and other sexually transmitted infections (with condoms and/or oral antiretroviral medication called "PrEP"), without cutting off parts of a child's genitals. Moreover, these alleged sexual wellness benefits are particularly irrelevant to minors—especially infants—who do not engage in sexual intercourse.

46. Male circumcision, like Type Ia and IV FGC, violates medical ethics. Even if circumcision marginally reduced the risk of some conditions (it likely does not), most minors do not benefit from circumcision at all. Medical ethics bars health care professionals from performing procedures without balancing harm, risk, and benefit to the patient, which in the case of child genital cutting are severely out of proportion. Male circumcision, like Type Ia and IV FGC, also violates legal and bioethical principles of bodily integrity, personal autonomy, and privacy.

47. The purpose of Colorado's anti-FGC law was to protect children from harmful ritual practices lacking medical merit. Up-to-date guidance from AAP physicians advises that male circumcision "is a non-therapeutic procedure." Because male and female circumcision share a materially similar profile of risk, harm, and lack of benefits—there is no compelling reason to exclude male children from their protection. If Type Ia or IV FGC is banned, male circumcision must be as well.

CLAIM FOR RELIEF

COUNT I

Denial of Equal Protection Based on Sex/Gender

Colo. Const. art. II § 29

48. Plaintiffs incorporate by reference all prior paragraphs.

49. Colorado law protects female children, but not male children, from medically unnecessary genital cutting. Colorado law makes "female genital mutilation" a crime absent medical necessity but permits male genital cutting even without medical necessity. CRS 18-6-401(1)(b).

¹⁰ Am. Acad. Pediatrics, *Circumcision Policy Statement*, 130 Pediatrics 585 (2012), www.pediatrics.org/cgi/doi/10.1542/peds.2012-1989; see also Am. Acad. Pediatrics, *Technical Report: Male Circumcision*, 130 Pediatrics e756 (2012).

50. CRS 18-6-401(1)(b) contains an explicit or implicit sex classification.

51. The sex classifications in CRS 18-6-401(1)(b) violates the Colorado Constitution’s guarantee that “Equality of rights under the law shall not be denied or abridged by the state of Colorado or any of its political subdivisions on account of sex.” Colo. Const. art. II § 29.

52. Colorado’s Equal Rights Amendment prohibits differential treatment based on sex, gender stereotypes, and culturally induced similarities. The state may not employ statutory sex classifications absent reasonable and genuine physical differences between males and females. The state has the burden to show that the sex classification serves important governmental objectives and that it is substantially related to achieving those objectives.

53. CRS 18-6-401(1)(b) violates this standard. It prohibits Types Ia and IV FGC, two forms of FGC that impose harm equal to or lesser than that imposed by male circumcision. The male and female prepuces are similar in anatomy and function, so removing the male prepuce has consequences analogous to (and arguably more harmful than) Type Ia or IV FGC. Additionally, the ethical implications of male circumcision parallel those of Type Ia or IV FGC.

54. Moreover, CRS 18-6-401(1)(b) prohibits medically unnecessary FGC even if performed in a hospital setting, like male circumcision is typically performed in.

55. Colorado must have a compelling—not merely rational or conceivable—basis for excluding medically unnecessary male child circumcision from its child abuse definition.

56. Current medical understanding shows that, like FGC, male circumcision “is a non-therapeutic procedure.”¹¹ A close case for medical benefits is not enough to sustain a sex classification: Medical evidence must show that male child circumcision confers health benefits that are sufficiently large and compelling to justify a suspect classification under Colorado law. That evidence does not exist.

57. Thus, CRS 18-6-401(1)(b) discriminates against male children because it “denie[s] or abridge[s]” their “[e]quality of rights under the law . . . on account of sex.” Colo. Const. art. II § 29. It does so by extending only to female children special statutory protection against harmful genital cutting and the rights of bodily integrity, bodily autonomy, and privacy.

58. Plaintiffs suffer injury—including physical, emotional, stigmatic, and economic injury—because of Colorado’s disparate treatment of males and females.

¹¹ Buckler, *supra* note 2.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that this Court:

- i. Enjoin Colorado from enforcing CRS 18-6-401(1)(b) in a discriminatory manner;
- ii. Enter a judgment declaring that CRS 18-6-401(1)(b) violates Colo. Const. art. II § 29; and/or:
 - a. Interpret CRS 18-6-401(1)(b) to extend to male circumcision, such that Plaintiffs will no longer be stigmatized by unequal protection; and/or
 - b. Nullify CRS 18-6-401(1)(b), such that Plaintiffs will no longer be stigmatized by unequal protection, such as by interpreting it to not apply to Types Ia or IV FGC, two forms of FGC equally or less severe than male circumcision; and
- iii. Grant such other relief, including costs, expenses, and/or reasonable attorneys' fees, as the Court deems just and proper.

Dated: June 9, 2026

Respectfully submitted,

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