

**Hearing Before the U.S. House of Representatives**  
**Committee on the Judiciary, Subcommittee on the Constitution and Limited Government**

**Opening Statement of Dr. Eithan Haim**  
**April 9, 2025**

**Introduction and Background**

Thank you for inviting me to testify here today.

My name is Dr. Eithan Haim. I am a general and trauma surgeon in a small town county hospital outside of Dallas. My father is a doctor, and he taught me that medicine is based on sacred principles that must be upheld no matter the cost. This is why I blew the whistle when Texas Children’s Hospital, the largest children’s hospital in the world, was lying about the existence of its transgender program - a program that would manipulate, mutilate, and sterilize healthy young children. The reason I’m here today, however, is that because I exposed this vicious deception, my own government tried to send me to prison for a decade.

In June 2023, I completed my surgical training at Baylor College of Medicine (Baylor) in Houston, Texas, which is affiliated with Texas Children’s Hospital (TCH). During the five-year program, surgery residents rotate at multiple hospitals in Houston’s Texas Medical Center, and TCH is one of the primary training hospitals.

In February 2022, the Texas Attorney General wrote an opinion stating that transgender medical interventions on minors could constitute criminal child abuse. A few weeks later, in March 2022, TCH released a statement unequivocally claiming they were shutting down their transgender program because of the “potential criminal legal ramifications.”

It was not long before I discovered this was a blatant lie. I knew this because I worked there. They not only continued the program, they expanded it into a multidisciplinary clinic behind closed doors. In Fall 2022, other surgery residents told me they were surgically implanting puberty-blocking hormone devices in young children who believed they were transgender. I later learned that only three days after the statement, TCH doctors surgically implanted a puberty blocker in an 11-year old child.

I was surprised to hear this because it contradicted TCH’s public statement. When I searched for information online, there was no mention whatsoever of the transgender program. I found this particularly odd because even clinics that treat the rarest diseases are listed on the TCH website so parents can book appointments, get to know the doctors, and review information about treatment options.

Over the next few months I learned that the transgender program was given so much priority in the hospital that its physicians spoke at TCH's prestigious grand rounds lecture series. In addition to the lecture, I found a Zoom conference where TCH and Baylor physicians confirmed that they were continuing the program.

Doctors in the transgender program instituted an algorithmic, hospital-wide, no-barrier approach to transitioning children. It started with "social affirmation" of a child's believed gender, prescription of "puberty-blockers" to prepubescent children, followed by cross-sex hormones. Puberty blockers were given as regular injections or surgically implanted - the latter more commonly used on children with autism or psychiatric comorbidities that made it difficult for them to tolerate injections in office.

I have implanted the same devices in children for legitimate medical reasons, such as a precocious puberty. I can tell you that it is a true surgery. Patients are placed under general anesthesia and incisions are made into the child's arm. Once implanted, the device slowly releases potent chemicals into the body and alters the cellular architecture of the most important physiological systems in the human body. This leads to irreversible physical changes - sterility, altered bone development, permanent stunting of growth, and many more both known and unknown. In the case of precocious puberty, the implants are removed and the child is allowed to progress through their natal puberty. In the transgender program, the drugs are used in such a way as to prevent the child from ever going through their natal puberty.

I decided to blow the whistle because as a doctor I had a legal and moral obligation to do so - the hospital I was working at was lying about a program that was turning healthy children into chronic medical patients.

In May 2023, I attempted to contact the Texas Attorney General's office through my wife (who is an attorney) but did not receive a response. After that, I made contact with investigative journalist Christopher Rufo who wanted to publish the story.

I did not go to TCH or Baylor because they were the ones guilty of the misconduct. TCH and Baylor pay lip service to "whistleblowers" in their official policies, but anyone who actually worked in these institutions knows that the consequence for speaking up is collective retaliation from senior leadership. I experienced this personally during the COVID-19 pandemic when I was almost fired for objecting to the policy of universal and immediate masking of trauma patients upon their arrival to the ER trauma rooms (*i.e.* patients who come in after gunshots, stabbings, or car accidents who often struggled to breathe).

Nor did I report it to Child Protective Services (CPS). In my extensive pediatric trauma experience at TCH, I took care of dozens of children who suffered unfathomable abuse such as

intentional starvation, cigarette burns, finger amputations, etc. I would find their abusers in their room the very next day. I did not go to CPS because I never saw evidence that they actually protected children.

Importantly, before I sent Rufo schedules showing that the transgender program was active, I made sure that all identifying patient information (patient names) were completely redacted. Protecting children's privacy was an absolute necessity. My objective was to prevent further harm to children by exposing the hospital's dishonesty, not to expose these children's identities. The information I released is classified as "de-identified" patient data. Hospitals and physicians commonly use de-identified patient data for a multitude of reasons including infectious disease announcements, medical journals, and education.

On May 16, 2023, I served as the anonymous whistleblower in Christopher Rufo's investigative report.<sup>1</sup> The story provided incontrovertible evidence that TCH was lying about shutting down its transgender program.

Within 24 hours of our story's release, the conduct I exposed was made illegal. The Texas Senate voted to pass SB-14, which banned transgender medical interventions on minors. Multiple democrats voted for the bill partially because our story came out the day before.

On May 19, 2023, the Texas Attorney General's office initiated an investigation into TCH's misconduct as a direct result of Rufo's story. A few days after that, on May 23, another whistleblower spoke out - Vanessa Sivadge, who confirmed TCH's deception but also provided her firsthand testimony to the horror going on in the clinic rooms. She is also here today to testify.

These facts alone are enough to demonstrate that within a single day I crossed the highest possible threshold for a whistleblower - the bipartisan passage of legislation the day after the story was released. Not only that, I exceeded that threshold in the week that followed due to the investigation and second whistleblower. Additionally, I worked as a whistleblower in an official capacity by assisting the Texas Attorney General's office with their investigation into TCH.

## **Investigation**

Despite all of this, on June 23, 2023, my entire life changed. It is not a coincidence this was the day of my graduation from surgical training - one of the most important days of my life. Two armed agents with HHS showed up to my apartment a few hours before the ceremony was scheduled to start. They wanted to interview me about a case involving "medical records." My

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<sup>1</sup> **Exhibit A and A.1** - Christopher Rufo, "Sex Change Procedures at Texas Children's Hospital," City Journal, May 16, 2023 (<https://www.city-journal.org/article/sex-change-procedures-at-texas-childrens-hospital>).

wife, who is an attorney, recommended that I get a lawyer before answering their questions. Before leaving, they served me with a letter naming me the target of a criminal investigation. It was signed by Assistant U.S. Attorney Tina Ansari in the Southern District of Texas.

From the very beginning, I knew this investigation was misguided because I never violated HIPAA. I never accessed the records of transgender patients and never revealed any identifiable patient information.

I hired an incredible team of defense attorneys, some of whom are here today. I am grateful every day for the zealous representation of Marcella Burke, Jeff Hall, Mark Lytle, and Ryan Patrick. They are brilliant lawyers who represent the highest ideals of the legal profession. Without them, I do not know how I would have made it through this ordeal.

As Mark Lytle will testify, from their earliest conversations with Ansari, it was clear that her prosecution was not the impartial pursuit of justice but the malicious weaponization of her authority. She was willing to not only bend the rules but to flagrantly violate them. My attorneys sent a letter to this committee on January 25, 2024 outlining the details of this misconduct.<sup>2</sup> The following are a few highlights:

- During the first call with my attorneys in July 2023, Ansari explicitly admitted to not reviewing the evidence before sending armed agents to my home. She had to get off the call twice to speak with her FBI agents, making it clear she had no idea what she was investigating. One of the FBI agents was Special Agent Paul Nixon, who also visited Vanessa Sivadge's home that month.
- But Ansari knew enough to threaten my wife, Andrea, on that same call. Andrea had recently been hired as an Assistant U.S. Attorney in the Northern District of Texas and was undergoing a background check. Ansari claimed that my wife obstructed the investigation by advising me to not speak with the agents without an attorney present. Ansari told my attorneys she wouldn't report my wife to the background investigators unless she became "difficult."
- As the months went on, it became increasingly clear that Ansari intended to bring a felony indictment if I did not admit to wrongdoing. Before she even knew what statutory provision to pursue, she told my attorneys that she would help me avoid a felony conviction if I apologized to the alleged "victims." Because I redacted the names of patients, I had no idea who these supposed "victims" even were.

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<sup>2</sup> **Exhibit B** – Letter from Marcella Burke, Jeff Hall, and Mark Lytle to Representatives Jim Jordan and Chip Roy, January 25, 2024.

- In October 2023, Ansari told my attorneys she would “take [me] to trial by jury, even ‘on a technicality’ and without concern for losing.” The implication was clear - this was not about justice but about political weaponization. Ansari followed through on this threat.

## First Indictment

On the morning of June 4, 2024, I woke up to find three heavily armed US Marshals at my door with rifles and bullet-proof vests. They informed me that I was indicted on four HIPAA-based felonies, facing up to a decade in prison and up to \$250,000 in fines.

The Marshals seemed like a heavy handed approach given the fact that I had no criminal history, this was a white collar case, and my attorneys had been in contact with Ansari the entire year before. Furthermore, my wife was an AUSA at the time working in the same office as the Marshals who were at our door.

Ansari’s first indictment was made public later that month. On the surface it appeared to be a straightforward HIPAA case. The DOJ alleged that I accessed TCH’s electronic medical record (EMR) system “without authorization.” The indictment states “Haim’s last rotation with TCH was from December 2020 to January 2021” and that “[o]n or about April 24, 2023, Haim’s login activity showed that Haim accessed pediatric patient files at TCH that were not under his care.”<sup>3</sup>

Given the nature of Rufo’s story, everyone assumed the patients whose charts I accessed - as referenced in the indictment - were transgender patients. Based on Ansari’s indictment, it also appears that I had no reason to be at TCH and lied to the hospital to gain access for nefarious reasons. The government’s pre-trial motions from September 6, 2024 spell this out in explicit terms. Ansari was calling me a liar:

*On April 19, 2023, the defendant emailed an administrator at TCH urgently requesting that his login credentials be restored so he could access “operative cases” he was “covering.” **This was a lie.** In fact, the defendant wanted to be able to access the medical files of children not under his care.*<sup>4</sup>

The indictment also alleged that I “disclosed individually identifiable health information with the intent to cause malicious harm to TCH’s physicians and patients.”<sup>5</sup> This makes it seem that I revealed information that could identify individual patients.

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<sup>3</sup> **Exhibit C** – First Indictment, May 29, 2024 at paragraphs 9, 13.

<sup>4</sup> **Exhibit D** – Government’s Pre-Trial Motions, September 6, 2024 at page 4 (emphasis added).

<sup>5</sup> **Exhibit C** at page 5.

The government was putting forward a simple story - I lied about needing access to TCH medical records, I accessed information of patients not under my care, and I disclosed identifiable information to the public.

### **First Indictment Falls Apart**

The problem with Ansari's indictment was that none of this was true.

On Friday September 13, 2024 around 5 p.m. - right before a defense motion deadline the following Monday - the DOJ sent a last minute disclosure to my legal team.<sup>6</sup> It proved that nearly everything the DOJ wrote in their indictment was not only a few degrees away from the truth but complete fiction.

TCH's disclosure showed that I was taking care of pediatric and adult patients in 2022 and 2023. This contradicted the DOJ's claim that after January 2021, I had no reason to access TCH medical records. The disclosure also revealed that I was operating at TCH on April 14, 2023 which contradicted the DOJ's claim that I lied when I requested access on April 19. Because I operated on April 14, it made perfect sense that I requested access a few days later to ameliorate the potentially dangerous situation of not having access to medical records of the patients I was operating on.

Of course this was no surprise to my attorneys because the evidence the DOJ gave us in discovery contained records of badge swipes showing that I was regularly taking care of patients at TCH after January 2021. It also contained an August 2023 letter from TCH to HHS stating (1) many of my rotations (including the one in April 2023) included general surgery coverage at TCH's Women's Pavilion, and (2) there was no HIPAA violation and that I had "approved and authorized access to TCH's EMR."<sup>7</sup>

Even more strange is something I alluded to before. The patient charts the indictment accused me of "accessing" on April 24, 2023, had nothing to do with pediatric *transgender* patients but rather pediatric *transplant* patients. I believe they used my access of transplant patient records - which is true - as a pretense for the charges because they knew I never accessed the medical charts of transgender patients.

This is an important point because as a fifth-year chief resident, attending surgeons frequently asked me to assist with the treatment of transplant patients even if I was not directly assigned to the transplant team. This is because transplant surgery at TCH is the busiest pediatric transplant program in the country. The same Baylor surgeons also run the adult transplant program at

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<sup>6</sup> **Exhibit E** – Letter from Government to Mark Lytle and Ryan Patrick re. TCH Disclosure, September 13, 2024.

<sup>7</sup> **Exhibit F** – Letter from TCH to HHS, August 30, 2023 at pages 4-5, 7.

Baylor St. Lukes, which is connected to TCH by a short bridge. Because the Baylor adult and pediatric transplant program is so busy, they often require additional help from residents to assist with coverage of liver and kidney transplants as well as cadaver procurements.

At the time, I was on a rotation where my service shared a workroom with the transplant residents. I reviewed transplant patient charts because that is what good chief general surgery residents do. As the most senior surgeon within a large team of residents, it was critical to maintain situational awareness of patients in our vicinity because these are the patients we are likely to be called to assist with and the patients who junior residents are likely to ask us about. This is not only permitted in surgical residency but an explicitly stated expectation within the Baylor General Surgery Residency handbook.

Therefore, the DOJ based their indictment on something that appeared to be related to transgender patients but in reality had nothing to do with it at all. In fact, they were criminalizing the most basic role of a chief surgery resident at a large academic surgical program. And the story the DOJ fabricated was not only dismantled by TCH's last minute disclosure but also their own evidence.

The gravity of this error is self-evident because the DOJ had to drop their first indictment and pursue a superseding indictment. Ansari even essentially conceded that she presented false information to the first grand jury - only that she did not do so knowingly. I do not believe this is true, since it would have meant that Ansari and the lead FBI agent Paul Nixon never looked at their own evidence for the entire year preceding the indictment.

Around this same time, we learned that Ansari was practicing without a valid bar license because she apparently failed to pay her bar dues as required by the Texas State Bar. Practicing without a license is a breach of her ethical duties as an attorney and can constitute a felony under Texas law. We also learned that Ansari bypassed the entire chain of command within the Southern District of Texas and was running this case directly with the Biden-appointed U.S. Attorney, Alamdar Hamdani.

## **Second Indictment**

We expected Ansari to drop the “false pretenses” allegation when it became clear I had a legitimate reason to access the TCH EMR. But surprisingly, when the DOJ was forced to correct its grievous factual errors, it doubled down on an even more perplexing legal theory. Ansari not only kept “false pretenses,” she added it to charges #2-4 even though TCH's disclosure and the DOJ's own evidence disproved this claim.<sup>8</sup>

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<sup>8</sup> **Exhibit G** – Second Indictment, October 10, 2024 at page 4.

This was a shocking development. We could not understand how the DOJ even got a second indictment. The first indictment relied solely on the testimony of TCH’s Chief of Surgery, Dr. Larry Hollier, as the basis for their false pretenses charge. Dr. Hollier claimed I had no reason to access TCH records,<sup>9</sup> but the TCH disclosure and the DOJ’s own evidence proved this was incorrect. Without Dr. Hollier’s testimony, they had no other evidence to prove false pretenses in front of a grand jury.

My attorneys challenged this by requesting the grand jury testimony.<sup>10</sup> We believed Ansari presented false information to the second grand jury in order to secure the indictment with the expanded “false pretenses” charges. However, Judge Hittner denied our motion to unseal the grand jury testimony so we will likely never know what Ansari said to justify the indictment.

To this day, we do not know what Ansari and the DOJ meant by false pretenses. There was nothing in their evidence that could have possibly been used to justify this charge except for the now-disproven Hollier testimony. This is especially problematic because I would have needed to defend myself against a charge I did not even understand.

## **Second Indictment Falls Apart**

There were a few notable changes in the second indictment that proved Ansari’s case was falling apart.

First, Ansari changed the victims in the indictment. Instead of “TCH and its patients” the victims became “TCH and its physicians.”<sup>11</sup> This is remarkable when you consider that Congress passed HIPAA in 1996 for the singular purpose of protecting patient privacy. Nowhere does HIPAA provide cover for multi-billion dollar hospital systems and their equally powerful academic affiliates when they are exposed for deceiving patients.

Additionally, paragraph 18 of the indictment dropped the accusation that I “published HIPAA protected patient information” and replaced it with “published patient information.”<sup>12</sup> They also changed the allegation that I “did obtain and/or wrongfully disclose” information to “did obtain and/or wrongfully use.”<sup>13</sup>

These significant changes to the superseding indictment (*i.e.* removal of key statutory language “HIPAA protected patient information” and “disclose”) was a concession by the DOJ that I did not violate HIPAA. As I explained before, I never accessed the medical records of any of these

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<sup>9</sup> **Exhibit H** – FBI Transcript of Interview with Dr. Larry Hollier, April 8, 2024.

<sup>10</sup> **Exhibit I** – Defendant’s Motion for Grand Jury Material, October 18, 2024.

<sup>11</sup> **Exhibit G** at page 4.

<sup>12</sup> *Id.* at paragraph 14.

<sup>13</sup> *Id.* at page 4.



*transgender patients* which is why the DOJ never charged me with it - instead they relied on *transplant patients*. And the information I released in Rufo's story was de-identified patient data since all HIPAA protected patient information was *fully redacted*. This explains why the DOJ wasn't charging me with disclosure either.

Many of the country's largest newspapers and media organizations would have you believe otherwise. They claim that I released "partially redacted patient names." This is not the case at all. In fact, the DOJ was the *only party* to release identifiable patient health information. In every single indictment, the DOJ made the children's initials public - something that can clearly be considered "disclosure" of "HIPAA protected patient information."

As you can see in both cases, the language of the indictment was changed from legally operational to legally meaningless. Never in the history of American jurisprudence has a doctor been charged with four felonies solely for accessing information in an EMR system he was authorized to use (and expected to access in the case of transplant patients), when there was no disclosure of HIPAA protected patient information, and when the DOJ was not even claiming patients were the victims but rather the major hospital system that were caught lying about a harmful program they said they shut down.

My attorneys moved to dismiss the indictment on several grounds including two shocking errors that are worth outlining.<sup>14</sup>

(1) The DOJ charged me with a non-existent crime. They charged that I "used" patient information - a term that never appears in the HIPAA statute.

(2) The statutory provision they charged, "Subchapter XL," did not exist. Despite Ansari having at least four AUSAs on this case, they failed to proofread their indictment. And this was not a simple typo like "their" vs. "there." This error involved the operative language of their indictment. The fatal typo essentially nullified the second indictment.

All of these issues were brought up at a hearing on our motion to dismiss on November 15, 2024. During this hearing, Judge Hittner eviscerated Ansari and the DOJ for their accumulated failures - the typos in the indictment, the non-statutory language, Ansari's suspended bar license, and her apparent lack of preparation for the hearing.<sup>15</sup>

Ansari and the other AUSA at the hearing asked Judge Hittner to strike the incorrect language from the indictment. Before making his ruling, Judge Hittner asked the DOJ unequivocally and on the record if they intended to seek a third indictment. Ansari provided the answer for the DOJ

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<sup>14</sup> **Exhibit J** – Defendant's Motion to Dismiss, October 31, 2024.

<sup>15</sup> **Exhibit K** – Transcript of Hearing on Defendant's Motion to Dismiss, November 15, 2024.

- the answer was “no.”<sup>16</sup> The DOJ would not seek a third indictment; instead they requested Judge Hittner strike the non statutory language (*i.e.* use) and the typo (Subchapter XL, instead of Subchapter XI) from the indictment. Judge Hittner denied the motion to strike the language and continued the trial to February 2025.

Just a few days later, in a letter to the Court, the DOJ informed Judge Hittner that it would seek a third indictment despite its unambiguous statement that it would not. The third indictment followed on November 20, 2024.

### **Ansari’s Conflicts of Interest**

How did this happen?

I believe the answer lies in part in Ansari’s extensive personal and financial connections to TCH and Baylor, which we learned of in October and November 2023 and which likely lead to her stepping down from the case. TCH and Baylor were not just my employers, they were the alleged “victims” cited in the indictment, the interested parties to my case, the entities which we relied on to obtain evidence, and the source of Ansari’s key witness, Dr. Larry Hollier (Chief of Surgery at TCH and the Vice Chair of Surgery at Baylor) whose testimony proved to be wildly inaccurate.

In November 2023, my defense team and I learned that Ansari’s family members were closely connected to TCH and Baylor and that she likely failed to disclose this to the DOJ. These potential conflicts were outlined in a letter my attorney Ryan Patrick sent to the DOJ’s Executive AUSA, John Pearson, on November 13, 2024.<sup>17</sup> The conflicts included the following:

- Ansari’s family members own a coffee wholesale company called Fresh Brew, which has contracts with Harris Health (affiliate institution within the Baylor-TCH academic consortium). Her brother, Ali Ansari, is the CEO of the company, while she is listed on the Texas Secretary of State website as a former executive. It is unclear, but likely, that Ansari retains some interest in the company.
- Ali Ansari started publicly attending TCH fundraisers right after Tina Ansari sent agents to my home in June 2023. These fundraisers raised between \$400,000 to \$1 million per event. All of these fundraisers involved TCH’s president Dr. Debra Sukin.

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<sup>16</sup> *Id.* at 7:9-13 and 12:1-4.

<sup>17</sup> **Exhibit L** – Letter from Ryan Patrick to John Pearson, November 13, 2024.

- Ansari's aunt, Sima Ladjevarian is a prominent Houston Democrat, major Democrat donor, and well-known fundraiser for TCH and Baylor. She is the former democratic congressional candidate who ran against Representative Dan Crenshaw in 2020.
- Ladjevarian was appointed to the Harris Health Board of Trustees two months after Ansari sent agents to my home on June 23, 2023. She was appointed to the board at the same time as TCH's General Counsel, Afsheen Davis, in August 2023.
- Afsheen Davis was present during a June 19, 2023 meeting with Dr. Larry Hollier and two HHS agents. Dr. Hollier's testimony - which eventually proved to be false - served as the basis for Ansari's investigation into me and justification for sending those same HHS agents to my home four days later on June 23, 2023.

A few days after the letter, Ansari stepped down from the case. She was replaced as lead counsel by AUSA Jessica Feinstein.

## **Gag Order**

Shortly after Ansari left the case, the remaining prosecutors, Jessica Feinstein and Tyler White moved for a gag order the same day they filed their third indictment.

Throughout my case, I maintained an active media presence to inform the public about my case, including through my public X account. It was important to me that the American people knew what their government was doing in their name, using their tax dollars. But on a more functional level, it was the only way to raise money for my legal defense.

A gag order in a case like this would have been plainly unconstitutional. I was not a public figure, I had never been recognized in public, and the Houston Division of the Southern District of Texas has a population of over 5 million people (and thus an extremely large jury pool). If the government was concerned about me biasing a jury as they claimed, there were many less restrictive means to address that concern aside from depriving me of my most important constitutional rights.

We believed the gag order would be easily dismissed by Judge Hittner. That is not what happened.

Instead, at a tense hearing on December 3, 2024, Judge Hittner agreed with the prosecution's case.<sup>18</sup> Feinstein spent over an hour presenting a number of my X posts in which I posted publicly available motions and hearing transcripts. The posts also contained my opinion about

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<sup>18</sup> **Exhibit M** – Transcript of Hearing on Gag Order, December 3, 2024.

this publicly available information. It was clear that Feinstein, her DOJ team, and Judge Hittner did not like that I was shining light on my case in the public sphere and sought to silence me.

Judge Hittner granted what was essentially a de-facto gag order - he neither granted nor denied the government's motion, leaving it as an open threat. He said if I or my attorneys engaged in "similar conduct," presumably criticizing the government, he would "not hesitate to reconsider the issuing of a gag order...any violation of this order by the defendant himself could lead to...immediate custody, sending to the federal jailhouse...."<sup>19</sup> In so doing, the judge compelled my silence by threat of jail but made it impossible to appeal because there was no formal gag order.

It was all too ironic that just one year before, Judge Hittner struck down a Texas law banning sexualized drag performances in front of children on First Amendment grounds.<sup>20</sup> At the hearing, a trans-activist/drag performer twerked in Judge Hittner's courtroom, conceded that the performances may include nudity (such as partially revealed buttocks), and stated that children could grab a performer's fake breasts or spank them during a show.<sup>21</sup> In that case, Judge Hittner argued that the state was engaging in prior restraint of speech, but had no such concern when he muzzled a criminal defendant for speaking out in his own defense. The same constitutional error Judge Hittner relied on to overturn SB-12 is the same one he was exploiting to compel my own self-censorship by using the threat of federal jail.

Of all the injustices I suffered, this was the most painful. The only thing that gave me a chance at fighting back was telling the truth to anyone who would listen. It was the only way I had a chance against the unlimited resources of the DOJ and FBI. And it happened at the time when I needed it the most - right before trial with a million dollars in legal debt and rising.

## **Dismissal**

Immediately after President Trump took office on January 20, 2025, Feinstein and the DOJ accelerated their prosecution against me. They made clear they intended to push this case to trial in February 2025 despite President Trump's Executive Order Ending the Weaponization of the Federal Government.

This was especially problematic because neither me nor my attorneys understood the government's legal theory and Judge Hittner never compelled them to define it before trial. For example, the DOJ's third indictment still charged me with accessing patient information "without authorization" - but their own evidence, including the letter from TCH to HHS,

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<sup>19</sup> *Id.* at 69:9-17.

<sup>20</sup> **Exhibit N** – SB-12 Order of Permanent Injunction, September 26, 2023.

<sup>21</sup> **Exhibit N.1** – SB-12 Transcript of Hearing, August 28, 2023 at 112:2-18, 99:17-100:5; 112:22-113:15.

specifically stated that I had authorization. And after the first indictment, when it was revealed that I was operating and treating patients at TCH, we had no idea what the government's theory was for "false pretenses."

How could I defend myself at trial when I didn't even understand what I was being charged with?

At this point, I was over a million dollars in legal debt. My attorneys made every argument possible, exposed every fatal flaw in the DOJ's legal theory, and fought through multiple indictments. When Judge Hittner and the DOJ proved incapable of fairly adjudicating this case, I knew I had no other option than to speak out.

On January 22, 2025, I posted on X and outlined the aforementioned issues. The evening of January 23, 2025, I received a call from my attorneys. The U.S. Attorney's Office told my legal team that Judge Hittner was so upset about me speaking out he intended to throw me in jail. This is despite the fact that I did not technically violate a gag order since a gag order didn't exist.

I was also told that Judge Hittner threatened to move my trial up by three weeks to Monday, January 27, 2025. To do so would have been unconstitutional on many levels and deprived me of any hope of a fair trial.

My attorneys were told that the only way to avoid this outcome would be if I came to an agreement with the DOJ that allowed for the case's dismissal by the next morning. At the time, the only agreement the DOJ was offering was a pretrial diversion that barred me from publicly disparaging the DOJ, TCH, and Baylor.<sup>22</sup> The agreement also barred any immediate family member from disparaging the DOJ, TCH, and Baylor - we assumed they include my family because they wanted to silence my wife, Andrea, who had spoken out publicly after the *de facto* gag order. I would have never signed were it not for the threats of my imprisonment and prospect of going to trial with no witnesses or preparation.

Fortunately, after the inauguration of the new administration, the Biden-appointed U.S. Attorney, Hamdani, resigned. Without Hamdani as the driving force behind this prosecution, the acting leadership in the Southern District of Texas moved to dismiss the case with prejudice on Friday, January 24, 2025 - without the non-disparagement clause. Judge Hittner signed the motion shortly after.

The legal nightmare was finally over.

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<sup>22</sup> **Exhibit O** – Proposed Dismissal Agreement, January 23, 2025 at pages 2-3.