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Pre-Suit Settlement Demand Letter on Behalf of Dr. Sohayla Horani

June 29, 2026

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Dear Attorney General Schwalb, Ms. Washington, and Messrs. Robinson, Fountain, and Miles:

I am a Staff Attorney at the American Civil Liberties Union of the District of Columbia writing on behalf of our client, Dr. Sohayla Horani, for the purpose of addressing the District of



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Columbia’s violation of her rights under the Religious Freedom Restoration Act of 1993 (“RFRA”). Specifically, in March of this year, employees of the D.C. Department of Motor Vehicles (“DMV”) forced Dr. Horani to pull back her hijab to reveal her hair, in violation of her religious beliefs, in order to receive her D.C. driver’s license. In doing so, DMV staff violated RFRA, 42 U.S.C. § 2000bb *et seq.*, and D.C.’s own policy.

After describing the incident in more detail, this letter proposes three steps Dr. Horani would like to see the District take to address this violation of her rights under RFRA. Absent satisfactory remedial measures, Dr. Horani is prepared to file suit.

I. Facts

Dr. Sohayla Horani is a surgical resident who lives in the District of Columbia and works here as an oral and maxillofacial surgical resident. Dr. Horani is a graduate of the Oregon Health and Science University School of Dentistry. As a surgical resident, Dr. Horani works around the clock six days a week.

Dr. Horani wears a hijab, a traditional scarf worn by Muslim women to cover their hair. Dr. Horani’s hijab covers her hair entirely, and it is strictly against Dr. Horani’s religious convictions to show her hair in a public setting or for her hair to be visible to any man who is not her husband or her close blood relative.

When Dr. Horani moved to D.C., she had an Oregon driver’s license. In the photograph on her Oregon driver’s license, she is wearing her hijab as she usually does and is not showing her ears or any hair. The same is true in her U.S. passport photograph and her employee ID photograph for the U.S. Department of Veterans Affairs, where she worked as an oral and maxillofacial surgery resident.

Dr. Horani’s Oregon driver’s license expired on December 25, 2025. She therefore needed to go to the D.C. DMV to obtain a D.C. REAL ID driver’s license.

Dr. Horani went to the D.C. DMV on March 25, 2026, the last day of the 90-day grace period under D.C. law to renew an expired license without needing to retake the written knowledge and driving road skills exams. She first arrived at the Rhode Island Service Center DMV location around 9:00am on March 25, but was told by staff to come back because they could not accept her tax return documents. She returned around 3:00pm with additional documents, and was seen by staff at Booth 7 at 3:30, half an hour before closing time.

This time, the staff accepted her documentation. When it came time to take the photograph, however, an employee told Dr. Horani that she needed to pull back her hijab because she was required to either show her ears or some of her hair at the hairline. The employee used her fingers to indicate the amount of hair that needed to be visible at Dr. Horani’s hairline in the photograph.

The D.C. DMV website states that “District law and policy requires a full frontal digital photo that will show either the ears, or up to the hairline *without showing the hair*.”¹

Dr. Horani resisted the DMV employee’s demand. She explained to the employee that she is not allowed to show any hair as a matter of religious conviction, and she showed her U.S. passport and Oregon ID photographs where she was not required to show any hair at all as evidence that she had never been asked to do this before for any other government-issued ID. The employee responded that it did not matter, that “these are our rules,” and that they do this every day, including to other women who wear a hijab.

The employee then called for a supervisor, who confirmed the employee’s instruction, minimizing Dr. Horani’s concerns and reiterating that if Dr. Horani refuses to pull back her hijab and show her hair for the photograph, she would not get an ID. Dr. Horani continued to protest, arguing that requiring her to show her hair would violate her civil rights. The employee offered to let Dr. Horani take the photograph in a private room, but Dr. Horani explained that doing so would not resolve the issue because the photograph—which would be her main form of identification and visible to anyone who sees her driver’s license—would still show her hair.

After all of Dr. Horani’s objections were rejected, and given the fact that it was the last day of the license-renewal grace period, she ultimately complied. Crying, she pulled back her hijab slowly, asking with each movement whether it was enough and continuing until the employee taking her photograph said she could stop. The photograph that was taken shows Dr. Horani’s hair, and although the amount of hair visible in the photograph is small, the visibility of any hair is a serious violation of her sincerely held religious beliefs.

Dr. Horani paid the required fee, \$48.18, to receive a temporary copy of the ID, but the ID is completely useless for Dr. Horani. After taking the photograph, the DMV staff attempted to appease Dr. Horani, who was still visibly upset and in tears, asserting that it “wasn’t so bad.” This comment was ignorant of Dr. Horani’s religious convictions, which prohibit her from showing her ID to any man who is not her husband or her close blood relative because it shows her hair.

Dr. Horani continues to experience emotional distress about this incident and is unable to use her only valid driver’s license. She requests that she be permitted to retake the photograph for her ID without charge and without being required to show any hair, that any and all records of the photograph showing her hair be destroyed, and—to prevent this from happening to her or other women who wear a hijab in the future—that all DMV employees be trained on D.C.’s policy that expressly states hair does not need to be shown in photographs for IDs and driver’s licenses.

¹ Department of Motor Vehicles, *Obtain a REAL ID Driver License*, <https://dmv.dc.gov/node/1119101> (last accessed June 29, 2026) (emphasis added).

II. Discussion

Dr. Horani is considering filing a lawsuit based on this incident under RFRA. The purpose of RFRA is “to provide very broad protection for religious liberty.” *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 693 (2014). Indeed, it provides “greater protection . . . than is available under the First Amendment.” *Holt v. Hobbs*, 574 U.S. 352, 357 (2015).

“To state a claim under RFRA, a plaintiff bears the initial burden of proving that the government has ‘substantially burden[ed] [her] exercise of religion even if the burden results from a rule of general applicability.’ . . . If the plaintiff meets this burden, the burden shifts to the government to show that its ‘application of the burden to the person (1) is in furtherance of a compelling government interest; and (2) is the least restrictive means of furthering that compelling government interest.’” *Fellowship of Christian Athletes v. District of Columbia*, 743 F. Supp. 3d 73, 82 (D.D.C. 2024) (first alteration in original) (quoting 42 U.S.C. § 2000bb-1(a)-(b)). “[R]eligious exercise’ ‘includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.’” *Id.* (alteration in original) (quoting 42 U.S.C. § 2000cc-5(7)(A)). “Importantly, rather than a categorical strict scrutiny analysis, ‘RFRA requires the Government to demonstrate that the compelling interest test is satisfied through application of the challenged law ‘to the person’—the particular claimant whose sincere exercise of religion is being substantially burdened.’” *Carmichael v. Pompeo*, 486 F. Supp. 3d 360, 369 (D.D.C. 2020), *aff’d in part, appeal dismissed in part sub nom. Carmichael v. Blinken*, 2024 WL 2768384 (D.C. Cir. May 30, 2024) (quoting *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 430–31 (2006), in turn quoting 42 U.S.C. § 2000bb-1(b)).

Dr. Horani would successfully state a *prima facie* RFRA claim. She would be able to show that the District “substantially burden[ed] [her] exercise of religion” by requiring her to violate her sincerely held religious beliefs in order to obtain a REAL ID driver’s license. “A substantial burden exists when government action puts ‘substantial pressure on an adherent to modify his behavior and to violate his beliefs.’” *Kaemmerling v. Lappin*, 553 F.3d 669, 678 (D.C. Cir. 2008) (quoting *Thomas v. Review Bd.*, 450 U.S. 707, 718 (1981)); *see also Sample v. Lappin*, 424 F. Supp. 2d 187, 193 (D.D.C. 2006) (“A substantial burden exists ‘where the state conditions receipt of an important benefit upon conduct proscribed by a religious faith, or where it denies such a benefit because of conduct mandated by religious belief, thereby putting substantial pressure on an adherent to modify his behavior and to violate his beliefs.’”) (citation omitted).

Requiring Dr. Horani to pull back her hijab and show her hair in her photograph for her D.C. REAL ID driver’s license violated Dr. Horani’s religious convictions. It is strictly against Dr. Horani’s religious beliefs for her hair to be visible to any man who is not her husband or her close blood relative, and as a result, her D.C. driver’s license is completely unusable. By requiring Dr. Horani “to choose between following the tenets of [her] religion and receiving a government benefit,” *Carmichael*, 486 F. Supp. 3d at 369 (quoting *Singh v. McHugh*, 185 F. Supp. 3d 201, 217 (D.D.C. 2016)), the District substantially burdened her exercise of religion.

The District would not be able to meet its “exceptionally demanding” burden of showing that requiring Dr. Horani to show her hair for her driver’s license is “in furtherance of a compelling government interest” and “the least restrictive means of furthering that compelling government interest.” *Burwell*, 573 U.S. at 726, 728 (internal quotation marks and citation omitted). The District cannot claim any reason it would need Dr. Horani’s hair to be visible in her driver’s license photograph. The District’s own written policy makes clear that the photograph used for driver’s licenses and IDs must show “either the ears, or up to the hairline *without showing the hair*.”² The U.S. Transportation Security Administration’s (“TSA”) guidelines regarding the REAL ID Act likewise specify that “[t]he REAL ID regulatory standards for the digital photograph recognize that some individuals may wear head coverings for religious or other reasons” and expressly state that “[t]he REAL ID regulation *does not require the exposure of the hair line or the ears*.”³ The federal government’s and Oregon’s policies governing photographs for passports and IDs, respectively, likewise make exceptions for head coverings worn for religious reasons without requiring individuals to show their hair.⁴ Indeed, none of Dr. Horani’s other IDs, such as her U.S. passport and former Oregon driver’s license, required her to show her hair.

Dr. Horani accordingly is likely to succeed on the merits of her RFRA claim.

Although Dr. Horani is prepared to file suit, she is willing to refrain from doing so if the District agrees to take steps to rectify the situation. Dr. Horani seeks the following three remedial measures:

- (1) Permit Dr. Horani to make an appointment to retake her photograph for her REAL ID driver’s license without charge and without requiring her to pull back her hijab and show her hair;
- (2) Destroy all electronic and paper copies of the photograph of her showing her hair; and

² Department of Motor Vehicles, *Obtain a REAL ID Driver License*, <https://dmv.dc.gov/node/1119101> (last accessed June 29, 2026) (emphasis added).

³ U.S. Transportation Security Administration, <https://www.tsa.gov/realid/realid-faqs> (last accessed June 29, 2026) (emphasis added).

⁴ U.S. Department of State, *Passport Photos*, <https://travel.state.gov/content/travel/en/passports/how-apply/photos.html> (“Take off your hat or head covering. If you wear one for religious purposes, submit a signed statement that says it is religious attire worn daily in public. . . . If you must wear a hat or head covering: Your full face must be visible . . .”) (last accessed June 29, 2026); Oregon Driver & Motor Vehicle Services, *Oregon Identification Cards*, <https://www.oregon.gov/odot/DMV/pages/driverid/idget.aspx> (“These items are not allowed in a photo: . . . [h]at or head covering (other than religious.)”) (emphasis omitted) (last accessed June 29, 2026).



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- (3) Train all DMV employees on D.C.'s policy that states that hair does not need to be shown in photographs for IDs and driver's licenses, which includes not requiring women who wear a hijab to pull back their hijab in a way that shows their hair.

We hope the District will grant this modest request so that this matter can be resolved without litigation. I am available to discuss further.

Sincerely,

/s/ Aditi Shah

Aditi Shah

Staff Attorney

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