

FILED

11/27/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 24-0689

IN THE SUPREME COURT OF MONTANA
No. OP24-0689

HEATHEN BLODHARN,
PETITIONER,
v
STATE OF MONTANA,
RESPONDENT.

PETITION FOR WRIT OF HABEAS
AND INJUNCTION WITH
DECLARATORY JUDGEMENT

HEATHEN BLODHARN
#799-415
P.O. BOX 788
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Clerk of Supreme Court
State of Montana

STATE OF MONTANA
AUSTIN KNUDSEN
215 NORTH SANDERS
HELENA MT 59620

IN THE SUPREME COURT OF MONTANA
No.

HEATHEN BLODHARN,
PETITIONER,
v.
STATE OF MONTANA,
RESPONDENT.

PETITION FOR WRIT OF MANDAMUS
AND INJUNCTION WITH
DECLARATORY JUDGEMENT

PURSUANT TO RULE 14 M.R. APP.P. AND ARTICLE VIII, SECTION 2 OF THE MONTANA CONSTITUTION PETITIONER HEATHEN BLODHARN, PRO SE, PETITIONS THIS COURT FOR A WRIT OF MANDAMUS AND INJUNCTION WITH DECLARATORY JUDGEMENT; THIS COURT HAS ORIGINAL JURISDICTION OF THE INSTANT PETITION UNDER MONTANA CODE ANNOTATED ("MCA") § 3-2-202 (1) AND § 3-2-205 (2), AS WELL AS ARTICLE II, SECTION 18 OF THE MONTANA CONSTITUTION

AS AN INITIAL MATTER, THIS COURT SHOULD BE AWARE THAT MR BLODHARN HAS NO ACCESS TO MONTANA STATUTES, RULES, OR CASELAW AND HAS NOT SINCE NOVEMBER, 2023; ANY CASE CITED HEREIN, RULE REFERRED TO, ETC IS ONLY POSSIBLE BECAUSE MR BLODHARN HAD IT IN A NOTE OR FOUND IT IN A BRIEF SUBMITTED SOME OTHER TIME, NOT BECAUSE HE HAS ACCESS TO THESE CURRENTLY. ADDITIONALLY, THE MAILROOM STAFF AT MANSFIELD CORRECTIONAL INSTITUTION ("MANCIE") OPEN ALL OF MR BLODHARN'S LEGAL MAIL OUTSIDE OF HIS PRESENCE, ILLEGALLY PHOTOCOPIING IT (KEEPING THE ORIGINALS, WHICH IS THE VERY DEFINITION OF ILLEGAL SEARCH AND SEIZURE) AND DELIBERATELY DELAY AND DISPOSE OF PETITIONER'S LEGAL MAIL; RESPONDENT IS WELL AWARE OF MANCIE'S INTENTIONAL INTERFERENCE WITH MR BLODHARN'S LEGAL ACCESS AND DESPITE ITS CLEAR LEGAL DUTY TO ENSURE THAT PETITIONER HAS ACCESS TO THE COURTS (PARTICULARLY ITS OBLIGATION TO PROVIDE PETITIONER STATE STATUTES AND MONTANA CASELAW) THE STATE OF MONTANA REFUSES TO DO ANYTHING ABOUT IT. SEE BOYD V WOOD, S2 F.3d 820, 820-21 (9th CIR 1995).

FACTS

ON NOVEMBER 21, 2017 PETITIONER WAS "SENTENCED TO THE MONTANA STATE PRISON" BY THE HONORABLE ROBERT B. ALLISON AND HE DELIBERATELY DID NOT SENTENCE MR BLODHARN TO THE MONTANA DEPARTMENT CORRECTIONS ("MDOC") THOUGH HE HAD THE DISCRETION TO DO SO

ON OR ABOUT ~~APRIL~~ 13, 2022 PETITIONER FILED A "PREA" AGAINST SGT AMBER GRAHAM AND WAS PLACED ON NINETY-DAY RETALIATION MONITORING BY THE MDOC INVESTIGATORS, WHO TOLD MR BLODHARN PERSONALLY THAT HE COULD NOT BE MOVED OR OTHERWISE BE SUBJECTED TO ANY ACT THAT COULD BE PERCEIVED AS ADVERSE OR RETALIATORY UNTIL THEIR INVESTIGATION HAD BEEN COMPLETED AND THE NINETY DAYS HAD ELAPSED. SEE MDOC POLICY 1.1.17.

ON MAY 31, 2022 RESPONDENT DELIBERATELY DISREGARDED THE RETALIATION MONITORING AND WITHOUT PROVIDING PETITIONER ANY PROCEDURAL DUE PROCESS (DESPITE THE OBVIOUS PROPERTY INTEREST MR BLODHARN HAD IN REMAINING IN MONTANA) TRANSFERRED HIM TO OHIO PURSUANT TO MCA § 46-19-401.

UPON ARRIVING IN OHIO PETITIONER WAS ARBITRARILY REMOVED FROM HIS PRESCRIBED MEDICATIONS, COMPLETELY DEPRIVED HIM OF ALL ABILITY TO PRACTICE HIS RELIGION, AND BEGAN TO INTENTIONALLY INTERFERE WITH MR BLODHARN'S LEGAL MATERIALS AND ACCESS; PETITIONER INFORMED THE MONTANA ICC COORDINATOR BILLIE REICH ("REICH") ABOUT THIS SEVERAL TIMES SINCE, THOUGH NOTHING HAS EVER BEEN DONE ABOUT IT. e.g. EXHIBIT A, pg 2-4.

IN TOTAL MR BLODHARN HAS WRITTEN FOURTEEN (14) LETTERS TO THE MDOC ICC COORDINATOR AND/OR LEGAL COUNSEL AND SPOKE TO THEM BY PHONE FOUR TIMES SINCE ARRIVING IN OHIO AND ON EVERY OCCASION PETITIONER RAISED THE ISSUES HE HAS IN OHIO WITH, *inter alia*, RECEIVING ADEQUATE MEDICAL CARE, BEING DEPRIVED OF THE ABILITY TO PRACTICE HIS RELIGION, AND LEGAL ACCESS, AND IN TWO AND A HALF YEARS THE STATE OF MONTANA HAS DONE NOTHING TO CORRECT THE UNCONSTITUTIONAL (AND ILLEGAL) CONDITIONS OF CONFINEMENT MR BLODHARN LIVES UNDER IN OHIO.

ON NOVEMBER 29, 2023 PETITIONER SPOKE WITH REICH BY PHONE AND SHE TOLD HIM THAT SHE WAS RETURNING HIM TO MONTANA "IN THE NEXT FEW WEEKS" AND THAT SHE WAS REQUESTING THE ODRC KEEP HIM IN A CELL BY HIMSELF (MR BLODHARN WAS ON SINGLE-CELL STATUS IN MONTANA) UNTIL THEN; INSTEAD, DESPITE AGREEING TO KEEP HIM SINGLED Celled, THE ODRC MOVED IN WITH ANOTHER INMATE A WEEK LATER AND MR BLODHARN REMAINS IN OHIO, EXPOSING THE BLATANT LIE THAT REICH TOLD HIM.

ON DECEMBER 6, 2023 PETITIONER WAS MOVED TO MANCI, WHERE HE REMAINS TO THE PRESENT; SINCE THAT DAY MR BLODHARN HAS HAD NO ACCESS TO HIS LEGAL DISKS (HAVING TO PREPARE HIS \$2254 FEDERAL HABEAS PETITION WITHOUT THEM) OR THE HARD DRIVE THAT CONTAINS MONTANA LAW, RULES, ETC. WHICH HE CANNOT REVIEW OR SEE IN ANY OTHER WAY. DESPITE THE FACT THAT RESPONDENT HAD THESE APPROVED FOR PETITIONER TO USE (SEE EXHIBIT A, pg. 1) MANCI ADMINISTRATORS HAVE REFUSED TO ALLOW HIM ACCESS TO EITHER THE DISKS OR HARD DRIVE AND THOUGH MR BLODHARN HAS TOLD RESPONDENT ABOUT THIS UNREASONABLE ABRIGATION OF HIS FUNDAMENTAL RIGHTS TO PRACTICE HIS RELIGION, RECEIVE ADEQUATE MEDICAL CARE, AND ACCESS THE ^{inter alia} COURTS, HOWEVER, THE STATE OF MONTANA REFUSES TO FULFILL ITS MANDATORY LEGAL DUTY TO ENSURE THAT MR BLODHARN "IS TREATED IN A REASONABLE AND HUMANE MANNER" IN OHIO OR THAT HE RECEIVES "ANY LEGAL RIGHTS" HE WOULD HAVE IF HE WERE STILL IN MONTANA.

ON JANUARY 9, 2024 PETITIONER TOOK PART IN A TELECONFERENCE AT WHICH REICH, MDOC COUNSEL, TRACY REVEAL ("REVEAL") AND FORMER WARDEN TIM MCCONAHAY WERE PRESENT; DURING THIS TELECONFERENCE MR BLODHARN REPORTED AGAIN THAT THE ODRC WAS REFUSING HIM MEDICAL CARE, DENYING HIM ALL ABILITY TO PRACTICE HIS RELIGION, AND INTENTIONALLY INTERFERING WITH PETITIONER'S ACCESS TO THE COURTS. MR BLODHARN ALSO REPORTED THAT HE HAD BEEN ASSAULTED THE DAY BEFORE BY A GANG MEMBER. REICH ASKED MCCONAHAY IF THERE WAS A BETTER UNIT TO HOUSE PETITIONER IN GIVEN

THE FACT THAT MR BLODHARN WAS/IS NOT A MEMBER OF A GANG, DOES NOT USE DRUGS, AND IS FIFTY (50) YEARS OF AGE AND MANCE ADMINISTRATORS AGREED TO HOUSE PETITIONER IN 40, ITS "40 AND OVER BLOCK" THOUGH IT NEVER AND STILL HAS NOT DONE SO. WHEN MR BLODHARN WROTE TO MONTANA AND TOLD THEM THAT MANCE HAD NOT FOLLOWED THROUGH ON WHAT IT HAD AGREED TO DO, PETITIONER WAS LOCKED UP AND SPRAYED WITH OC FOR "SMITCHING" ON M'CONAHAY; MR BLODHARN WAS LEFT IN AN EMPTY CELL ALL NIGHT WITH NO WAY TO WASH THE OC OFF AND HAD A SEIZURE THAT REMAINED UNTREATED. AGAIN, AFTER REPORTING ALL OF THIS TO RESPONDENT, ABSOLUTELY NOTHING WAS DONE TO RELIEVE PETITIONER OF THESE INJURIES AND HE REMAINS UNDER UNREASONABLE, INHUMANE, AND OPPRESSIVE CONDITIONS OF CONFINEMENT.

BETWEEN JUNE AND SEPTEMBER, 2024 PETITIONER REQUESTED AN "ICC CALL" TO MONTANA SEVERAL TIMES FROM HIS LOCAL LIAISON, WARDEN'S ASSISTANT KASEY PLANK ("PLANK"), AND ON AUGUST 23, 2024 WAS TOLD THAT NOBODY IN MONTANA WAS WILLING TO TALK TO ~~HER~~ PROMPTING THE INSTANT PETITION AS MR BLODHARN NOW HAS NO SPEEDY, PLAIN, OR ADEQUATE MEANS BY WHICH TO SEEK RELIEF FROM THE IRREPARABLE INJURIES HE HAS SUFFERED AND CONTINUES TO SUFFER IN OHIO.

PETITIONER INCORPORATES BY REFERENCE THE ATTACHED AFFIDAVIT IN SUPPORT OF PETITION AS THOUGH SET FORTH HERE IN FULL.

CLEAR LEGAL DUTY

"A WRIT OF MANDAMUS, ALSO KNOWN AS MANDATE, IS SPECIFIC AND STATUTORILY DRIVEN." SMITH V MISSOULA Co., 1999 MT 330, ¶128.

"EVERY PERSON IS BOUND, WITHOUT CONTRACT, TO ABSTAIN FROM INJURING THE PERSON OR PROPERTY OF ANOTHER OR INFRINGING UPON ANY OF ANOTHER'S PERSONS RIGHTS." MCA § 28-1-201. "EVERY PERSON WHILE WITHIN THE JURISDICTION OF THIS STATE IS ENTITLED TO ITS PROTECTION." MCA § 49-1-201.

"ARTICLE II PROCEDURES AND RIGHTS...

(e) ALL INMATES WHO MAY BE CONFINED IN AN INSTITUTION PURSUANT TO THE PROVISIONS OF THIS COMPACT SHALL BE TREATED IN A REASONABLE AND HUMANE MANNER AND ... CONFINEMENT IN A RECEIVING STATE SHALL NOT DEPRIVE ANY INMATE SO CONFINED OF ANY LEGAL RIGHTS WHICH SAID INMATE WOULD HAVE HAD IF CONFINED IN AN APPROPRIATE INSTITUTION OF THE SENDING STATE." MCA § 46-19-401.

"THE DEPARTMENT OF CORRECTIONS SHALL ENFORCE THIS COMPACT..." MCA § 46-19-402.

"A CONTRACTOR SHALL REMAIN IN STRICT COMPLIANCE WITH THIS PART, ESTABLISHED APPLICABLE AMERICAN CORRECTIONAL ASSOCIATION AND

NATIONAL COMMISSION ON CORRECTIONAL HEALTH CARE STANDARDS, AS DETERMINED BY THE DEPARTMENT BY ADMINISTRATIVE RULE, DEPARTMENT RULES, AND CONTRACT REQUIREMENTS." MCA §53-30-611(1).

"THE LEGISLATURE FINDS THAT:

- (1) THE FRAMERS OF THE UNITED STATES CONSTITUTION, RECOGNIZING FREE EXERCISE OF RELIGION AS AN UNALIENABLE RIGHT SECURED ITS PROTECTION IN THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION;
- (2) THE FRAMERS OF THE MONTANA CONSTITUTION, RECOGNIZING FREE EXERCISE OF RELIGION AS A FUNDAMENTAL RIGHT, SECURED ITS PROTECTION IN THE MONTANA CONSTITUTION;
- (3) LAWS AND OTHER STATE ACTION THAT ARE NEUTRAL TOWARD RELIGION MAY BURDEN THE EXERCISE OF RELIGION AS SOLELY AS LAWS INTENDED TO INTERFERE WITH RELIGIOUS EXERCISE;
- (4) STATE ACTION *SHOULD NOT BURDEN EXERCISE OF RELIGION WITHOUT COMPELLING JUSTIFICATION." MCA §27-33-102

"THE STATE AND ITS GOVERNMENTAL SUBDIVISIONS MUST BE HELD TO A HIGH STANDARD IN DEALING WITH MONTANA PRISONERS." PAULL V PARK COUNTY, 2009 MT 321, ¶142. SETTING ASIDE THE GENERAL DUTY OF CARE THE STATE OF MONTANA OWES MR BLODHARN, RESPONDENT HAS A CLEAR LEGAL DUTY TO ENSURE THAT PETITIONER CAN PRACTICE HIS RELIGION IN OHCO, RECEIVES MEDICAL CARE AND HAS ADEQUATE LEGAL ACCESS, OBLIGATIONS THAT IT HAS UTTERLY FAILED TO FULFILL.
WRIT OF MANDAMUS

MR BLODHARN IS ENTITLED TO A WRIT OF MANDAMUS AS A MATTER OF LAW DIRECTING THE STATE OF MONTANA TO FULFILL ITS MANDATORY LEGAL DUTY UNDER, *inter alia*, MCA §46-19-402 TO ENSURE THAT PETITIONER IS "TREATED IN A REASONABLE AND HUMANE MANNER" IN OHCO AND IS NOT DEPRIVED OF "ANY LEGAL RIGHT" THAT HE WOULD HAVE IN MONTANA, PARTICULARLY THE RIGHT(S) TO PRACTICE HIS RELIGION, RECEIVE MEDICAL CARE, AND ACCESS THE COURTS.

GIVEN THE INDISPUTABLE FACTS THAT RESPONDENT HAS IGNORED ALL OF MR BLODHARN'S LETTERS REGARDING THE UNREASONABLE AND INHUMANE CONDITIONS HE IS CONFINED UNDER IN OHCO, WILL NOT SPEAK TO HIM BY PHONE TO RESOLVE HIS ISSUES, AND PETITIONER HAS NO ACCESS TO MONTANA STATUTES, RULES, OR CASELAW WITH WHICH TO RESEARCH OR PREPARE AN ACTION TO SEEK RELIEF FROM A COURT, IT IS OBVIOUS THAT MR BLODHARN HAS NO SPEEDY, PLAIN, OR ADEQUATE REMEDY AT LAW AVAILABLE TO HIM AND THE WRIT MUST ISSUE. MCA §27-26-102

* OR FRACTION AS IT WERE

TO DEMONSTRATE THE DEPTH OF DEPRIVATIONS MR BLODHARN HAS BEEN SUBJECTED TO WITH REGARD TO HIS RELIGIOUS PRACTICE AND LEGAL ACCESS, THIS COURT SHOULD TAKE JUDICIAL NOTICE OF CAUSE No. 2:24 CV-01565-MHW-KAJ IN THE U.S. DISTRICT COURT OF SOUTHERN OHIO, EASTERN DIVISION, PARTICULARLY PARAGRAPHS 51-52 OF THE VERIFIED COMPLAINT.

GIVEN RESPONDENTS CLEAR LEGAL DUTY TO "DO ALL THINGS APPROPRIATE TO THE EFFECTUATION OF [THE] PURPOSE AND INTENT" OF THE ICC (MCA §46-19-402) AND THAT THIS INTENT IS, *inter alia*, "SERVING THE BEST INTERESTS" OF MR BLODHARN AND SOCIETY, THE PUBLIC WOULD CERTAINLY BE INTERESTED BY THE FACT THAT RESPONDENT IS INTENTIONALLY IGNORING ITS CLEAR LEGAL OBLIGATIONS TO ENSURE MR BLODHARN IS "TREATED IN A REASONABLE AND HUMAN MANNER" IN OHIO AND IS NOT DEPRIVED OF "ANY LEGAL RIGHTS" HE WOULD HAVE IN MONTANA. MOREOVER, THIS COURT HAS REPEATEDLY HELD THAT WHERE FUNDAMENTAL RIGHTS (THOSE FOUND IN ARTICLE II OF MONTANA'S CONSTITUTION) ARE AT STAKE MONTANA CITIZENS ARE ENTITLED TO "GREATER PROTECTIONS" AND "ANY INFRINGEMENT OF WHICH WILL TRIGGER THE HIGHEST LEVEL OF SCRUTINY, AND, THUS, THE HIGHEST LEVEL OF PROTECTION BY THE COURTS." WALKER V STATE, 2003 MT 134, ¶174. THROUGH THE INSTANT PETITION MR BLODHARN SEEKS THAT LEVEL OF SCRUTINY AND PROTECTION.

WRIT OF INJUNCTION

"THE LOSS OF A CONSTITUTIONAL RIGHT CONSTITUTES HARM OR IRREPARABLE INJURY FOR THE PURPOSES OF ISSUING A PRELIMINARY INJUNCTION." MONT. DEMOCRATIC PARTY V JACOBSEN, 2022 MT 184, ¶15. MR BLODHARN HAS BEEN DEPRIVED OF HIS RIGHTS UNDER ARTICLE II, §3, 4, 5, 6, 7, 11, 16, 17, 22 AND 28 OF THE MONTANA CONSTITUTION AND FIRST, FOURTH, SIXTH, EIGHTH, AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION SINCE BEING IN OHIO AND CONTINUES TO BE DENIED THESE PROTECTIONS BECAUSE RESPONDENT IS INTENTIONALLY IGNORING ITS CLEAR LEGAL DUTY. "BECAUSE A PRELIMINARY INJUNCTION DOES NOT DECIDE THE ULTIMATE MERITS OF THE CASE, [A] PARTY NEED ESTABLISH ONLY A *prima facie* VIOLATION OF ITS RIGHTS TO BE ENTITLED TO A PRELIMINARY INJUNCTION." PLANNED PARENTHOOD OF MONTANA V STATE, 2022 MT 157, ¶133. AS A MATTER OF LAW (AND IN THE INTERESTS OF JUSTICE) THIS COURT MUST ENJOIN THE UNCONSTITUTIONAL ACT AND/OR STATUTE AND SUCH AN INJUNCTION IS THE "LEAST INTRUSIVE MEANS NECESSARY" BECAUSE A LIMITED INJUNCTION DIRECTED ONLY AT THE UNCONSTITUTIONAL ACT DOES NOT "REQUIRE THE CONTINUOUS SUPERVISION OF THE COURT, NOR DOES IT REQUIRE JUDICIAL INTERFERENCE IN THE RUNNING OF THE PRISON SYSTEM." GOMEZ V VERNON, 255 F.3d 1118, 1130 (9th CIR 2001).

"A PLAINTIFF SEEKING A PRELIMINARY INJUNCTION MUST ESTABLISH THAT HE IS LIKELY TO SUCCEED ON THE MERITS, THAT HE IS LIKELY TO SUFFER

IRREPARABLE HARM IN THE ABSENCE OF PRELIMINARY RELIEF, THAT THE BALANCE OF EQUITIES TIPS IN HIS FAVOR, AND THAT AN INJUNCTION IS IN THE PUBLIC INTEREST." GLOSSIP V GROSS, 576 U.S. 863, 135 S.Ct. 2726, 2736-37 (2015) SIGNIFICANTLY, THIS COURT UTILIZES THE "SLIDING SCALE" APPROACH THE NINTH CIRCUIT ADOPTED IN ALLIANCE FOR THE WILD ROCKIES V COTTRELL, 632 F.3d 1127 (9th CIRCUIT, 2011): A PRELIMINARY INJUNCTION IS APPROPRIATE WHEN A PLAINTIFF DEMONSTRATES THAT "SERIOUS QUESTIONS GOING TO THE MERITS" WERE RAISED AND THE BALANCE OF HARDSHIPS TIPS SHARPLY IN THE PLAINTIFFS FAVOR.

SUCCESS ON THE MERITS

"AS THE GOVERNMENT ENTITY RESPONSIBLE FOR THE CUSTODY AND CARE OF PROSECUTION INMATES, THE MONTANA DEPARTMENT OF CORRECTIONS ASSUMES RESPONSIBILITY UNDER THE EIGHTH AMENDMENT AND THE MONTANA RIGHT TO HUMAN DIGNITY FOR THE GENERAL WELLBEING AND BASIC HUMAN NEEDS OF INCARCERATED INMATES, INCLUDING FOOD, CLOTHING, SHELTER, HEALTH CARE AND REASONABLE SAFETY." SMITH V DEPT OF CORR., 2020 MONT LEXIS 954#3, RESPONDENTS RESPONSIBILITY IN THIS REGARD WAS NOT RELIEVED BY MR. BLODHARN'S TRANSFER TO OHIO; FOR INSTANCE, TRANSFERRED PRISONERS HAVE A RIGHT TO LEGAL MATERIALS FROM THEIR HOME STATES AND THE RESPONSIBILITY FOR ENSURING THEY HAVE THESE REMAINS WITH THE SENDING STATE. SEE E.G. COOPER V SUMNER, 672 F.Supp. 1361, 1365 (D.NEV 1987).

THE THREE PRIMARY PROTECTIONS THAT HAVE BEEN DELIBERATELY DISREGARDED BY RESPONDENT ARE ALL FUNDAMENTAL CONSTITUTIONAL RIGHTS: COMPLETE AND TOTAL DEPRIVATION OF ALL ABILITY TO PRACTICE HIS RELIGION, INTENTIONAL INTERFERENCE WITH MR BLODHARN'S LEGAL ACCESS, AND DELIBERATE INDIFFERENCE TO HIS SERIOUS MEDICAL NEEDS; EACH OF THESE IS PROTECTED BY BOTH THE MONTANA AND U.S. CONSTITUTIONS AND THERE CAN BE NO AMBIGUITY ABOUT WHETHER PETITIONER WOULD SUCCEED ON THE MERITS OF THESE ISSUES INDIVIDUALLY, LET ALONE TOGETHER. INDEED, GIVEN THE INDISPURTABLE FACTS THAT MR BLODHARN ARRIVED IN OHIO ON CRITICAL MEDICATIONS TO TREAT THE PAIN OF SIGNIFICANT AND WELL-DOCUMENTED INJURIES AND OHIO OFFICIALS DID NOT EVEN BOTHER TO OBTAIN HIS MEDICAL HISTORY OR RECORDS BEFORE ARBITRARILY REMOVING PETITIONER FROM THESE MEDICATIONS AND MR BLODHARN HAS SUFFERED SIGNIFICANT PAIN EVERY DAY SINCE THAT REMAINS UNTREATED. IMPORTANTLY, "THE STATE WOULD BE LIABLE FOR AN INJURY OR THE EXACERBATION OF AN INJURY IF IT BREACHES ITS DUTY TO PROVIDE ADEQUATE MEDICAL CARE TO AN INMATE AT MSP." POOLE V STATE, 2004 ML 193, 919. MR BLODHARN "HAS SHOWN THE DEPRIVATION OF PROPER MEDICAL CARE IS LIKELY TO CAUSE IRREPARABLE HARM IN THE FORM OF CONTINUING

PHYSICAL PAIN" AND LIKELY SUCCESS ON THE MERITS OF ANY MEDICAL CLAIM. GLOVER V RYAN, 2021 U.S. DIST LEXIS 123504*2. SIGNIFICANTLY, "A PERSON DETAINED BY THE STATE HAS THE RIGHT TO ADEQUATE MEDICAL CARE." NOLAN V YELLOWSTONE COUNTY, 2017 MT 23N, 918 ("THE STATE VIOLATES THIS RIGHT WHEN IT IS DELIBERATELY INDIFFERENT TO THE MEDICAL NEEDS OF A" PRISONER SUCH AS INTENTIONALLY IGNORING BOTH MR BLODHARN'S COMPLAINTS AND THEIR CLEAR LEGAL DUTY TO ENSURE THAT PETITIONER IS "TREATED IN A REASONABLE AND HUMANE MANNER" IN OHIO. SEE MCA § 46-19-401 AND 402.

MOREOVER, "STATE ACTION MAY NOT SUBSTANTIALLY BURDEN A PERSON'S RIGHT TO THE EXERCISE OF RELIGION..." *ALTHOUGH PETITIONER'S TRANSFER TO OHIO REMOVED HIS RIGHT TO PRACTICE HIS RELIGION ALTOGETHER, NOT JUST BURDENED IT AND RESPONDENTS FAILURE TO FULFILL ITS DUTY UNDER MCA § 46-19-402 HAS ALLOWED OHIO OFFICIALS TO CONTINUE TO DEPRIVE MR BLODHARN OF ALL ABILITY TO PRACTICE HIS RELIGION. IN MONTANA MR BLODHARN WAS ALLOWED TO GO OUTSIDE EVERY WEEK IF HE CHOSE TO AND CONDUCT A BLOT WITH A FIRE AND THE NECESSARY RELIGIOUS ITEMS; IN OHIO PETITIONER CANNOT GO OUTSIDE AT ALL TO PERFORM A RITUAL, CANNOT GET A FIRE TO SEND HIS PRAYERS TO THE HEAVENS, AND DOES NOT EVEN GET ANY CHAPEL TIME OR CONGREGATE WORSHIP/STUDY SERVICES AND WITHOUT THESE PETITIONER CANNOT PRACTICE HIS RELIGION. AS SUCH, THIS IS NOT SIMPLY A "BURDEN" PLACED UPON PETITIONER BUT A COMPLETE AND TOTAL BAN ON RELIGIOUS PRACTICE AND MR BLODHARN WOULD SUCCEED ON THE MERITS OF ANY CLAIM MADE REGARDING RELIGIOUS PRACTICE. FEDERAL COURTS HAVE ORDERED THE RETURN OF INMATES TRANSFERRED UNDER THE ICC WHEN THE RECEIVING STATES POLICY AND PROCEDURE BURDENED THE EXERCISE OF THE INMATES RELIGION AND THIS COURT MUST CONSIDER DOING THE SAME IF RESPONDENT IS NOT WILLING TO ENSURE MR BLODHARN CAN PRACTICE HIS RELIGION IN OHIO. SEE GARTRELL V ASHCRAFT, 2002 U.S. DIST LEXIS 2730.

AS AN IMPORTANT NOTE REGARDING INJUNCTIVE RELIEF, THIS COURT SHOULD LIKEWISE CONSIDER THAT MR BLODHARN WAS TRANSFERRED TO OHIO WITHOUT ANY FORM OF PROCEDURAL DUE PROCESS ~~DESPITE~~ THE PROPERTY INTERESTS PLAINTIFF HAD IN REMAINING IN OHIO AS EVIDENCED BY, INTER ALIA, BLODHARN V ODRC, 2024-0610-327) AND WAS ON RETALIATION MONITORING ON THE DAY HE WAS TRANSFERRED, WHICH CONSTITUTES RETALIATION AND "REMEDIES AVAILABLE TO AN AGGRIEVED INDIVIDUAL FOR RETALIATION MAY INCLUDE... INJUNCTIVE RELIEF." MCA § 2-2-145(4)(f).

*MCA § 27-33-105(1)

IRREPARABLE HARM

"THE LOSS OF FIRST AMENDMENT FREEDOMS, FOR EVEN MINIMAL PERIODS OF TIME, UNQUESTIONABLY CONSTITUTES IRREPARABLE INJURY." ELROD V BURNS, 427 U.S. 347, 373 (1976). MR BLODMAN'S TRANSFER TO OHIO WAS OBVIOUSLY RETALIATORY (IN VIOLATION OF THE FIRST AMENDMENT) AND BOTH THE DEPRIVATION OF ALL ABILITY TO PRACTICE HIS RELIGION AND OPENING ALL OF HIS LEGAL MAIL OUTSIDE OF HIS PRESENCE VIOLATES PETITIONER'S FIRST AMENDMENT PROTECTIONS; MOREOVER, THE DELIBERATE INDIFFERENCE TO HIS SERIOUS MEDICAL NEEDS UNDOUBTBLY VIOLATES, *inter alia*, THE EIGHTH AMENDMENT AND "AN ALLEGED CONSTITUTIONAL ENFRANGEMENT WILL OFTEN ALONE CONSTITUTE IRREPARABLE HARM." MONTEREY MECH. CO V WILSON, 125 F.3d 702, 715 (9th Cir 1997).

PUBLIC INTEREST

"THE PUBLIC INTEREST INQUIRY PRIMARILY ADDRESSES IMPACT ON NON-PARTIES RATHER THAN PARTIES." LEAGUE OF WILDERNESS ORG/BLUE MOUNTAINS BIODIVERSITY PROTECT V CONNAUGHTON, 752 F.3d 755, 766 (9th Cir 2014) SIGNIFICANTLY, "IT IS ALWAYS IN THE PUBLIC INTEREST TO PREVENT THE VIOLATION OF A PARTY'S CONSTITUTIONAL RIGHTS." AM. BEVERAGE ASS'N V CITY & COUNTY OF SAN FRANCISCO, 916 F.3d 749, 758 (9th Cir 2019). WRITS OF MANDAMUS AND INJUNCTION WILL HAVE ZERO IMPACT ON THE PUBLIC; INSTEAD "THE PUBLIC HAS AN INTEREST IN ESTABLISHING AND MAINTAINING THE VALIDITY OF STATE ACTIONS" PARTICULARLY THE FUNDAMENTAL RIGHTS AT ISSUE HEREIN. BARRUS V MONT. FIRST JUDICIAL COURT, 2020 MT 14, 9121.

OF NOTE, MR BLODMAN WAS ENTITLED TO PROCEDURAL DUE PROCESS PRIOR TO BEING TRANSFERRED TO OHIO GIVEN HIS PROPERTY INTEREST IN REMAINING IN MONTANA* THOUGH THIS WAS DELIBERATELY DISREGARDED BY RESPONDENT IN ITS HASTE TO RETALIATE AGAINST PETITIONER FOR HIS PREA REPORT OF GRAHAM AND THE SEVERAL LAWSUITS HE HAS AGAINST MDOC AND MDP EMPLOYEES AND "THERE IS A PUBLIC INTEREST IN ENSURING THE GOVERNMENT DOES NOT VIOLATE THE PROCEDURAL DUE PROCESS RIGHTS" OF INMATES. LUCAS F. V. BECERRA, 2022 U.S. DIST LEXIS 124773*107. THIS IS OF PARTICULAR IMPORTANCE TO THE INSTANT PETITION GIVEN THE FACT THAT MR BLODMAN MAINTAINS EVERYTHING THAT FOLLOWED HIS ILLEGAL AND UNCONSTITUTIONAL TRANSFER TO OHIO IS, *de facto*, ILLEGAL AND UNCONSTITUTIONAL. MOREOVER,

* SEE BLODMAN V OHIO DEP'T OF REHAB, 2024-Ohio-3277, 919.

GIVEN THE UNCONTROVERTIBLE FACT THAT MR BLODMAN WAS UNDER NINETY (90) DAY RETALIATION MONITORING WHEN HE WAS TRANSFERRED TO OHIO AND WAS NOT SUPPOSE TO BE MOVED AT ALL, THIS COURT CAN AND SHOULD ANALYZE THE "STATUS QUO" AS THAT WHICH EXISTED PRIOR TO THE CONSTITUTIONAL VIOLATIONS. MR BLODMAN WAS IN GENERAL POPULATION AT THE MSP, WITH ALL OF HIS PERSONAL PROPERTY AND PRIVILEGES, COULD GO TO THE CHAPEL EACH WEEK (CONDUCT BLÖT, STUDY, ETC), WAS RECEIVING PRESCRIBED MEDICATIONS FOR THE PAIN OF SIGNIFICANT INJURIES, AND MSP STAFF NEVER OPENED HIS LEGAL MAIL OUTSIDE OF HIS PRESENCE, PHOTOCOPIED IT WITHOUT PETITIONERS EXPRESS AUTHORIZATION, OR DELIBERATELY DELAYED DELIVERY OF THAT MAIL, WHICH IS THE STATUS QUO MR BLODMAN SEEMS TO RETURN TO. "WHEN THE REACH OF AN INJUNCTION IS NARROW, LIMITED ONLY TO THE PARTIES AND HAS NO IMPACT ON NON-PARTIES, THE PUBLIC INTEREST WILL BE AT MOST A NEUTRAL FACTOR IN THE ANALYSIS RATHER THAN ONE THAT FAVORS GRANTING OR DENYING THE PRELIMINARY INJUNCTION." STORMANS, INC V SELECKY, 586 F.3d 1109, 1138 (9th CIR 2009).

BALANCE OF HARDSHIPS

RESPONDENT CAN SUFFER "NO HARM FROM AN INJUNCTION THAT MERELY ENDS UNCONSTITUTIONAL PRACTICES AND/OR ENSURES THAT CONSTITUTIONAL STANDARDS ARE IMPLEMENTED." DOE V KELLY, 878 F.3d 710, 718 (9th CIR 2017) INDEED, "ALL CITIZENS HAVE A STAKE IN UPHOLDING THE CONSTITUTION." PREMINGER V PRINCIPAL, 422 F.3d 815, 826 (9th CIR 2005)

MR BLODMAN'S INTERESTS IN, INTER ALIA, RECEIVING ADEQUATE MEDICAL CARE, PRACTICING HIS RELIGION, AND HAVING LEGAL ACCESS FAR OUTWEIGH ANY INTEREST RESPONDENT CAN PUT FORWARD TO JUSTIFY DEPRIVING HIM OF THESE AND NARROWLY DRAWING THE INJUNCTION TO ORDER RESPONDENT TO EITHER ENSURE MR BLODMAN HAS ACCESS TO MONTANA LAW, RULE, AND STATUTE (AS WELL AS OTHER LEGAL ACCESS) CAN ACTUALLY PRACTICE HIS RELIGION AND RECEIVE MEDICAL ATTENTION (I.E. IS "TREATED IN A REASONABLE AND HUMAN MANNER") OR IS RETURNED TO MONTANA WHERE HE WILL RECEIVE THESE "LEGAL RIGHTS" PLACES NO BURDEN ON RESPONDENT WHATSOEVER GIVEN THAT THEY HAVE A MANDATORY LEGAL DUTY TO DO THESE THINGS ALREADY. THE ONLY HARM RESPONDENT CAN CLAIM IS THE FINANCIAL OBLIGATION IT MAY HAVE IN RETURNING MR BLODMAN TO MONTANA, THOUGH IT ASSUMED THAT RESPONSIBILITY WHEN IT SENT HIM TO OHIO (TO PAY TO HAVE HIM RETURNED) AND "A CONFLICT BETWEEN FINANCIAL CONCERNS, AND PREVENTABLE HUMAN SUFFERING, WE HAVE LITTLE DIFFICULTY CONCLUDING THAT THE BALANCE OF HARDSHIPS TIPS DECIDEDLY IN PLAINTIFFS FAVOR." RODDE V BONTA, 357 F.3d 988, 999 (9th CIR 2004). SIGNIFICANTLY, "COURTS MAY NOT ALLOW CONSTITUTIONAL VIOLATIONS TO CONTINUE SIMPLY BECAUSE A REMEDY WOULD INVOLVE INTRUSION INTO THE REAM OF PRISON ADMINISTRATION." BROWN V PLATA, 563 U.S. 493, 511 (2011).

DECLARATORY JUDGEMENT

AS A MATTER OF FIRST IMPRESSION, THIS COURT MUST DETERMINE IF ARTICLE II OF MCA § 46-19-401 CREATES ENFORCEABLE RIGHTS FOR INMATES UNDER THE ICC AND/OR IF RESPONDENT HAS A CLEAR LEGAL DUTY TO ENSURE THAT MR BLODMAN IS TREATED IN "A REASONABLE AND HUMANE MANNER" IN OHIO AND IS NOT DEPRIVED OF "ANY LEGAL RIGHTS" HE WOULD HAVE IN MONTANA. MCA § 27-8-201. NOR IS DECLARATORY JUDGEMENT DEPENDENT UPON WHETHER FURTHER RELIEF IS OR COULD BE CLAIMED. SEE RIDLEY V GUARANTY NAT'L INS. CO., 286 MONT. 325, 331 (MONT. 1997)

THE PRIMARY CONFUSION IN THE INSTANT PETITION IS THE DISTINCTION BETWEEN THE LAW AND "LEGAL RIGHTS" AND PRISON POLICY AND PROCEDURE: RESPONDENT, ALONG WITH OHIO OFFICIALS, ARE UNDER THE MISAPPREHENSION THAT MR BLODMAN IS SUBJECT SOLELY TO ODRC POLICY AND PROCEDURE WHILE CONFINED IN OHIO AND IS NOT ENTITLED TO ANY LEGAL RIGHTS BEYOND THESE; MOREOVER, RESPONDENT DOES NOT BELIEVE IT HAS AN OBLIGATION UNDER MCA § 46-19-402 TO ENFORCE THE ICC OR ENSURE THAT MR BLODMAN RECEIVES HIS CONSTITUTIONAL PROTECTIONS AND LEGAL RIGHTS IN OHIO.

ARTICLE II OF MCA § 46-19-401, TITLED "PROCEDURES AND RIGHTS," IS INTENDED TO CONFER ENFORCEABLE RIGHTS ON INMATES TRANSFERRED UNDER THE ICC THROUGH ITS PLAIN AND MANDATORY LANGUAGE; THIS IS BEST HIGHLIGHTED BY SUBSECTION (e):

"ALL INMATES WHO MAY BE CONFINED IN AN INSTITUTION PURSUANT TO THE PROVISIONS OF THIS COMPACT SHALL BE TREATED IN A REASONABLE AND HUMANE MANNER AND SHALL BE TREATED EQUALLY WITH SUCH SIMILAR INMATES OF THE RECEIVING STATE AS MAY BE CONFINED IN THE SAME INSTITUTION. THE FACT OF CONFINEMENT IN A RECEIVING STATE SHALL NOT DEPRIVE ANY INMATE SO CONFINED OF ANY LEGAL RIGHTS WHICH SAID INMATE WOULD HAVE HAD IF CONFINED IN AN APPROPRIATE INSTITUTION OF THE SENDING STATE." MCA § 46-19-401, ARTICLE II (e).

THIS SUBSECTION HAS THREE PROVISIONS. THE FIRST IS THE PROTECTION AGAINST CRUEL AND UNUSUAL PUNISHMENT FOUND IN THE EIGHTH AMENDMENT OR ITS STATE EQUIVALENT (SUCH AS ARTICLE II, § 22 OF MONTANA'S CONSTITUTION), WHILE THE SECOND IS OBVIOUSLY A RESTATING OF THE FOURTEENTH AMENDMENT'S EQUAL PROTECTION CLAUSE. THE THIRD PROVISION IS PRIMARILY THE ISSUE AT STAKE IN THE INSTANT PETITION FOR DECLARATORY JUDGEMENT GIVEN THE FACT THAT, WITHOUT THIS COURT'S DECLARATION OF WHAT EXACTLY THESE "LEGAL RIGHTS" ENTAIL, RESPONDENT AND OHIO OFFICIALS WILL CONTINUE TO DELIBERATELY DISREGARD MR BLODMAN'S LEGAL RIGHTS IN FAVOR OF THE ODRC'S POLICY AND PROCEDURAL, REGARDLESS OF THIS LATTERS UNCONSTITUTIONAL AND ILLEGAL NATURE

BY DEFINITION "LEGAL RIGHTS" ARE RIGHTS CONFERRED UPON AN INDIVIDUAL BY THE LAW; i.e. FEDERAL AND STATE STATUTES AND STATE OR THE U.S. CONSTITUTION AS INTERPRETED BY A STATES HIGH COURT OR THE U.S. SUPREME COURT WHICH THEN BECOMES "CLEARLY ESTABLISHED LAW." A PRISON'S POLICY AND PROCEDURE IS SUBJECT TO SCRUTINY UNDER THIS CLEARLY ESTABLISHED LAW AND IS OBVIOUSLY DISTINCT FROM THE "LEGAL RIGHTS" IN THE ICC AND THESE RIGHTS ARE NOT RESPONDENTS OR OHIO OFFICIALS BUT BELONGS TO MR BLODMARN EXCLUSIVELY; INDEED, MR BLODMARN HAS A LEGAL RIGHT TO PRACTICE HIS RELIGION, A LEGAL RIGHT TO NOT HAVE HIS LEGAL MAIL OPENED OUTSIDE OF HIS PRESENCE OR ITS RECEIPT DELAYED DELIBERATELY, A LEGAL RIGHT TO BE TREATED FOR THE PAIN OF HIS INJURIES, A LEGAL RIGHT TO PERSONAL PROPERTY PROPERLY ACQUIRED, AND A LEGAL RIGHT TO BE FREE FROM ASSAULT BY OTHER PRISONERS OR THE REPEATED THEFT OF HIS PERSONAL PROPERTY. THESE ARE ONLY A FEW OF THE LEGAL RIGHTS MR. BLODMARN HAS BEEN DEPRIVED OF IN OHIO AND NEITHER RESPONDENT NOR OHIO OFFICIALS WILL AFFORD PETITIONER THESE RIGHTS DESPITE THEIR CLEAR LEGAL DUTY TO DO SO PURSUANT TO MCA § 46-19-402. IF THIS COURT SOMEHOW HOLDS THAT RESPONDENT DOES NOT HAVE SUCH A LEGAL DUTY THEN IT MUST DECLARE THAT MR BLODMARN CAN ENFORCE THESE RIGHTS HIMSELF AND IN WHAT WAY HE MAY DO SO.

CONCLUSION

THERE IS NOT A REMEDY AVAILABLE TO MR BLODMARN THAT WOULD MAKE UP FOR BEING DELIBERATELY DEPRIVED OF DUE PROCESS PRIOR TO HIS ILLEGAL AND UNWRING THAT BELL, HOWEVER, WHILE RESPONDENT CANNOT OBLIA, MCA § 46-19-402 TO ENSURE THAT PLAINTIFF "IS TREATED IN A REASONABLE AND HUMAN MANNER" IN OHIO AND RECEIVES "ANY LEGAL RIGHTS" HE WOULD HAVE IN MONTANA (INCLUDING HIS RIGHT TO RECEIVE MEDICAL CARE AND PRACTICE HIS RELIGION) OR BENEFITS, RELIEVED OF OBLIGATIONS (SUCH AS MEDICAL COPIES) THAT ARE NOT HIS AND IS GIVEN BACK PERSONAL PROPERTY EITHER CONFISCATED BY OHIO OFFICIALS (MPS PLAYER) OR ALLOWED TO BE STOLEN BY OTHER INMATES THROUGH GROSS NEGLIGENCE.

IN ANTICIPATION OF THE STATES ARGUMENT THAT MR BLODMARN COULD SEEK REMEDIAL MEASURES THROUGH A SEPARATE CIVIL ACTION, SUCH WOULD BE NEITHER SPEEDY NOR ADEQUATE GIVEN THE STATE INTENTIONALLY IGNORED THE LAST CASE FILED BY PLAINTIFF (CVD-2020-586) AND HAS DELIBERATELY DISREARDED THE LETTERS WRITTEN AND EVEN THE TWO RMTD CLAIMS SENT BY CERTIFIED MAIL REGARDING THE ISSUES HEREIN. SEE EXHIBIT B. SIGNIFICANTLY, MR BLODMARN COULD NOT SEEK REDRESS THROUGH A LEGAL ACTION BECAUSE RESPONDENT IS DELIBERATELY DEPRIVING HIM OF STATE STATUTES, RULES, AND MONTANA CASE LAW, ALL NECESSARY TO THE FILING OF MERITORIOUS CLAIMS IN STATE COURT AND WITHOUT WHICH PETITIONER LITERALLY CANNOT DO SO.

SIGNIFICANTLY, MR BLODHARN HAS MADE EVERY EFFORT AT HAVING HIS ISSUES ADDRESSED BY RESPONDENT BEFORE RESORTING TO THE INSTANT PETITION, HOWEVER, HE WILL CONTINUE TO SUFFER IRREPARABLE INJURY UNTIL THIS COURT PUTS A STOP TO IT BY GRANTING THE WRITS AND ISSUING DECLARATORY JUDGEMENT.

REQUEST FOR RELIEF

WHEREFORE, PETITIONER RESPECTFULLY REQUESTS THE FOLLOWING RELIEF:

1. DECLARE THAT MCA §46-19-402 CREATES A CLEAR LEGAL DUTY UPON RESPONDENT TO EFFECTUATE THE FCC AND ENSURE THAT MR BLODHARN RECEIVES ALL OF THE RIGHTS ENUMERATED IN ARTICLE IV OF MCA §46-19-401.
2. DECLARE THAT THE RIGHTS ENUMERATED IN ARTICLE IV OF MCA §46-19-401 ARE ENFORCEABLE IN MONTANA AND/OR OHIO STATE COURTS
3. DECLARE THAT MR BLODHARN'S DUE PROCESS RIGHTS WERE VIOLATED WHEN HE WAS TRANSFERRED TO OHIO WITHOUT ANY CONSIDERATION OF HIS PROPERTY INTERESTS
4. DECLARE THAT BECAUSE O.R.C. §5120.50 AND MCA §46-19-401 ARE BINDING UPON ONE ANOTHER MR BLODHARN WAS ENTITLED TO A HEARING PRIOR TO BEING TRANSFERRED PURSUANT TO O.R.C. §5120.50 (1)(2).
5. DECLARE THAT MR BLODHARN IS ENTITLED TO "ANY LEGAL RIGHTS" HE WOULD HAVE IN MONTANA AND, FURTHER, THAT THESE LEGAL RIGHTS ARE DISTINGUISHED FROM MDOC AND ODRC POLICY AND PROCEDURE
6. DECLARE THAT MR BLODHARN HAS A LEGAL RIGHT UNDER, *inter alia*, MCA §27-33-102 TO PRACTICE HIS RELIGION IN EITHER MONTANA OR OHIO
7. DECLARE THAT, BECAUSE MR BLODHARN WAS IN THE MIDDLE OF RETALIATION MONITORING WHEN HE WAS TRANSFERRED TO OHIO AND WAS SPECIFICALLY TOLD BY MDOC INVESTIGATORS THAT HE WOULD NOT BE MOVED UNDER ANY CIRCUMSTANCES, PETITIONER'S TRANSFER WAS *de facto* RETALIATION.
8. DECLARE THAT BOTH MCA §46-19-401 AND 402 ARE UNCONSTITUTIONAL AS-APPLIED.
9. DECLARE THAT MR BLODHARN IS ENTITLED TO POSSESSION OF PERSONAL PROPERTY PROPERLY ACQUIRED.
10. DECLARE THAT RESPONDENT IS RESPONSIBLE FOR PERSONAL PROPERTY DELIBERATELY DISPOSED OF BY ODRC STAFF OR ALLOWED TO BE STOLEN BY OTHER INMATES THROUGH THE GROSS NEGLIGENCE OF ODRC STAFF.
11. DECLARE THAT MR BLODHARN IS ENTITLED TO MONTANA LAW AND THAT RESPONDENT IS RESPONSIBLE FOR ENSURING THAT HE HAS ACCESS TO STATE STATUTES, RULES, ETC WHILE HE IS IN OHIO.
12. DECLARE THAT RESPONDENT IS RESPONSIBLE FOR PAYING ODRC MEDICAL CO-PAYS UNDER MCA §46-19-401, ARTICLE III (a)(2).

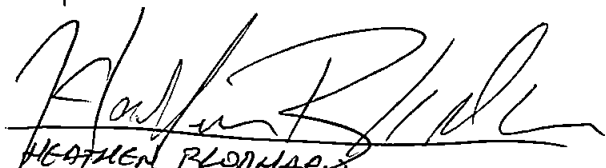
13. DECLARE THAT MR BLODMARN REMAINS UNDER RESPONDENTS JURISDICTION AND THAT RESPONDENT HAS THE DISCRETION TO REQUEST HE BE HOUSED IN A SPECIAL FACILITY IN OHIO UNDER MCA § 46-19-401, ARTICLE IV (a) AND (c).
14. DECLARE THAT MR BLODMARN'S LEGAL MAIL (INCLUDING THAT FROM THIS COURT OR RESPONDENT) SHOULD NEVER BE OPENED OUTSIDE OF HIS PRESENCE OR PHOTOCOPIED WITHOUT HIS EXPRESS AUTHORIZATION AND NEVER DELIBERATELY DELAYED OR DISPOSED OF.
15. DECLARE THAT MR BLODMARN IS ENTITLED TO MEDICAL TREATMENT OF HIS PAIN AND INJURIES, SPECIFICALLY THAT PETITIONER HAS A RIGHT TO RECEIVE THE MEDICAL CARE HE WAS RECEIVING IN MONTANA WHILE IN OHIO AND THE MEDICATIONS HE WAS PRESCRIBED BY A MONTANA DOCTOR.
- PETITIONER FURTHER REQUESTS:
- a. AN INJUNCTION ENJOINING THE STATE OF MONTANA, MDOC, ODRC, THEIR AGENTS, EMPLOYEES, AND ATTORNEYS FROM PICKING MR BLODMARN IN ANY FACILITY IN WHICH HE CANNOT PRACTICE HIS RELIGION PROPERLY, RECEIVE MEDICAL TREATMENT, AND IS NOT DELIBERATELY DEPRIVED OF ACCESS TO THE COURTS.
 - b. AN INJUNCTION ENJOINING THE STATE OF MONTANA, MDOC, ODRC, THEIR AGENTS, EMPLOYEES, AND ATTORNEYS FROM CONTINUING TO DENY MR BLODMARN OF ALL ABILITY TO PRACTICE HIS RELIGION, DIRECTING RESPONDENT TO EITHER ENSURE PETITIONER CAN PROPERLY PRACTICE HIS RELIGION IN OHIO OR RETURN HIM TO MONTANA WHERE HE IS ABLE TO DO SO.
 - c. AN INJUNCTION ENJOINING THE STATE OF MONTANA, MDOC, ODRC, THEIR AGENTS, EMPLOYEES, AND ATTORNEYS FROM INTENTIONALLY INTERFERING WITH MR BLODMARN'S LEGAL ACCESS, DIRECTING RESPONDENT TO EITHER ENSURE PETITIONER'S LEGAL MAIL IS OPENED ONLY IN HIS PRESENCE, NEVER PHOTOCOPIED OR SEIZING THE ORIGINAL DOCUMENTS, NEVER DELAY DELIVERY OF OR DISPOSE MR BLODMARN'S LEGAL MAIL, AND PROVIDE HIM REASONABLE ACCESS TO HIS LEGAL DISKS AND MONTANA LAW OR RETURN HIM TO MONTANA WHERE ALL OF THIS IS DONE
 - d. AN INJUNCTION ENJOINING THE STATE OF MONTANA, MDOC, ODRC, THEIR AGENTS, EMPLOYEES, AND ATTORNEYS FROM CONTINUING TO DENY MR BLODMARN MEDICAL ATTENTION, DIRECTING RESPONDENT TO EITHER ENSURE PETITIONER RECEIVES THE BACLOFEN AND CAFFERGOT HE WAS PRESCRIBED BY A MONTANA DOCTOR OR RETURN HIM TO MONTANA WHERE HE WILL RECEIVE ADEQUATE MEDICAL CARE.
 - e. AN INJUNCTION ENJOINING THE STATE OF MONTANA, MDOC, ODRC, THEIR AGENTS, EMPLOYEES, AND ATTORNEYS FROM CONFISCATING AND DELIBERATELY DISPOSING OF MR BLODMARN'S PROPERLY ACQUIRED PERSONAL PROPERTY OR ALLOWING OTHER INMATES TO CONTINUE

STEALING PETITIONERS PROPERTY, DIRECTING THAT MR BLODHARN'S MONTANA PLAYER BE RETURNED TO HIM IMMEDIATELY AND HIS ELEVEN (11) BOOKS, GAME AND ADAPTER, JOURNALS, TELEVISION, UNDER ARMOR SHOES, SHORTS, BEANIE, AND LAMP BE RETURNED TO HIM OR HE BE REIMBURSED FOR THEIR LOSS.

- f. AN INJUNCTION ENJOINING THE STATE OF MONTANA, MDOC, ODRC, THEIR AGENTS, EMPLOYEES, AND ATTORNEYS FROM REFUSING TO FULFILL ITS MANDATORY LEGAL DUTY UNDER MCA §46-19-402, DIRECTING RESPONDENT TO ENSURE MR BLODHARN IS "TREATED IN A REASONABLE AND HUMANE MANNER" IN OHIO AND IS NOT DEPRIVED OF "ANY LEGAL RIGHTS" HE WOULD HAVE IN MONTANA.
- g. AN INJUNCTION ENJOINING THE STATE OF MONTANA, MDOC, ODRC, THEIR AGENTS, EMPLOYEES, AND ATTORNEYS FROM BURDENING MR BLODHARN'S RELIGIOUS PRACTICE IN VIOLATION OF, INTER ALIA, MCA §27-33-102, THE FIRST AMENDMENT, AND RUIEPA, DIRECTING THAT HE BE ALLOWED TO GO OUTSIDE EACH WEEK, WITH A FIRE ON THE NATURAL GRASS, AND CONDUCT BLÖT AS NECESSARY IN OHIO OR THAT HE BE RETURNED TO MONTANA WHERE HE CAN DO SO.

FINALLY, PETITIONER RESPECTFULLY REQUESTS THIS COURT IMMEDIATELY ISSUE A WRIT OF HABEAS CORPUS ORDERING RESPONDENT TO FULFILL ITS CLEAR LEGAL DUTY UNDER, INTER ALIA, MCA §46-19-402 TO EFFECTUATE THE ECC AND ENSURE THAT MR BLODHARN IS "TREATED IN A REASONABLE AND HUMANE MANNER" IN OHIO (AS HE CURRENTLY IS NOT) AND IS NOT BEING DEPRIVED OF "ANY LEGAL RIGHTS" HE WOULD HAVE IN MONTANA, CONSIDERING HE CURRENTLY IS BEING DEPRIVED OF MANY OF THESE RIGHTS.

DATED THIS 12TH DAY OF NOVEMBER, 2024.



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