

ORIGINAL

FILED

IN THE SUPREME COURT OF MONTANA
CASE NO. OP25-0489

FILED
07/10/2025
Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
JUL 10 2025
Case Number: OP 25-0489

HEATHEN BLODHARN
PETITIONER

V

MONTANA DEPARTMENT
OF CORRECTIONS
RESPONDENT

EMERGENCY PETITION for
WRIT of INJUNCTION

Bowen Greenwood
Clerk of Supreme Court
State of Montana

HEATHEN BLODHARN, PRO SE, RESPECTFULLY REQUESTS THIS COURT ISSUE AN EMERGENCY WRIT ENSURING THE MONTANA DEPARTMENT OF CORRECTIONS ("MDOC"), ITS AGENTS, REPRESENTATIVES, AND CONTRACTORS FROM INVOLUNTARILY PLACING AN IV IN PETITIONER'S BODY OR FORCE-FEEDING HIM.

AS AN INITIAL MATTER, THIS COURT SHOULD BE AWARE THAT PETITIONER HAS NO ACCESS TO THE RULES OF THIS OR ANY OTHER MONTANA COURT, NOR TO STATE STATUTES OR MONTANA CASELAW; ANYTHING CONTAINED IN THIS PETITION IS EITHER FROM MEMORY OR A CITATION PETITIONER WROTE DOWN FROM SOME OTHER SOURCE

LEGAL QUESTIONS

DOES PETITIONER HAVE A LEGAL RIGHT TO REFUSE MEDICAL CARE (PARTICULARLY AN IV AND BEING FORCE-FED) UNDER THE MONTANA AND UNITED STATES CONSTITUTIONS AND STATE STATUTE?

DOES PETITIONER HAVE A LEGAL RIGHT TO REFUSE ANY AND ALL LIFE-SUSTAINING OR LIFE-SAVING MEASURES FOR RELIGIOUS REASONS?

AUTHORITY

THIS COURT HAS ORIGINAL JURISDICTION OVER ALL WRITS OF INJUNCTION. MOREOVER, THE STATE IS A PARTY, THE PUBLIC HAS AN INTEREST IN ENSURING STATE ACTION IS LEGAL AND CONSTITUTIONAL, AND PETITIONER HAS NO ADEQUATE REMEDY AT LAW SHOULD THE STATE BE ALLOWED TO PLACE AN IV IN HIS BODY AGAINST HIS WILL OR FORCE-FEED HIM.

INDEED, IN A CASE ON POINT WITH THE INSTANT PETITION, THIS COURT HELD THAT "THE STATE IS A PARTY, THE PUBLIC

HAS AN INTEREST IN ESTABLISHING AND MAINTAINING THE VALIDITY OF THE STATES ACTIONS AND [PETITIONER] WOULD HAVE NO ADEQUATE REMEDY OF APPEAL IF THIS COURT WERE TO ALLOW HIM TO BE INVOLUNTARILY [FEED] PRIOR TO REVIEW OF THAT DECISION." BARRUS V MONT. FIRST JUDICIAL DISTRICT COURT, 2020 MT 114, P 22

FACTS RELEVANT TO EMERGENCY PETITION

ON MAY 31, 2022 PETITIONER WAS TRANSFERRED FROM THE MONTANA STATE PRISON ("MSP") TO A FACILITY IN OHIO BY THE MDOC, OSTENSIBLY UNDER THE AUTHORITY OF A CONTRACT BETWEEN THE STATE OF OHIO AND THE STATE OF MONTANA THAT EXPIRED IN JUNE, 2020.

PETITIONER HAS REMAINED IN OHIO UNDER OPPRESSIVE, UNREASONABLE, AND INHUMANE CONDITIONS OF CONFINEMENT THAT INCLUDE DENIAL OF MEDICAL CARE, AN INABILITY TO ACTUALLY PRACTICE HIS RELIGION, DELIBERATE DEPRIVATION OF ACCESS TO THE COURTS AND FREE SPEECH, EXCESSIVE FORCE, DENIAL OF DUE PROCESS AND EQUAL PROTECTION OF THE LAW, AND RETALIATION.

ON JUNE 2, 2025, HAVING EXHAUSTED EVERY MEANS OF RESOLVING HIS CONCERNS WITH NO RELIEF FORTHCOMING, PETITIONER BEGAN A HUNGER STRIKE AS A PEACEFUL PROTEST TO HIS CURRENT CONDITIONS OF CONFINEMENT; TO DATE THE MDOC REFUSES TO ACKNOWLEDGE OR ADDRESS PETITIONERS CONDITIONS OF CONFINEMENT (DESPITE THEIR MANDATORY LEGAL DUTY TO DO SO) AND PETITIONER HAS NO INTENTION OF EATING UNTIL THEY DO.

ON JUNE 18, 2025 HEALTH CARE ADMINISTRATOR ("HCA") HICKLE TOLD PETITIONER "WE ARE GOING TO HOLD YOU DOWN AND PUT AN IV IN YOUR ARM" WHEN PETITIONER INFORMED HIM THAT HE WAS REFUSING ALL MEDICAL CARE UNDER THE FIRST AMENDMENT AND PLACED A SIGN IN HIS CELL DOOR WINDOW TO THAT EFFECT; HCA HICKLE SUBSEQUENTLY TOLD PETITIONER THAT HE DID NOT CARE ABOUT THE CONSTITUTION AND THAT WHEN THE TIME CAME HE WOULD FORCE FEED PETITIONER.

ADDITIONALLY, ACCORDING TO DEPUTY WARDEN STEWART AND INSPECTOR LOWERY, THE LEGAL DEPARTMENT FOR THE OARC HAS ALREADY AUTHORIZED THEM TO FORCE AN IV ON PETITIONER AND FORCE-FEED HIM IF NECESSARY.

ARGUMENT

MONTANA LAW IS QUITE CLEAR THAT "INMATES CONFINED IN AN INSTITUTION PURSUANT TO THE TERMS OF THIS COMPACT SHALL AT ALL TIMES BE SUBJECT TO THE JURISDICTION OF THE SENDING STATE" IN THIS CASE, THE STATE OF MONTANA. MCA 46-19-401, ARTICLE IV (C) (EMPHASIS ADDED). MOREOVER, "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" SUCH AS THE MONTANA STATE PRISON. MCA 46-19-401, ARTICLE IV (D) (EMPHASIS ADDED). SIGNIFICANTLY, "THE DEPARTMENT OF CORRECTIONS SHALL ENFORCE THE [INTERSTATE CORRECTIONS] COMPACT..." MCA 46-19-402.

IN ESSENCE, THE MDOC HAS A MANDATORY LEGAL DUTY TO ENSURE THAT PETITIONER IS NOT DEPRIVED OF "ANY LEGAL RIGHTS" HE WOULD HAVE IN MONTANA; LEGISLATIVE INTENT IS QUITE CLEAR ON THIS POINT FROM THE PLAIN AND MANDATORY LANGUAGE OF THE ABOVE CITED STATE STATUTES. SETTING ASIDE THE OBVIOUS LEGAL OBLIGATION THE MDOC HAS TO ADDRESS AND CORRECT PETITIONER'S CURRENT CONDITIONS OF CONFINEMENT, PETITIONER HAS LEGAL RIGHTS TO REFUSE ALL MEDICAL CARE AND DENY ANY LIFE-SUSTAINING OR LIFE-SAVING MEASURES FOR RELIGIOUS REASONS THAT MUST BE ENFORCED BY THE MDOC.

AS TO THESE LEGAL RIGHTS, THE SUPREME COURT OF THE UNITED STATES HAS LONG AGO HELD THAT PETITIONER HAS A LIBERTY RIGHT TO REFUSE MEDICAL TREATMENT. SEE CRUZAN V DIR. MO. DEPT OF HEALTH, 497 U.S. 261,

289 (1990). MOREOVER, THIS COURT HAS ASSERTED THAT "IT IS NOW WELL ACCEPTED THAT GENERALLY AN INDIVIDUAL HAS A CONSTITUTIONALLY PROTECTED RIGHT TO REFUSE

LIFE-EXTENDING MEDICAL TREATMENT." BAXTER V STATE, 2008 MONT. LEXIS 482*7. IT IS INDISPUTABLE, THEN, THAT PETITIONER HAS A LEGAL RIGHT TO REFUSE ALL MEDICAL CARE AND THAT THE MDOC HAS A LEGAL DUTY TO ENSURE THAT HE IS NOT DEPRIVED OF THAT LEGAL RIGHT IN OHIO UNDER MCA 46-19-401 AND 402.

ADDITIONALLY, PETITIONER IS A FUNDAMENTAL ODINIST AND HIS RELIGIOUS BELIEFS REQUIRE THAT HE DIE NATURALLY WHENEVER THE NORNS AND GODS HAVE DETERMINED IT IS HIS TIME AND NO MAN MAY INTERVENE; INDEED, PETITIONER'S RELIGION RELISHES ALL THAT IS NATURAL AND ABHORS ALL THAT IS UNNATURAL, PRECLUDING LIFE-SUSTAINING OR LIFE-SAVING MEASURES THAT WOULD UNNATURALLY EXTEND

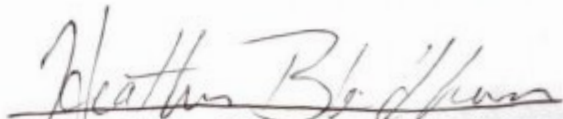
PETITIONER'S LIFE. AS THIS COURT HAS SUCLINELY STATED "THE LAW ACCOMMODATE[S] A PATIENTS DESIRE TO DIE OF NATURAL CAUSES BY WITHHOLDING TREATMENT." BAXTER V STATE, 2009 MT 449, P10. SIGNIFICANTLY, "STATE ACTION MAY NOT SUBSTANTIALLY BURDEN A PERSONS RIGHT TO THE EXERCISE OF RELIGION..." AND "A PERSON WHOSE EXERCISE OF RELIGION HAS BEEN SUBSTANTIALLY BURDENED OR IS LIKELY TO BE SUBSTANTIALLY BURDENED IN VIOLATION OF [SECTIONS 1 THROUGH 5] MAY ASSERT THE VIOLATION OR IMPENDING VIOLATION AS A CLAIM... [FOR] INJUNCTIVE RELIEF..." MCA 27-33-105(1) AND (2) (EMPHASIS ADDED).

MONTANA LAW, THEN, PROVIDES PETITIONER A LEGAL RIGHT TO REFUSE LIFE-SUSTAINING AND LIFE-SAVING MEDICAL MEASURES (SUCH AS INVOLUNTARY IV FLUIDS AND BEING FORCE-FED AGAINST ONES WILL) FOR RELIGIOUS REASONS AND THE MDOC HAS A LEGAL DUTY TO ENSURE THAT PETITIONER IS NOT DEPRIVED OF THAT LEGAL RIGHT IN OHIO PURSUANT TO MCA 46-19-401 AND 402.

MOREOVER, STATE STATUTE SUPPORTS GRANTING PETITIONER INJUNCTIVE RELIEF WHERE STATE ACTION IS LIKELY TO SUBSTANTIALLY BURDEN HIS RELIGIOUS PRACTICE (AS HERE) AND PETITIONER ASKS THIS COURT TO DO SO.



WHEREFORE, PETITIONER RESPECTFULLY REQUESTS THIS COURT
ISSUE AN EMERGENCY INJUNCTION ENJOINING THE
MDOC, ITS AGENTS, REPRESENTATIVES, AND CONTRACTORS IN
PARTICULAR FROM FORCING MEDICAL CARE UPON HIM
AGAINST HIS WILL (SPECIFICALLY INVOLUNTARY IV FLUIDS
AND FORCE-FEEDING) OR CONDUCTING ANY LIFE-SUSTAINING
OR LIFE-SAVING MEASURES ON PETITIONER; URGENCY EXISTS
AS PETITIONER HAS BEEN ON HUNGER STRIKE FOR MORE
THAN THREE WEEKS AND HAS ALREADY BEEN THREATENED
WITH BOTH INVOLUNTARY IV FLUIDS AND BEING FORCE-FED.
RESPECTFULLY SUBMITTED THIS 25TH DAY OF JUNE, 2025.

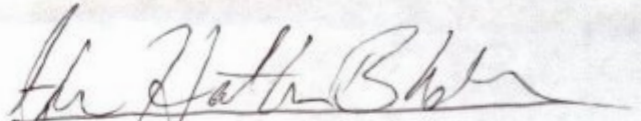

HEATHER BLOOM
#799415
5701 BURNETT ROAD
LEAVITTSBURG OH 44430

STATE OF OHIO
COUNTY OF TRUMBULL

VERIFICATION

HAVING BEEN DULY SWORN I ATTEST TO THE TRUTH
OF THE FOREGOING UNDER PENALTY OF PERJURY.

DATED THIS 25TH DAY OF JUNE, 2025.


HEATHER BLOOM
#799415
5701 BURNETT ROAD
LEAVITTSBURG OH 44430

6-25-2025
AFFIRMED AND

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 25TH DAY OF JUNE, 2025


NOTARY

DIANE R. FILKORN
Notary Public, State of Ohio
My Commission Expires:
August 11, 2029

CERTIFICATE OF SERVICE

I CERTIFY THAT I SENT A TRUE AND CORRECT COPY OF EMERGENCY PETITION FOR WRIT OF INJUNCTION TO CLERK OF COURT, MONTANA SUPREME COURT, 201 NORTH SANDERS, HELENA MT 59620 AND MONTANA DEPARTMENT OF CORRECTIONS, 5 LAST CHANCE GULCH, HELENA MT 59620 BY PLACING THESE IN PROPERLY ADDRESSED MANILA ENVELOPES WITH "CAPS SLIP" ATTACHED TO PAY FOR POSTAGE ON THIS 25th DAY OF JUNE, 2025.

Heather Blodharn

HEATHER BLODHARN

#799415

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