

Shane McClanahan
#230400
P.O. Box 250
Draper UT 84020

MONTANA STATE SUPREME COURT

Shane McClanahan Petitioner, vs. State of Montana Respondent,	Petition For Extraordinary Relief Case Number #:
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Comes Now the Petitioner for cause of action alleges as follows:

This Petitioner is currently being restrained at Utah State Prison. Petitioner is challenging the following Conditions of Confinement.

No other plain, speedy and adequate remedy is available regarding this matter.

A plain statement of the facts on the basis of which Petitioner seeks relief is as follows;

Reason This Petitioner is bringing this case to the court:

Petitioner's Sixth Amendment and liberty interest's to Equal Protection and Petitioner's Eighth Amendment and liberty interests to be free from cruel and unusual punishments have been violated by the Respondent's "Montana State Prison."

On 11/22/2016 I (The Petitioner) was transferred from Montana State Prison, “with cancer on my spine” to Utah State Prison, on an involuntary interstate compact, in direct retaliation for my part in ongoing Class Action concerning everything from No Public Defender Hub/System not controlled by Prosecutor’s DD-2002-133-mt to other suits involving no meaningful medical care, no meaningful classification process etc, etc, ect. Even blowing the whistle on corrupt guards, and as a direct result of these retaliations by guards my cancer on my spine had become interminable.

This Petitioner being convicted and sentenced under Montana laws and Montana’s Constitution in case DC-01-422 and DC-02-176 “To Montana State Prison.” Petitioner is a ward of Montana and falls within Montana’s jurisdiction.

This Petitioner is being subjected to the deprivation of Petitioner’s rights and privileges and immunities secured by Montana law as a direct result of the retaliation by corrupt Montana State Prison guards who have transferred Petitioner out of state (again) by way of a loophole “abusing their M.S.P. Guard States and confined authority” which is supposed to only encompass M.S.P. properties thus directly retaliating upon this Petitioner for this Petitioner simply having passed around to his fellow convict’s the F.B. is information as well as their watch dogs informing going back as far as to 2002, that has resulted in criminal charges against guard’s and upto 30 years in one instance....., Also resulting in multiple guards being terminated as well as multiple class action suits and resulting legislations.

As a result of Petitioner being transferred all over the country in retaliation by some corrupt guards (whom were friends, neighbors and co-workers with corrupt guards fired and imprisoned) and whom are still working at M.S.P. this Petitioner is being subjected to cruel and unusual conditions of confinement in foreign states who don't have the same values as Montana law and constitution, (concerning prisoners especially), causing the loss of Petitioner's properties even, with due process.

The most aggregions of the Petitioner's rights being violated is Petitioner having no access to M.C.A. Montana Codes Annotated and other Montana legal resources to pursue Petitioner's appeal granted to Petitioner by Montana Supreme Court and no access to a law library even.....

In which this Petitioner is still perfecting his appeals in the previously mentioned cases this herein - to which on 12/14/2007 this opportunity was granted to this Petitioner with a remitter being affirmed by Montana's Supreme Court in #07-207

Furthermore , this Petitioner has suffered great bodily injury as a direct result of M.S.P. whom are lifelong friends, co-workers and crime partner/drug addicts with Cpt. Shorts brother of "Guard Mike Short" whom got sentenced to 30 years for drug smuggling at M.S.P., these guards Tom Woods and Roxanne Wigert claim Montana prosecutors have extended their prosecutorial immunities to them and can say and do whatever they wish to guy's like myself. There are literally dozens of inmates who've been spread out across

Montana and America who can testify to the fact that a good portion of M.S.P.'s upper management and brass "are just as corrupt as Mike Short.," and a lot worse.....

The very guards responsible for the policing and management of gangs/cartel activities at M.S.P., as well as the vetting process of hiring and promoting within M.S.P., are the worst of the worst drug addicts and criminals working these positions/job.

I the named Petitioner am in genuine fear for my life and well being "from M.S.P. and U.S.P. Guards Union" Defendants and Respondents, and I've been assaulted and hospitalized most recently in retaliation (assault on me). In 2013 at downtown Deerlodge M.S.P. / and here at U.S.P. (all caught on camera) on 6/16/2017, see Shane McClanahan vs. U.S.P. #180903127 in the 3rd Judicial District Court Salt Lake Utah.

Which there is also evidence, "Petitioner has been openly verbally threatened", proxy of U.S.P. guards (for M.S.P. guards), in front of a block full of eye witnesses.....

And because this is a complex legal issue beyond the expertise of Petitioner, I speak relief. The legality of the restraint has not been adjudicated in any other prior proceeding.

Petitioner request that he be appointed legal counsel based on the attached motion and affidavit of impecuniosity is attached hereto and incorporated herein.

As may or may not be appropriate, this Petitioner request that this court order the Respondent to obtain such transcripts of proceeding or records which are relevant and material to this case and request that the responsible court/administrative agency be directed to pay the costs of the proceedings. (see attached motion and affidavit of impecuniosity.)

Wherefore, Petitioner prays that this court permit Petitioner who remains in-digent, to proceed without prepayment of cost, fees or other assessments. If such fees or costs are incurred, assess reimbursement for these fees and costs to the Respondent in the case of a judgement for the Petitioner.

Issue an Order for Extraordinary Relief to the end that the illegal activity of Respondent's be terminated and that this Petitioner be transfer with his personal properties to Great Falls Regional Prison Stateside B-Unit (a special needs/medical unit et, al.), so that this Petitioner can be kept safely away from certain bad actors at M.S.P. and their negative influence, until Petitioner can find a meaningful resolution of safe fare unit housing and treatment outside of M.S.P.'s segregation isolation units by way and through Petitioner's appointed counsel.

Dated this _____ day of _____ 2018.

Petitioner Shane McClanahan Pro Se

PETITIONER'S VERIFICATION UNDER OATH

I the undersigned Petitioner declare under penalty of perjury that the information I have provided is true and correct.

Petitioner Shane McClanahan Pro Se

Subscribed and sworn to before me on this _____ day _____ 2018.

Notary Public

My Commission expires: _____

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MONTANA STATE SUPREME COURT

Shane McClanahan Petitioner, vs. State of Montana Respondent,	Motion for Appointment of Counsel Case Number #:
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Petitioner, Shane McClanahan Pro Se, does hereby move the court for an order appointing legal counsel for Petitioner in the above entitled matter.

Petitioner is incompetent to proceed Pro Se because of his poverty and because this is a complex legal issue beyond the scope and expertise of the Petitioner.

This motion is based on upon the accompanying affidavit of impecuniosity supporting documentation and order.

Dated this _____ day of _____ 2018.

Petitioner Shane McClanahan Pro Se

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing was mailed, postage, prepaid to the Attorney General's Office at

P.O. Box 201401

Helena, MT 59620

On this _____ day of _____ 2018.

Petitioner Shane McClanahan Pro Se

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MONTANA STATE SUPREME COURT

Shane McClanahan Petitioner, vs. State of Montana Respondent,	Order for Appointment of Counsel Case Number #:
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ORDER

Petitioner having filed herein his motion for Appointment of Counsel and good cause appearing:

It is hereby ordered that legal Counsel be appointed for Petitioner in the above - entitled matter.

Dated this _____ day of _____ 2018.

By Montana State Supreme Court:

Shane McClanahan
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MONTANA STATE SUPREME COURT

Shane McClanahan Petitioner, vs. State of Montana Respondent,	Order for Appointment of Counsel Case Number #:
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ORDER

Petitioner having filed his motion for transfer with properties to Great Falls Regional State Side B-Unit so as to be kept safe away from bad actors and their influence at M.S.P. until Petitioner's Counsel can arrange resolution of safe housing outside of M.S.P. Ad/Seg.

It is hereby ordered, that Petitioner be transferred to Great Falls Regional Prison Stateside B-Unit.

Dated this _____ day of _____ 2018.

By the Montana State Supreme Court:

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MONTANA STATE SUPREME COURT

Shane McClanahan Petitioner, vs. State of Montana Respondent,	Affidavit of Impecuniosity Case Number #:
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I Shane McClanahan am a resident of Montana and am incarcerated at Utah State Prison.

My amount of income, including government financial support, alimony, ect. is zero per month.

My assets owned are zero.

My business interest are zero.

My accounts receivable are zero.

My securities, checking and savings accounts balance is zero.

Dated this _____ day of _____ 2018.

Petitioner Shane McClanahan Pro Se

Subscribed and sworn to before me on this _____ day of _____ 2018.

Notary Public

My Commission expires: _____

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MONTANA STATE SUPREME COURT

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As the Petitioner in the above entitled action and an inmate and ward of Montana, being housed at Utah State Prison, I hereby move this honorable court to waive the filing fee for this action.

Due to my poverty, I am unable to bear the expenses of these proceedings and I believe that I am entitled to relief sought. I have attached an affidavit of impecuniosity.

Dated this _____ day of _____ 2018.

Petitioner Shane McClanahan Pro Se