

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>CARL OLSEN, Petitioner,</p> <p>v.</p> <p>STATE OF IOWA Respondent.</p>	<p>No. CVCV068508</p> <p>MOTION FOR JUDICIAL NOTICE Iowa R. Evid. 5.201</p>
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Petitioner Carl Olsen respectfully asks this Court to take Judicial Notice of the following:

1. In 1988, according to the procedures required by Congress in 21 U.S.C. 811, an administrative law judge for the department found that, “Marijuana, in its natural form, is one of the safest therapeutic substances known to man.” See pages 58-59 of the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of Administrative Law Judge, DEA Docket No. 86-22, September 6, 1988, a copy of which is attached to this motion.¹
2. “Since 1996, 38 States, the District of Columbia, and four federal territories have legalized the use of medical marijuana. See HHS Part 1 Analysis Memo at 4.² These laws typically allow the cultivation, sale, and use of marijuana by patients (or their caregivers) whose health care practitioners have recommended that they use marijuana to treat certain, specified conditions.” Slip op. at 9-10. A copy of 48 Op. O.L.C. __ (Apr. 11, 2024) is attached to this motion.³

¹ DEA denied the rescheduling petition, concluding that marijuana did not have a currently accepted medical use. See 54 Fed. Reg. 53,767, 53,767, 53,783–84 (Dec. 29, 1989).

² <https://www.regulations.gov/document/DEA-2024-0059-0006>

³ <https://www.dea.gov/sites/default/files/2024-05/2024-04-11%20-%20AAG%20Fonzone%20-%20Marijuana%20Rescheduling.pdf#page=9>; <https://www.justice.gov/olc/opinion/questions-related-potential-rescheduling-marijuana>; <https://www.regulations.gov/document/DEA-2024-0059-0004>

3. “In each fiscal year since 2015, Congress has also adopted an appropriations rider that prohibits the Department of Justice from using funds to prevent certain states, territories, and the District of Columbia from implementing their own laws with respect to medical marijuana.” Slip op. at 10. A copy of 48 Op. O.L.C. __ (Apr. 11, 2024) is attached to this motion.
4. Iowa has approximately 18,000 patients authorized to purchase medical cannabis products from Iowa’s licensed dispensaries. See page 14 of the Medical Cannabidiol Board Annual Report to the Iowa General Assembly, January 2026, a copy of which is attached to this motion.⁴
5. Over 90% of the medical cannabis products sold to patients are High THC. See page 22 of the Medical Cannabidiol Board Annual Report to the Iowa General Assembly, January 2026, a copy of which is attached to this motion.
6. Of the medical cannabis products sold to patients a total of 78% are inhaled. See page 22 of the Medical Cannabidiol Board Annual Report to the Iowa General Assembly, January 2026, a copy of which is attached to this motion.
7. Over 27% of patients have THC waivers allowing more than 4.5 grams of THC per 90 days. A copy of page 24 of the Medical Cannabidiol Board Annual Report to the Iowa General Assembly, January 2026, is attached to this motion.

Foundation: After finding that raw cannabis is one of the safest therapeutic substances known to man in 1988, states began allowing patients to grow their own in 1996. Home grown cannabis persisted as the primary medical use of cannabis until around 2010 when states began licensing dispensaries to supply those who were unable to grow their own. A total of 25 states

⁴ <https://www.legis.iowa.gov/docs/publications/DF/1594762.pdf>

currently allow patients to grow cannabis for medical use and several state allow any adult to grow cannabis for personal use. Cannabis is so safe that Iowa allows extraction of the pharmaceutically pure THC molecule and inhalation by over 18,000 patients in vape devices, unsupervised and at their own discretion.

Relevance: The relevance of this evidence is that it shows the government has no compelling interest in criminalizing the personal, private religious use of cannabis by the Petitioner. The government cannot show that possession and cultivation of cannabis for personal religious use by the Petitioner is a threat to public health and safety.

Dated June 17, 2026.

Respectfully submitted.

CARL OLSEN

/s/ Carl Olsen

CARL OLSEN, Pro Se
130 E. Aurora Ave.
Des Moines, IA 50313
Phone: 515-343-9933
Email carl@carl-olsen.com

Copy to:

Jeffrey Peterzalek
Deputy Attorney General
Department of Justice
Hoover State Office Building, 2nd Floor
Des Moines, IA 50319
by
ECF System Participant (Electronic Service)