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IN THE IOWA DISTRICT COURT FOR POLK COUNTY

CARL OLSEN, Petitioner, vs. **STATE OF IOWA,** Respondent.	**Case No. CVCV068508** **RULING ON PETITIONER'S SECOND MOTION FOR SUMMARY JUDGMENT**

Hearing was held on April 24, 2025, on cross motions for summary judgment. The Petitioner appeared and represented himself. The Respondent ("the State") was represented by its attorney Jeff Peterzalek.

On March 4, 2026, the Petitioner filed his second motion for summary judgment (D0042). On March 19, 2026, the State filed their resistance to the Petitioner's motion (D0045). The Petitioner filed a reply on March 20, 2026 (D0046).

This court previously denied the Petitioner's first motion for summary judgment and partially granted the State's motion for summary judgment.

After considering the issues presented, the court makes the following order.

Summary judgment is available only when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Buechel v. Five Star Quality Care, Inc.*, 745 N.W.2d 732, 735 (Iowa 2008); *Rodda v. Vermeer Mfg*., 734 N.W.2d 480, 483 (Iowa 2007). An issue of material fact occurs when the dispute involves facts that might affect the outcome of the suit under the applicable law. *Wallace v. Des Moines Independent Community School Dist. Bd. of Directors*, 754 N.W.2d 854, 857 (Iowa 2008). An issue is "genuine" when the evidence allows a reasonable fact finder to return a verdict for the non-moving party. *Id*. The burden of showing the nonexistence of a material fact is on the moving party, and every legitimate inference that reasonably can

be deduced from the evidence should be afforded the nonmoving party. *Id.*; *Rodda*, 734 N.W.2d at 483.

In his petition, the Petitioner asks the court to enjoin the State from interfering with the religious use of cannabis pursuant to the United States Constitution, the Iowa Constitution, and Iowa Code Chapter 675 aka Religious Freedom Restoration Act ("IRFRA"). This court has ruled that the Petitioner's arguments based on the United States Constitution and the Iowa Constitution are estopped. Only the Petitioner's claim under Iowa Code Chapter 675 remains.

Summary judgment issues

Compelling interest

State action shall not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless the government demonstrates that applying the burden to that person's exercise of religion is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest under the IRFRA.

For this court to decide whether there is a compelling government interest, the moving party has the burden of affirmatively establishing the absence of genuine issues of material fact. In this case, the State has disputed many of the facts asserted by the Petitioner.

As the facts are in dispute, the court finds summary judgment should not be granted on this basis.

Least Restrictive Means

Under the IRFRA, the State must use the least restrictive means of furthering that compelling governmental interest.

At this procedural posture, the court has made no determination whether there is a compelling governmental interest. Without being able to determine whether the State's interest is compelling, the court cannot then decide if the State has used the least restrictive means to further that interest. The court therefore cannot grant summary judgment on this basis.

Other arguments

The Petitioner makes other arguments in his motion. However, those issues were addressed in the prior ruling on the first set of motions for summary judgment. The court declines to readdress its prior ruling.

Conclusion

The Court DENIES the Petitioner's motion for summary judgment.

SO ORDERED.

State of Iowa Courts

Case Number	**Case Title**
CVCV068508	CARL OLSEN VS STATE OF IOWA
Type:	OTHER ORDER

So Ordered

Celene Gogerty, District Judge
Fifth Judicial District of Iowa

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