

**In the United States Court of Appeals for the First Circuit**

LYLE E. CRAKER, Ph.D., Petitioner

v.

DRUG ENFORCEMENT  
ADMINISTRATION, Respondent

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**PETITIONER'S TWELFTH  
STATUS REPORT**  
Case No. 09-1220

**I. BACKGROUND**

On February 13, 2009, Petitioner filed his Petition for Review in this matter, seeking review of the Drug Enforcement Administration's *Order Denying Professor Craker's Application For a Registration as a Bulk Manufacturer of Marijuana*, published on January 14, 2009, at 74 Fed. Reg. 2101-03 ("Final Order"). On that same date Petitioner also filed with this Court a Motion to Stay and Hold Appellate Proceedings in Abeyance pending the outcome of his Motion for Reconsideration of the Final Order, still pending before the Agency. On February 24, 2009, Respondent filed a non-opposition to Petitioner's request for Stay and Abeyance. On March 12, 2009, this Court granted Petitioner's motion and ordered Petitioner to file a status report every 60 days and to promptly inform the Court when DEA adjudicates his Motion to Reconsider.

On April 13, 2009, DEA submitted its opposition to the Motion to Reconsider. On May 8, 2009, Petitioner filed his first Status Report with the Court.

On May 18, 2009, DEA issued an Order responding to Petitioner's Motion to Reconsider. The May 18 Order required Petitioner to provide a list of witnesses he would if DEA grants his request to reopen the administrative hearing proceedings. On June 5, 2009, Petitioner submitted to DEA a Witness and Document List in Support of his Motion for Reconsideration, identifying five new witnesses. On July 7, 2009, Petitioner filed his second Status Report with the Court.

In accordance with this Court's order, Petitioner filed subsequent status reports with this Court on September 4, 2009; November 2, 2009; December 28, 2009; February 25, 2010; April 22, 2010; June 18, 2010; August 16, 2010; and October 15, 2010.

On December 2, 2010, DEA issued an order amending its original January 14, 2009 Order in minor respects, denying Petitioner's request to present additional witnesses, denying judicial notice as to certain documents and taking judicial notice of certain others, and inviting Petitioner to submit additional evidence and briefing to the DEA by March 7, 2011, with a

government response due within 30 days. Petitioner filed his eleventh Status Report with the Court on December 13, 2010.

## **II. DEVELOPMENTS SINCE THE LAST STATUS REPORT**

There have been no further developments.

As the administrative process continues, Petitioner requests that the Court continue to hold the appellate proceedings in abeyance.

February 10, 2011

Respectfully submitted,

/s/ John Reinstein

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John Reinstein (First Circuit Bar # 32180)  
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**CERTIFICATE OF SERVICE**

I, Neel Agrawal, declare:

I am a resident of the County of Santa Cruz, California; that I am over eighteen (18) years of age and not a party to the within-entitled cause of action; that I am employed in the County of Santa Cruz, California; and that my business address is 1101 Pacific Ave., Suite 333, Santa Cruz CA 95060.

On February 10, 2011, I sent via U.S. Postal Service First-Class Mail for service, a copy of **Petitioner's Twelfth Status Report**, to the following:

Teresa A. Wallbaum (First Circuit Bar #33038)  
*Acting Deputy Chief for Policy & Appeals*  
U.S. Department of Justice  
Narcotic and Dangerous Drug Section  
1400 New York Ave., NW (Bond Building)  
Washington, D.C. 20005  
Tel.: (202) 616-5193  
Fax: (202) 514-6112  
Teresa.Wallbaum@usdoj.gov

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct to the best of my knowledge.

Dated this 10th day of February, 2011.

/s/ Neel Agrawal  
Neel Agrawal