

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

LYLE E. CRAKER, Ph.D., Petitioner

v.

**PETITIONER'S THIRTEENTH  
STATUS REPORT**

Case No. 09-1220

DRUG ENFORCEMENT  
ADMINISTRATION, Respondent

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**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, and his twelfth Status Report on February 10, 2011.

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

On March 7, 2011, Petitioner filed his final brief and evidence in support of reconsideration; the government filed its response on April 1, 2011. A decision on the Motion to Reconsider is once again pending. Petitioner requests that the Court continue to hold the appellate proceedings in abeyance.

April 11, 2011

Respectfully submitted,

/s/ John Reinstein

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

I, Brenda Griffin, 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 April 11, 2011, I sent via U.S. Postal Service First-Class Mail for service, a copy of **Petitioner's Thirteenth Status Report**, to the following:

Lena Watkins  
*Deputy Chief, Policy*  
U.S. Department of Justice  
Narcotic and Dangerous Drug Section  
1400 New York Ave., NW (Bond Building)  
Washington, D.C. 20005  
Tel.: (202) 514-8713  
Fax: (202) 514-6112  
Lena.Watkins@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 11th day of April, 2011.

/s/ Brenda Griffin  
Brenda Griffin