



U.S. Department of Justice
Drug Enforcement Administration

Office of the Administrator

Springfield, VA 22152

SEP 15 2011

Margaret Carter, Esquire
Office of the Clerk
United States Court of Appeals
for the First Circuit
1 Courthouse Way
Boston, Massachusetts 02230

Re: Lyle E. Craker, Ph.D.,
Petitioner,
v.
Drug Enforcement Administration,
Respondent.
Docket No. 09-1220

Dear Ms. Carter:

I hereby certify, pursuant to Rule 17(b)(1)(B) of the Federal Rules of Appellate Procedure, that the enclosed is a Certified List of all documents, exhibits and other material comprising the record in this matter.

Sincerely,

Michele M. Leonhart
Administrator

Enclosure

cc: Mark Quinlivan, Esquire
U.S. Attorney's Office
Boston, Massachusetts

Jason Williamson
ACLU Foundation
New York, New York

CERTIFIED LIST OF MATERIAL
COMPRISING THE RECORD OF PROCEEDINGS
DOCKET NO. 09-1220

Drug Enforcement Administration (DEA)
Docket No. 05-16

1. Copy of Administrative Law Judge's Docket Sheet.
2. Transcripts of hearing held on August 22 -26, 2005, December 12-14, 2005, and December 16, 2005
3. Administrative Law Judge's Exhibits 1-9.
4. Government's Exhibits 1-8, 12-13, 15-22, 24-30, 30A-30B, 31-36, 40, 41 (with stipulation of inclusion only to the extent that November 8, 2005 Order will permit (Item #21 below)), 43-45, 47, 49, 52, 53, 53A, 54-55, 62, 64-71, 74-79, 82-84, 92, 92A, and 93-94.
5. Government's Rejected Exhibits 61, and 63.
6. Respondent's Exhibits 1-9, 11-15, 19 (with stipulation that only relevant parts are page 47 (problems in the Compassionate IND Program)) up to page 51 (Conclusions and Recommendations) and Recommendation Eight, 26 (received by memorandum – Item #25 below), 28-33, 39-43, 49-51, 52A-52B, 53, 54 (stipulation that Judge will only consider two sentences and only to rebut), 55 (parties to stipulate what abbreviations mean), and 57.
7. Respondent's Rejected Exhibits 10, 16-18, 20, 21 (copy included in file for Deputy Administrator, Received, in part, on December 16, 2005), 22-25, 27, and 56.
8. Letter to Judge and Law Clerk from Respondent's Counsel (September 15, 2005).
9. Respondent's Motion to Exclude Some of Government's Proposed Testimony and Exhibits (September 16, 2005).
10. Letter to Judge from Government Counsel (September 16, 2005).
11. Memorandum to Counsel (September 20, 2005).
12. Letter with enclosure to Respondent's Counsel from Judge (September 27, 2005).
13. Letter to Counsel from Law Clerk (September 29, 2005).
14. Memorandum to Counsel (October 7, 2005).

15. Government's Response to Respondent's Motion to Exclude Some of Government's Proposed Testimony and Exhibits (October 20, 2005).
16. Government's Fifth Supplemental Prehearing Statement (October 20, 2005).
17. Respondent's Fourth Supplemental Prehearing Statement and Motion for Leave to File It (November 3, 2005).
18. Memorandum to Counsel (November 3, 2005).
19. Memorandum to Counsel (November 7, 2005).
20. Memorandum to Counsel and Ruling on Motion to Exclude Evidence (November 8, 2005).
21. Government's Response to "Respondent's Fourth Supplemental Prehearing Statement and Motion for Leave to File it" and Government's Motion to Sustain the Government's Objection to Scope and Relevancy of the Cross-Examination of Matthew Strait (November 14, 2005).
22. Memorandum to Counsel and Ruling (November 16, 2005).
23. Respondent's Fifth Supplemental Prehearing Statement and Motion for Leave to File It (November 22, 2005).
24. Memorandum to Counsel and Ruling (November 29, 2005).
25. Government's Objection and Response to "Respondent's Fifth Supplemental Prehearing Statement and Motion for Leave to File It (November 29, 2005).
26. Respondent's Motion to Admit Additional Exhibits in Rebuttal (January 5, 2006).
27. Government's Reply to Respondent's 'Motion to Admit Additional Exhibits in Rebuttal' (January 19, 2006).
28. Government's Submission of Affidavit of Kenneth H. Davis, Notification of the Division of Mallickrodt that has Contracted with Dr. ElSohly, Stipulation to Abbreviations in Respondent's Exhibit 55, Stipulation to the Re-dated Letter from Senators Kennedy and Kerry, and Notification that the Government Does Not Plan to Call Any Surrebuttal Witnesses at this Time (January 23, 2006).
29. Memorandum to Counsel and Ruling (January 24, 2006).

30. Respondent's Response to DEA Request to Submit Surrebuttal Evidence (January 31, 2006).
31. Memorandum to Counsel and Ruling (February 2, 2006).
32. Respondent's Motion to Extend Briefing Schedule (February 23, 2006).
33. Ruling on Requested Extension (March 2, 2006).
34. Government's Proposed Corrections to the Transcript (March 9, 2006).
35. Respondent's Hearing Transcript Corrections (March 9, 2006).
36. Government's Motion to Request an Extension of Time in Which to File the Parties Briefs (April 11, 2006).
37. Ruling on Requested Extension (April 12, 2006).
38. Government's Proposed Findings of Fact, Conclusions of Law and Argument (May 8, 2006).
39. Respondent's Proposed Findings of Fact, Conclusions of Law and Argument and Non-Record Sources Cited in Respondent's Brief (May 8, 2006).
40. Letter to Hearing Clerk from Respondent's Counsel (May 9, 2006).
41. Order for Corrections to the Transcript (February 12, 2007).
42. Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge (February 12, 2007).
43. Government's Request to Extend the Time to File Exceptions to Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge (February 16, 2007).
44. Ruling on Requested Extension (February 22, 2007).
45. Government's Exception to Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge (March 26, 2007).
46. Respondent's Response to the Government's Exceptions to Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge (May 4, 2007).

47. Letter with enclosures dated May 15, 2007, to Deputy Administrator, Drug Enforcement Administration (DEA) from the Administrative Law Judge, transmitting the record.
48. Final Order of the Deputy Administrator (DEA) (January 7, 2009). [74 Fed. Reg. 2101 (Jan. 14, 2009)].
49. Final Order of the Deputy Administrator (DEA) (February 13, 2009). [74 Fed. Reg. 27262 (Feb. 13, 2009)]
50. Respondent's Letter Requesting Extension until January 30, 2009 to File Motion for Reconsideration (January 21, 2009).
51. Deputy Administrator's Letter to Respondent Granting Request for an Extension (January 22, 2009).
52. Respondent's Request for Opportunity Under 5 U.S.C. § 556(e) To Respond to New Officially Noticed Evidence and Motion for Reconsideration, and Supporting Brief (January 30, 2009).
53. Deputy Administrator's Order in Response to Respondent's Request Under 5 U.S.C. § 556(e) to Respond to New Officially Noticed Evidence and Motion for Reconsideration (February 9, 2009).
54. Deputy Administrator's Order Changing Effective Date of Final Order (February 9, 2009).
55. Letter from Respondent Regarding Effective Date of Final Order (February 10, 2009).
56. Deputy Administrator's Order in Response to Respondent's Request to Vacate Final Order (February 12, 2009).
57. Respondent's Supplemental Brief in Support of Request Under 5 U.S.C. § 556(e) to Respond to New Officially Noticed Evidence and Motion for Reconsideration, with attachments (March 11, 2009).
58. Government's Motion to Enlarge the Time to Respond to the Effective Date of the Final Order (March 24, 2009).
59. Deputy Administrator's Order in Response to Government's Motion for Extension (March 26, 2009).

60. Government's Response to Respondent's Post-Final Order Motions (April 13, 2009).
61. Deputy Administrator's Interim Order (May 18, 2009).
62. Respondent's Witness List and Document List in Support of Motion for Reconsideration, with attachments (June 5, 2009).
63. Memorandum to Counsel (June 23, 2010).
64. Deputy Administrator's Order Regarding Respondent's Request Under 5 U.S.C. 556(e) to Respond to Officially Noticed Evidence and Motion for Reconsideration (December 2, 2010).
65. Respondent's Second Supplemental Brief in Support of Motion for Reconsideration, with attachments (March 7, 2011).
66. Government's Response to Respondent's Second Supplemental Brief in Support of Motion for Reconsideration (April 1, 2011).
67. Respondent's Notice to Withdraw and Substitute Counsel (July 27, 2011).
68. Administrator's Order Regarding Officially Noticed Evidence and Motion for Reconsideration (August 8, 2011). [76 Fed. Reg. 51403 (Aug. 18, 2011)]