

No. 09-1220

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

**LYLE E. CRAKER,
Petitioner**

v.

**DRUG ENFORCEMENT ADMINISTRATION,
Respondent.**

**RESPONDENT'S MOTION TO ENLARGE TIME BY 21 DAYS
-- to March 16, 2012--
FOR FILING ITS BRIEF**

Respondent, the Drug Enforcement Administration ("DEA"), respectfully moves this Court to further continue by 21 days, or through March 16, 2012, the date on which its brief is due. In support of this motion, the DEA states the following:

1. This is a petition for review of a DEA order denying petitioner's application for registration to cultivate marijuana for medical research. The petitioner filed his opening brief on December 15, 2011. The DEA's answering brief was originally due on January 20, 2012, and was continued by this Court on the government's motion until February 24, 2012.

2. Although the undersigned Assistant U.S. Attorney has been working on a draft of the DEA's answering brief, a further extension of 21 days is being requested

in view of his recent and upcoming schedule, which includes the following matters, among others:

- presenting oral argument before this Court in *United States v. Austin Grupee*, No. 11-1291, on February 7, 2012;
- drafting the government's answering brief in *United States v. Christopher Quintana, a/k/a Trouble*, No. 11-1750, which was filed on February 16, 2012;
- drafting the government's motion to certify interlocutory appeal under 28 U.S.C. §1292(b) and for stay in *Gary Lee Sampson v. United States*, Civil No. 09-10752 MLW and Crim. No. 01-10384 MLW, a capital case, which was filed on February 17, 2012;
- drafting the government's answering brief in *United States v. Deshawn Howard*, No. 11-1492, which is due on February 24, 2012;
- reviewing the government's answering brief *United States v. Nicholas Djokich*, No. 10-2294, which is due on February 28, 2012;
- preparing for oral argument before this Court in *United States v. Gisele Albertelli*, No. 09-2213; *United States v. Albert Gianelli*, No. 09-2478; *United States v. Frank Iacoboni*, No. 09-2606; and *United States v. Dennis Albertelli, a/k/a Fish*, No. 10-1214, which is scheduled for March 6, 2012.

3. This is the government's second request for an extension of time.

4. Counsel for the petitioner, Theodore P. Metzler, has assented to this motion.

5. In view of the foregoing, the DEA respectfully requests a further extension of time of 21 days, or through March 16, 2012, in which to file its brief.

For these reasons, the government respectfully requests that the Court allow this motion.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By: /s/ Mark T. Quinlivan
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Certificate of Service

I, Mark T. Quinlivan, AUSA, certify that on February 22, 2012, I electronically served a copy of the foregoing document on the following registered participants of the CM/ECF system:

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