

**UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION**

IN THE MATTER OF)

LYLE CRAKER, PH.D.)

Docket No. 05-16

**GOVERNMENT'S MOTION TO ENLARGE THE TIME TO RESPOND
AND
TO DELAY THE EFFECTIVE DATE OF THE FINAL ORDER**

The Government, by and through the undersigned attorney, requests the Deputy Administrator enlarge the time in for the Government to respond to “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.” The Government’s response is due on March 26, 2009; the Government requests that the time for its response be enlarged to April 13, 2009.

The Government also requests the Deputy Administrator to extend the effective date of the Final Order to April 24, 2009, or any other date that would allow the Government to file its response on April 13, 2009, and allow the Deputy Administrator adequate time to issue a final ruling on Respondent’s pending motions.

As grounds:

- (1) By Final Order dated January 7, 2009, the Deputy Administrator denied Respondent’s application, effective February 13, 2009. The Final Order took official notice of several documents and gave Respondent until January 23, 2009,

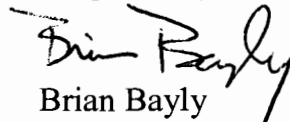
to file a response to such documents. The Deputy Administrator gave Respondent a seven-day extension to file such a response, and on January 30, 2009, Respondent submitted “Respondent’s Request under 5 U.S.C. 556(e) to Respond to Officially Noticed Evidence and Motion for Reconsideration.”

- (2) Respondent requested that the Deputy Administrator allow Respondent to submit an additional pleading to expand on its prior motion. On February 9, 2009, the Deputy Administrator issued an Order that permitted Respondent to file such a motion by March 11, 2009. On March 11, 2009, Respondent filed its “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.”
- (3) In the same February 9, 2009, Order, the Deputy Administrator allowed the Government 15 days, i.e., until March 26, 2009, to file a response to “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.”
- (4) The Government requests an extension until April 13, 2009, in which to file a response because the undersigned is currently working on two cases scheduled for hearings in April; Government co-counsel is no longer employed at DEA’s Office of Chief Counsel; and the Final Order and Respondent’s supplemental motion are lengthy and complex.

(5) The undersigned has spoken with Respondent's counsel, Julie Carpenter, Esq., who has no opposition to the requested extension. However, Ms. Carpenter noted that the Deputy Administrator's Order of February 9, 2009, extended the effective date of the Final Order from February 13, 2009, to April 1, 2009. She requested that the effective date of the Final Order be extended again to account for the Government's proposed response date of April 13, 2009, and to account for a reasonable period for the Deputy Administrator to issue an Order to Respondent's pending motions. Consequently, the Government requests that the effective date of the Final Order be extended to April 24, 2009, or any other reasonable date commensurate with granting the Government's motion to extend the time to file its response by April 13, 2009.

(6) Relief requested: The Government requests that the Deputy Administrator enlarge the time for the Government to respond to Respondent's post-final order motions to April 13, 2009. The Government further requests that the Deputy Administrator extend the time for the effective date of the Final Order until April 24, 2009, or any other reasonable date commensurate with granting the Government's motion to extend the time to file its response by April 13, 2009.

Respectfully submitted,



Brian Bayly
Attorney, Office of Chief Counsel

Dated: March 24, 2009

CERTIFICATE OF SERVICE

On March 24, 2009, I sent a copy of the foregoing by scan e-mail, to Counsel for Respondent, Julie M. Carpenter, Esq., Jenner & Block, 601 Thirteenth Street, NW, Washington, D.C. 20005. In addition, on March 24, 2009, I delivered the original with attachments and two copies of the foregoing to the DEA Office of the Deputy Administrator.



Brian Bayly