

2/18/87

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

LESTER GRINSPOON, M.D.)	
)	
v.)	No. 86-2007
)	
DRUG ENFORCEMENT ADMINISTRATION)	

MOTION FOR SUMMARY GRANT OF PETITION, TO STRIKE
BRIEF, OR FOR ORDER THAT APPELLEE NOT BE HEARD

Petitioner respectfully submits this motion for an appropriate order on the ground that Respondent failed to file its Brief within the time period permitted by the Rules of this Court.

Petitioner filed his brief on January 12, 1987.* Pursuant to the provisions of Rule 11(a) of the Rules of the First Circuit, the Brief for Respondent was required to be filed within 21 days of that date (with three additional days allowed because the Brief for Petitioner was served by mail). Thus, the Brief for Respondent in this case was required to be filed with the Court on or before February 5, 1987. To the best of Petitioner's knowledge, Respondent neither applied for nor received an extension of time within which to file and serve its brief.

*/ Petitioner notes that his Brief was filed within the time for filing permitted by this Court's Rules even though the period included both the Christmas and New Year's holidays.

Therefore, Petitioner respectfully submits that Respondent filed its brief out of time and that this Court should enforce the provisions of its Rules. Wherefore, petitioner respectfully requests that this Court either (a) grant its petition for review and enter an order granting the relief prayed for, or, (2) enter an order striking the Brief for Respondent, or (3) pursuant to the provisions of Rule 31(c), of the Federal Rules of Appellate Procedure, order that the Respondent not be heard at oral argument.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard Cotton", is written over a solid horizontal line.

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Attorney for Petitioner

Date: February 18, 1987

CERTIFICATE OF SERVICE

This is to certify that the undersigned on February 18, 1987, caused a copy of the foregoing to be mailed, postage paid, to the following:

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