

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

LYLE E. CRAKER, Ph.D., Petitioner )

v. )

DRUG ENFORCEMENT )  
ADMINISTRATION, Respondent )

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**PETITIONER'S  
STATUS REPORT**  
Case No. 09-1220

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. Pursuant to that Order, Petitioner submits the following status report:


On March 24, 2009, DEA attorneys requested additional time to respond to the Motion to Reconsider; on March 26, 2009 the Acting Administrator granted that request and extended the effective date of the Final Order to May 1, 2009; and, on April 13, 2009, DEA submitted its opposition to the Motion to Reconsider. On May 6, 2009, undersigned counsel for Petitioner spoke to counsel for Respondent, Teresa Wallbaum, Acting Deputy Chief for Policy and Appeals, U.S. Department of Justice, Criminal Division, Narcotic and Dangerous Drug Section. Ms. Wallbaum stated that she had inquired with DEA and was informed that the Acting Administrator intends to issue a written Order adjudicating Petitioner's pending Motion to Reconsider, but has not yet done so. Ms. Wallbaum further stated that DEA also confirmed that it is not unusual to have a motion to reconsider still pending after the effective date of a final agency order. Finally, Ms. Wallbaum stated that Respondent agrees that the Court should continue to hold the appellate proceedings in abeyance until DEA has adjudicated the Motion to Reconsider.

In light of this information from DEA and from Counsel for Respondent, Petitioner requests that the Court continue to hold the appellate

proceedings in abeyance until DEA issues its decision on Petitioner's pending Motion to Reconsider.

Date: May 8, 2009

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I, EMMA ANDERSSON, 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 May 8th, 2009, I sent via FedEx Priority Overnight Shipping for filing with the court clerk, and sent via U.S. Postal Service First-Class Mail for service, a copy of **Petitioner's Status Report**, to the following:

Teresa A. Wallbaum (First Circuit Bar #33038)  
*Acting Deputy Chief for Policy & Appeals*  
U.S. Department of Justice  
Narcotic and Dangerous Drug Section  
1400 New York Ave., NW (Bond Building)  
Washington, D.C. 20005  
Tel: (202) 616-5193  
Fax: (202) 514-6112  
[Teresa.Wallbaum@usdoj.gov](mailto:Teresa.Wallbaum@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 8th day of May, 2009.

  
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Emma Andersson