

UNITED STATES DEPARTMENT OF JUSTICE

Drug Enforcement Administration

In the Matter of

**Schedules of Controlled Substances:
Proposed Rescheduling of Marijuana**

**DEA Docket No. 1362
Hearing Docket No. 24-44**

ORDER REGARDING REQUEST FROM A NON-PARTICIPANT (Artis-Mills)

On May 21, 2024, the United States Department of Justice through the Drug Enforcement Administration (DEA) issued a notice of proposed rulemaking (NPRM) proposing to transfer marijuana from Schedule I of the Controlled Substances Act to Schedule III. *Schedules of Controlled Substances: Rescheduling of Marijuana*, 89 Fed. Reg. 44597, 44597 (2024). Following the publication of the NPRM, the DEA Administrator determined that in-person hearing proceedings would be appropriate, and in an order dated August 29, 2024 (General Notice of Hearing or GNoH), fixed a December 2, 2024 commencement date. *Schedules of Controlled Substances: Rescheduling of Marijuana*, 89 Fed. Reg. 70148, 70148-49 (2024). Following the publication of the General Notice of Hearing, this tribunal received a hand-carried letter from the DEA Administrator designating a list of twenty-five “participants” (the Designated Participants) to take part in the proceedings. On October 31, 2024, this tribunal issued a preliminary order outlining a series of procedural and logistical directives addressed to the Designated Participants.

Yesterday, this tribunal received a motion filed in the body of an email¹ from Sephida Artis-Mills (Artis-Mills) on behalf of the United Empowerment Party (UEP) which, *inter alia*, seeks some manner of relief related to some filing deadlines.² Inasmuch as Artis-Mills and UEP

¹ Portions of the motion submitted by Artis-Mills are nearly identical to portions of other filings received by this tribunal from other non-participants. The email submitted by Artis-Mills was accompanied by a Freedom of Information Act (FOIA) request. FOIA requests may be submitted to the DEA Freedom of Information and Privacy Act Unit via email at dea.foia@dea.gov.

² All deadlines fixed by the NPRM and the GNoH for the submission of materials by the public have expired.

were not included in the Administrator's list of Designated Participants in these proceedings, no action can or will be taken on her request.³

Dated: November 13, 2024

JOHN J. MULROONEY, II
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

This is to certify that the undersigned, on November 13, 2024 caused a copy of the foregoing to be delivered to the following recipients: (1) James J. Schwartz, Esq., Counsel for the Government, via email at james.j.schwartz@dea.gov; Jarrett T. Lonich, Esq., Counsel for the Government, via email at jarrett.t.lonich@dea.gov; and S. Taylor Johnston, Esq., Counsel for the Government, via email at stephen.t.johnston@dea.gov; (2) the DEA Government Mailbox, via email at dea.registration.litigation@dea.gov; (3) Shane Pennington, Esq., Counsel for Village Farms International, via email at spennington@porterwright.com; and Tristan Cavanaugh, Esq., Counsel for Village Farms International, via email at tcavanaugh@porterwright.com; (4) Nikolas S. Komyati, Esq., Counsel for National Cannabis Industry Association, via email at nkomyati@foxrothschild.com; William Bogot, Esq., Counsel for National Cannabis Industry Association, via email at wbogot@foxrothschild.com; and Khurshid Khoja, Esq., Counsel for National Cannabis Industry Association, via email at khurshid@greenbridgelaw.com; (5) John Jones and Dante Picazo for Cannabis Bioscience International Holdings, via email at ir@cbih.net; (6) Andrew J. Kline, Esq., Counsel for Hemp for Victory, AKline@perkinscoie.com; and Abdul Kallon, Esq., Counsel for Hemp for Victory, via email at and AKallon@perkinscoie.com; (7) Erin Gorman Kirk for the State of Connecticut, via email at erin.kirk@ct.gov; (8) Ellen Brown for Massachusetts Cannabis Advisory Board, via email at ellen@greenpathtraining.com; (9) Shanetha Lewis for Veterans Initiative 22, via email at info@veteransinitiative22.com; (10) Jason Castro, Esq., Counsel for The Doc App., Inc. d/b/a My Florida Green, via email at jasoncastro@myfloridagreen.com; (11) Kelly Fair, Esq., Counsel for The Commonwealth Project, via email at Kelly.Fair@dentons.com; (12) Rafe Petersen, Esq., Counsel for Ari Kirshenbaum, via email at Rafe.Petersen@hklaw.com; (13) David G. Evans, Esq., Counsel for Cannabis Industry Victims Educating Litigators, Community Anti-Drug Coalitions of America, Phillip Drum, Kenneth Finn, International Academy on the Science and Impacts of Cannabis, and National Drug and Alcohol Screening Association, via email at thinkon908@aol.com; (14) Patrick Philbin, Esq., Counsel for Smart Approaches to Marijuana, via email at pphilbin@torridonlaw.com; and Chase Harrington, Esq., Counsel for Smart

³ To be sure, on its face, the Administrator's designation of Designated Participants (and Artis-Mills' exclusion from that list) bears the hallmarks of a final order within the meaning of the Administrative Procedure Act and the Controlled Substances Act. 5 U.S.C. § 704; 21 U.S.C. § 877. That said, the issue may not be altogether settled. See *Miami-Luken, Inc. v. DEA*, 900 F.3d 738, 743 (6th Cir. 2018) (The court held that a subpoena decision is not rendered final merely because the agency's highest authority issued the decision prior to an ultimate disposition of the case.).

Approaches to Marijuana, via email at charrington@torridonlaw.com; (15) Stephanie E. Masker, Esq., Counsel for National Transportation Safety Board, via email at stephanie.masker@ntsb.gov; (16) Eric Hamilton, Esq., Counsel for the State of Nebraska, via email at eric.hamilton@nebraska.gov; and Zachary Viglianco, Esq., for the State of Nebraska, via email at zachary.viglianco@nebraska.gov; (17) Gene Voegtlin for International Association of Chiefs of Police, via email at voegtlin@theiacp.org; (18) Gregory J. Cherundolo for Drug Enforcement Association of Federal Narcotics Agents, via email at executive.director@afna.org; (19) Reed N. Smith, Esq., Counsel for the Tennessee Bureau of Investigation, via email at Reed.Smith@ag.tn.gov; and Jacob Durst, Esq., Counsel for Tennessee Bureau of Investigation, via email at Jacob.Durst@ag.tn.gov; (20) Jim Skinner for National Sheriff's Association, via email at sheriffs Skinner@collincountytx.gov and ykaraman@sheriffs.org; and (21) Sephida Artis-Mills for United Empowerment Party, via email at sephida@unitedempowermentparty.org.

Quinn Fox
Staff Assistant to the Chief Judge
Office of Administrative Law Judges