

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. 26-96**

**ORDER GRANTING LEAVE TO FILE A REPLY AND
ORDER FOR RESPONSE TO MOTION TO REOPEN HEARING**

The hearing on the merits in the above-captioned matter took place from June 29, 2026, through July 15, 2026. On September 28, 2026, DUID Victim Voices, Kenneth Finn, M.D., and the National Drug and Alcohol Association (NDASA), three Interested Parties (collectively hereinafter the Moving Parties), filed a “Joint Motion for Leave to File Supplemental Briefing, for Admission of Supplemental Exhibit, and for Stay of Proceedings” (Motion to Admit GAO Report). The Motion requests that this tribunal allow the admission of the U.S. Government Accountability Office’s (GAO) report titled “Drug Scheduling: While DEA Decisions Have Aligned with Recent HHS Recommendations, Both Need Comprehensive Policies” (the GAO Report), published on September 23, 2026, into the record as either Finn Exhibit 126 or as an ALJ Exhibit via official notice. The Motion further requests to allow for an additional briefing period on the contents of the GAO Report and how it impacts these proceedings, if at all.

On September 29, 2026, I granted a stay of this matter to allow briefing on the issue of whether the GAO Report should be admitted into the record as evidence. The Government submitted its response in opposition to the Motion to Admit GAO Report (Government’s Opposition) on October 9, 2026. In its Opposition, the Government opposes the filing of supplemental briefs on the GAO Report but “defers to this Honorable Court” on its admission into the record. Gov’t Opp. at 1, 3. On October 13, 2026, Smart Approaches to Marijuana (SAM) and the States of Idaho, Indiana, and Nebraska (the Opposed States) filed a joint response in support of admitting the GAO Report into evidence and allowing a supplemental briefing period on the GAO Report. No other Interested Party filed a response to the Motion to Admit GAO Report.

Subsequently, on October 12, 2026, the Moving Parties filed two new motions. First, a motion for leave to file a reply to the Government's Opposition (Motion for Leave to Reply). Second, the Moving Parties ask this tribunal to "reopen the hearing for limited discovery and testimony" if the GAO Report is admitted into the record (Motion to Reopen Hearing). I have not yet ruled on the Motion to Admit GAO Report and **RESERVE** ruling on that motion pending additional responses, ordered below.

I hereby **GRANT** the Moving Parties' Motion for Leave to Reply and will accept their reply to the Government's Opposition for consideration as filed. Having received a new substantive motion, I will once again order a response and allow time for filing. Accordingly, the Government is **ORDERED** to submit a response of no more than ten pages to the Moving Parties' Motion to Reopen Hearing by no later than **October 21, 2026**. This matter remains **STAYED** to allow time for a response and to allow time for the tribunal to consider the pending motions.

Dated: October 14, 2026

DEREK
JULIUS

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DEREK C. JULIUS
Chief Administrative Law Judge