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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17

18 MARIN ALLIANCE FOR MEDICAL)
MARIJUANA, a not-for-profit association;)
19 JOHN D’AMATO, an individual,)
20 Plaintiffs/Petitioners,)

Case No. CV-11-5349-DMR
**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

21 vs.)

22 ERIC HOLDER, Attorney General of the United)
States; MICHELLE LEONHART, Administrator)
23 of the Drug Enforcement Administration; HON.)
24 MELINDA HAAG, U.S. Attorney for the)
Northern District of California,)

25 Defendants/Respondents.)

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27 Pursuant to Section 201 of the Federal Rules of Evidence, the Court shall take judicial notice
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1 of official acts of any legislative, executive or judicial department, Plaintiffs hereby
2 submit this Request for Judicial Notice (“RJN”) in Support of their Motion for Preliminary Injunction.

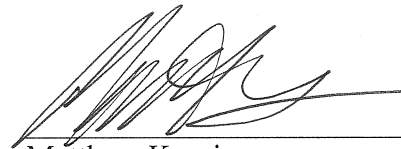
3 Plaintiffs request that the Court take judicial notice of the following facts and documents not
4 subject to reasonable dispute:

- 5 1. In August 2008, California’s then Attorney General Edmund G. Brown Jr. issued a
6 document called “Guidelines for the Security and Non-Diversion of Marijuana Grown for
7 Medical Use” This document is attached to this RJN as Exhibit 1.
- 8 2. On January 25, 2010, in the case *Santa Cruz v. Holder*, (Civil Action No. 03 – 1802 JF)
9 (N.D. Ca. 2009) (hereinafter, “*Santa Cruz*”), the Court entered a Joint Stipulation of
10 Dismissal without Prejudice, which was signed by the Department of Justice and plaintiff
11 lawyers. This document is attached to this RJN as Exhibit 2.
- 12 3. On October 19, 2009, Deputy Attorney General David Ogden issued a “Memorandum For
13 Selected United States Attorneys” on the subject of “Investigations and Prosecutions in
14 States Authorizing the Use of Medical Marijuana.” This document, which was entered into
15 the court record as an attachment to RJN Exhibit 2, is attached to this RJN as Exhibit 3.
- 16 4. In *Santa Cruz*, Plaintiffs filed a Second Amended Complaint on November 28, 2007. This
17 document is attached to this RJN as Exhibit 4.
- 18 5. In *Santa Cruz*, a Case Conference took place on October 30, 2009. The transcript of that
19 case conference is attached to this RJN as Exhibit 5.
- 20 6. The court is requested to take judicial notice of the Federal Government’s Investigational
21 New Drug program, known as the Compassionate Care IND Program. Through this
22 program, the federal government directly provides medical marijuana to certain patients.
23 This program is discussed by the court in its appendix to *Conant v. Walters* (9th Cir. 2002)
24 309 F.2d 628. That court decision is attached to this RJN as Exhibit 6. The existence of
25 this program, while perhaps not generally known in this territorial jurisdiction, is
26 indisputable. The program is administered by the National Institute on Drug Abuse
27 (“NIDA”), in conjunction with the University of Mississippi. While the federal
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1 government has done its best to keep this program out of the public eye, there can be zero
2 doubt about its existence. In fact, during a national drug abuse week Q&A in 2009, Susan
3 Weiss of the NIDA specifically told an inquiring student that this program is indeed
4 administered by the NIDA. The transcript of that Q&A may be found at the following
5 government webpage: <http://drugfactsweek.drugabuse.gov/chat/2009/index.php>.

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8 Respectfully submitted.

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10 Date: November 8, 2011



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