



U. S. Department of Justice

Washington, D.C. 20530

September 14, 1993

Ms. Constance L. Dupre
Clerk, United States Court of Appeals
for the District of Columbia Circuit
United States Courthouse
Room 5423
3rd and Constitution Avenue, N.W.
Washington, D.C. 20001

Re: Carl Eric Olsen v. Drug Enforcement Administration
D.C. Cir. No. 93-1109

Dear Ms. Dupre:

Enclosed please find for filing in the above-captioned case the original and four copies of the respondent's Motion for Remand. If I can be of further assistance, please do not hesitate to contact me at 202-514-0917.

Sincerely,

Lena D. Mitchell
Trial Attorney
Narcotic and Dangerous Drug Section
Criminal Division
P.O. Box 27312
Washington, D.C. 20530

Enclosures

cc: Carl Eric Olsen, Pro Se
Post Office Box 4091
Des Moines, Iowa 50333

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

CARL ERIC OLSEN,

Petitioner

v.

DRUG ENFORCEMENT ADMINISTRATION,

Respondent.

No. 93-1109

MOTION FOR REMAND

The Drug Enforcement Administration, respondent in the above-captioned appeal, hereby moves this Court to remand the action to the Administrator of the Drug Enforcement Administration. In support of this motion and as the basis therefore, respondent states as follows:

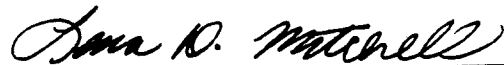
1. On September 6, 1992, appellant Olsen filed a petition with the Administrator requesting that marijuana be rescheduled from Schedule I to Schedule II of the Controlled Substances Act. In support of this petition, appellant filed a statement of grounds for rescheduling in compliance with 21 C.F.R. § 1308.44(b)(B).

2. On October 23, 1992, the Administrator responded to appellant's petition by refusing to accept that petition for filing. Prior to rejecting the petition for filing the Administrator took no action to review the grounds upon which appellant relied in that petition.

3. Pursuant to the 21 C.F.R. § 1308.44(c), respondent is required to accept the petition for filing absent some defect in format. As this requirement was not met, respondent now requests this Court to remand the matter so that respondent may accept appellant's petition for filing and review that petition in accordance with regulations. See NORML v. Ingersoll, 497 F.2d 654 (D.C. Cir. 1974).

4. Respondent makes this motion in the interests of fairness and judicial economy and not with the intent of causing unnecessary delay. Therefore, respondent respectfully requests this Court to order the Administrator upon remand to accept appellant's petition for filing and to make a ruling upon the matter within 90 days of the date of this Court's final order in the related cases of Alliance for Cannabis Therapeutics v. Drug Enforcement Administration, No. 92-1168 and Drug Policy Foundation v. Drug Enforcement Administration, No. 92-1179. Both of these cases are scheduled for oral argument on October 1, 1993.

Respectfully submitted,



LENA D. MITCHELL

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September, 1993, I caused to be placed in United States mail (first class, postage prepaid) a copy of the attached Motion for Remand addressed as follows:

Carl Eric Olsen, Pro Se
Post Office Box 4091
Des Moines, Iowa 50333



LENA D. MITCHELL
Trial Attorney
Narcotic and Dangerous Drug Section
Criminal Division
Department of Justice
P.O. 27312
Washington, D.C. 20038