

**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 3<sup>rd</sup> day of February, two thousand twenty.

Before: Dennis Jacobs,  
Guido Calabresi,  
*Circuit Judges,*  
Jed S. Rakoff  
*District Judge.\**

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Marvin Washington, Dean Bortell, as Parent of Infant Alexis Bortell, Alexis Bortell, Jose Belen, Sebastien Cotte, as Parent of Infant Jagger Cotte, Jagger Cotte, Cannabis Cultural Association Inc.,

Plaintiffs - Appellants,

v.

**ORDER**

Docket No. 18-859

William Pelham Barr, in his official capacity as United States Attorney General, United States Department of Justice, Uttam Dhillon, in his official capacity as the Acting Administrator of the Drug Enforcement Administration, United States Drug Enforcement Administration, United States of America,

Defendants - Appellees.

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On May 30, 2019, we gave Appellants six months to file a petition with the Drug Enforcement Administration to reclassify marijuana under the Controlled Substances Act, noting that a failure to do so would result in affirmance of the district court's judgment dismissing the case. On January 3, 2020, we denied Appellants' motion for an 18-month extension to file their petition. Moreover, on January 17, 2020, Appellants informed us that they do not plan to file a petition. Accordingly, it is hereby ORDERED that the district court's judgment is AFFIRMED and the case is DISMISSED with prejudice.

For the Court:  
Catherine O'Hagan Wolfe,  
Clerk of Court

  


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\*Judge Jed S. Rakoff, of the United States District Court for the Southern District of New York, sitting by designation.