

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

CARL OLSEN,)	
Plaintiff,)	
v.)	No. 4:08-cv-00370
)	
MICHAEL MUKASEY, et al.,)	
Defendants.)	

**PLAINTIFF’S MOTION FOR JUDICIAL NOTICE
PURSUANT TO FEDERAL RULE OF EVIDENCE 201**

On Monday, December 1, 2008, the Supreme Court of the United States denied certiorari in *City of Garden Grove v. Superior Court of California*, 157 Cal. App. 4th 355, 380-87, 68 Cal. Rptr. 3d 656, 673-78 (Cal. App. 2007), review denied by the California Supreme Court on March 19, 2008 (Slip Opinion attached as Exhibit #1, see pages 26-34). Although the case does not address the issue presented in the case, the case does a thorough job of explaining why the federal drug law does not preempt state medical marijuana laws. The case also explains why *Gonzales v. Raich*, 545 U.S. 1 (2005), and *United States v. Oakland Cannabis Buyers’ Cooperative*, 532 U.S. 483 (2001), did not reach the issue of federal preemption of state medical marijuana laws. The Plaintiff asserts that the same reasoning applies to the issue in this case. Neither *Gonzales v. Raich*, nor *U.S. v. Oakland Cannabis Buyers’ Cooperative*, reached the issue presented in this case, based on 13 States enacting laws accepting the medical use of marijuana, whether those 13 States or the Secretary of Health and Human Services make the determination of “accepted medical use” for

purposes of the congressional findings required for including a substance in Schedule I of the Controlled Substances Act, 21 U.S.C. § 812(b)(1)(B).

The Defendants mention federal preemption of state law in their Brief in Support of their Motion to Dismiss on page 12 and cite *Gonzales v. Raich*. *Gonzales v. Raich* merely states the obvious, the Supremacy Clause allows Congress to regulate controlled substances. The Plaintiff does not disagree that Congress lawfully gave the Defendants the authority to regulate controlled substances. The Plaintiff brought this action to complain that Congress set limits on that regulation and the Defendants have failed to regulate within the confines of those limits.

Respectfully submitted this 3rd day of December, 2008.

Carl Olsen, Pro Se
130 E Aurora Ave
Des Moines, IA 50313-3654
515-288-5798

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 3, 2008 I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

CHRISTOPHER D. HAGEN, Assistant U.S. Attorney

Filed Electronically

/s/ Carl Olsen

CARL OLSEN