

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

CARL OLSEN,)	
)	
Plaintiff,)	
)	
v.)	Civil File No. 4:08-cv-00370 (RWP/RAW)
)	
MICHAEL MUKASEY, Attorney General of)	
the United States, MICHELE LEONHART,)	
Acting Administrator, United States Drug)	
Enforcement Administration, and)	
CONDOLEEZZA RICE, United States)	
Secretary of State.)	
)	
Defendants.)	

**DEFENDANTS’ RESPONSE TO PLAINTIFF’S
MOTION FOR JUDICIAL NOTICE**

On December 26, 2008, Plaintiff filed a motion for the Court to take judicial notice that his Petition for Writ of Certiorari was filed in his previous case against the government, in which the Eighth Circuit denied his challenge to the federal drug laws. *See Olsen v. Mukasey*, 541 F.3d 827 (8th Cir. 2008), *pet. for cert. filed* Dec. 8, 2008. Plaintiff alleges that, “[a]lthough the Petition for Writ of Certiorari does not address the issue of marijuana’s scheduling presented in this case, it shows that the Plaintiff has an injury in fact to his First Amendment freedom of religion.” Pl.’s Mot. at 2. Plaintiff seeks to use his Petition as evidence of standing in this case. *See id.* at 3 (“Because the Plaintiff is a lawful user of marijuana except for the unlawful inaction of the Defendants, the attached document shows the Plaintiff has standing.”).

While Defendants do not object to the Court taking judicial notice that Plaintiff has filed a Petition for Writ of Certiorari in his previous case, Defendants contend that this fact has no

bearing on the issue of standing in the instant case. Defendants have argued in this case that Plaintiff has no standing because his alleged injury (a prohibition on the use of marijuana for religious purposes) would not be redressed by the Court's resolution of his claim (seeking rescheduling of marijuana for medical purposes). The fact that Plaintiff is attempting to appeal the Eighth Circuit's disposition of his prior case does not affect Defendants' standing argument.

Dated: January 5, 2009

Respectfully submitted,

GREGORY G. KATSAS
Assistant Attorney General

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/s/ Tamara Ulrich
TAMARA ULRICH (NY Bar)
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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2009, a true and accurate copy of the foregoing document, Defendants' Response to Plaintiff's Motion for Judicial Notice was filed electronically with the Clerk of Court through ECF and that ECF will send a Notice of Electronic Filing to the following: Carl Olsen, Pro Se.

Dated: January 5, 2009

/s/ Tamara Ulrich
TAMARA ULRICH