

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

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

**REPLY TO DEFENDANTS' RESPONSE
TO PLAINTIFF'S MOTION FOR JUDICIAL NOTICE**

In Defendants' Response to Plaintiff's Motion for Judicial Notice (Docket No. 20, at page 2), the Defendants falsely claim the Plaintiff is asking the Defendants to reschedule marijuana for medical purposes. The Plaintiff is not asking the Defendants to move marijuana to another schedule of the Controlled Substances Act ("CSA"), 21 U.S.C. §§ 801 et seq.

Congress wrote the CSA and set limits on what the Defendants may do. Marijuana no longer meets the required findings for inclusion in schedule I of the CSA. The only thing the Defendants must do is remove marijuana from schedule I, 21 C.F.R. 1308.11(d)(22).

Because marijuana no longer meets the requirements for inclusion in schedule I of the CSA, marijuana is not currently a controlled substance. The Defendants are unlawfully interfering with the Plaintiff's right to use marijuana as his religious sacrament. Therefore the Plaintiff has standing to complain of this injury.

Respectfully submitted this 6th day of January, 2009.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 6th, 2009 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

TAMARA ULRICH, U.S. Department of Justice, Civil Division

Filed Electronically

/s/ Carl Olsen

CARL OLSEN