

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’ MOTION FOR LEAVE TO FILE SUPPLEMENTAL
BRIEF IN SUPPORT OF THEIR MOTION TO DISMISS**

Defendants, by and through counsel, hereby file their motion for leave to file a supplemental brief in support of their motion to dismiss. The grounds for this motion are as follows:

1. On November 17, 2008, Defendants filed a motion to dismiss for lack of jurisdiction and failure to state a claim. Plaintiff has opposed this motion and it is ripe for disposition.
2. One of the arguments raised in Defendants’ motion to dismiss is that Plaintiff failed to exhaust his administrative remedies.
3. On January 6, 2009, Plaintiff filed a notice with the Court indicating that he had received a determination from the Drug Enforcement Agency regarding his petition to remove marijuana from Schedule I of the Controlled Substances Act.

4. Because Plaintiff has now received a decision on his administrative petition, certain of the arguments raised in Defendants' motion to dismiss have been superseded, and other reasons to dismiss have emerged.

5. Defendants request permission to file a short supplemental brief, to account for this change in circumstance. A copy of the proposed brief is attached.

6. Pursuant to Local Rule 7(1), the parties have conferred and Plaintiff consents to this motion, provided that he be given an opportunity to respond to Defendants' supplemental brief. Defendants do not oppose Plaintiff's request to respond to the attached supplemental brief.

Dated: January 13, 2009

Respectfully submitted,

GREGORY G. KATSAS
Assistant Attorney General

MATTHEW G. WHITAKER
United States Attorney

ARTHUR R. GOLDBERG
Assistant Director
Federal Programs Branch

/s/ Tamara Ulrich
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CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2009, a true and accurate copy of the foregoing document, Defendant's Motion for Leave to File Supplemental Brief in Support of Defendants' Motion to Dismiss, 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 13, 2009

/ Tamara Ulrich
TAMARA ULRICH