

**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 LEAVE TO FILE
SECOND AMENDED REPLY TO DEFENDANTS’
SUPPLEMENTAL BRIEF IN SUPPORT OF THEIR MOTION TO DISMISS**

Plaintiff hereby files his motion for leave to file a Second Amended Reply to Defendants’ Supplemental Brief in Support of their Motion to Dismiss (“Supplemental Brief”). The grounds for this motion are as follows:

1. On January 5th, the Plaintiff received a letter dated December 19, 2008, from the Drug Enforcement Administration (“**DEA Letter**”) rejecting his petition to have marijuana removed from Schedule I of the Controlled Substances Act. (Docket #22, Attachment #1)
2. The Defendants filed their Supplemental Brief in response to the “**DEA Letter**” on January 13th and the Clerk of Court docketed the Supplemental Brief on January 15th. (Docket #27)
3. On January 14th, the Magistrate gave the Plaintiff 14 days to reply to the Defendants’ Supplemental Brief. (Docket #26, Text Order).
4. The Plaintiff filed his initial Reply to the Defendants’ Supplemental Brief on January 13th, the same day the Defendants filed their Supplemental Brief.

5. On January 16th, the Plaintiff filed a Petition for Review of the “**DEA Letter**” in the United States Court of Appeals for the Eighth Circuit. (Docket #28, Attachment #1).

6. Because the Defendants are claiming in their Supplemental Brief that the “**DEA Letter**” is grounds for having this case dismissed, and because the Plaintiff’s Petition for Review of the “**DEA Letter**” could be construed by the Defendants as a voluntary action by the Plaintiff to dismiss this action, the Plaintiff requests permission to file the attached Amended Reply to the Defendants’ Supplemental Brief in lieu of the Reply he filed on January 13th.

7. Pursuant to Local Rule 7(1), the parties have conferred and the Defendants’ consent to this motion.

8. Plaintiff apologizes to the Court and the other parties for amending this reply a second time. Please disregard the First Reply and the First Amended Reply and replace them with the attached Second Amended Reply.

Dated: January 19, 2009.

/s/ Carl Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 19th, 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