

May 22, 2009

Mr. Michael E. Gans  
Clerk, United States Court of Appeals  
for the Eighth Circuit  
Thomas F. Eagleton Court House  
Room 24.329  
111 S. 10th Street  
St. Louis, MO 63102

Re: Carl Olsen v. Drug Enforcement Administration  
No. 09-1162

Dear Mr. Gans:

Pursuant to Fed R. App. P. 28(j), Carl Olsen respectfully submits this letter to call the Court's attention to pertinent new authority.

Olsen draws to the Court's attention to the U.S. Supreme Court's recent denial of the Petition for Writ of Certiorari in San Diego v. NORML, No. 08-887 (May 18, 2009), affirming San Diego v. NORML, 165 Cal. App. 4th 798, 81 Cal. Rptr. 3d 461 (Cal. App. 4th Dist, 2008). In the case, the California courts affirmed there was no intent by Congress in enacting the Controlled Substances Act, 21 U.S.C. §§ 801 *et seq.*, to preempt state medical marijuana laws. The case is similar to the case cited at pages 22, 27-28, of Petitioner Olsen's Opening Brief in this case, City of Garden Grove v. Superior Court, 165 Cal. App. 4th 798, 81 Cal. Rptr. 3d 461 (Cal. App. 4th Dist, 2008), cert. denied, 555 U.S. \_\_\_, 129 S. Ct. 623, 172 L. Ed. 2d 607 (2008).

The U.S. Supreme Court's decision in San Diego v. NORML supports Olsen's argument that the meaning of "accepted medical use in treatment in the United States" is accepted medical use by state lawmakers, and Congress did not give the DEA the power to interfere with lawful state-authorized medical standards.

Thank you for transmitting this letter to the Court.

Respectfully submitted,



Digitally signed by Carl Olsen  
DN: cn=Carl Olsen, o=lowans for  
Medical Marijuana, ou=Paralegal,  
email=carl-olsen@mchsi.com,  
c=US  
Date: 2009.05.21 19:20:12 -05'00'

Carl Olsen  
130 E Aurora Avenue  
Des Moines, Iowa 50313-3654  
515-288-5798

cc:

Melissa N. Patterson  
U.S. Department of Justice  
Civil Division, Appellate Staff  
Room 7230  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001

Matthew G. Whitaker, U.S. Attorney  
U.S. Attorney's Office  
110 E. Court Avenue  
286 U.S. Courthouse Annex  
Des Moines, IA 50309-2053