

1 PETER D. KEISLER
Assistant Attorney General
2 KEVIN V. RYAN
United States Attorney
3 ARTHUR R. GOLDBERG
MARK T. QUINLIVAN (D.C. BN 442782)
4 Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
5 1 Courthouse Way, Suite 9200
Boston, MA 02210
6 Telephone: (617) 748-3606

7 Attorneys for Official-Capacity Defendants

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9 **UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 **SAN JOSE DIVISION**

11 COUNTY OF SANTA CRUZ, et al.,)
12 Plaintiffs,)
13 v.)
14 ALBERTO GONZALES, Attorney General)
of the United States; KAREN P. TANDY,)
15 Administrator of the Drug Enforcement)
Administration; JOHN P. WALTERS,)
16 Director of the Office of National Drug)
Control Policy; and 30 UNKNOWN)
17 DRUG ENFORCEMENT)
ADMINISTRATION AGENTS,)
18 Defendants.)
19 _____)

Nos. C 03-1802 JF **CONSOLIDATED**
MC 02-7012 JF

STATEMENT OR RECENT DECISION
(Civil Local Rule 7-3(d))

Date: June 23, 2006
Time: 9:00 a.m.
Courtroom 3, 5th Floor
The Hon. Jeremy Fogel

20 Pursuant to Civil Local Rule 7-3(d), Defendants Alberto Gonzales, Attorney General of the
21 United States; Karen P. Tandy, Administrator of the Drug Enforcement Administration; and John
22 P. Walters, Director of the Office of National Drug Control Policy (collectively the “Official-
23 Capacity Defendants”), hereby provide notice to the Court of the recent decision of the United States
24 Court of Appeals for the Ninth Circuit in United States v. Rosenthal, — F.3d —, Nos. 03-10307, 03-
25 10730 (9th Cir. April 26, 2006), which was rendered after the briefing was completed on the
26 Official-Capacity Defendants’ Motion to Dismiss, which is currently scheduled for hearing on June
27 23, 2006, at 9:00 a.m. A copy of the decision is attached.
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Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

KEVIN V. RYAN
United States Attorney

ARTHUR R. GOLDBERG
Assistant Branch Director

/s/ Mark T. Quinlivan
MARK T. QUINLIVAN
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
Tel: 617-748-3606
Fax: 617-748-3969
e-mail: mark.quinlivan@usdoj.gov

Dated: May 16, 2006