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September 7, 2021

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VIA CM/ECF

Ms. Molly C. Dwyer
Clerk
U.S. Court of Appeals for the Ninth Circuit
95 Seventh St.
San Francisco, CA 94103-1526

Re: *Advanced Integrative Science Institute, et al. v. U.S. Drug Enforcement Agency, et al.*, No. 21-70544 (9th Cir.)

Dear Ms. Dwyer:

In light of the September 2 argument in this matter and to assist the Court, Petitioners provide supplemental citations related to Oral Argument (“OA”) that were not presented in the briefs:

- *Scarabin v. Drug Enf't Admin.*, 925 F.2d 100, 100–01 (5th Cir. 1991) (discussed at OA 5:50-6:22) *cited by Tourus Recs., Inc. v. Drug Enf't Admin.*, 259 F.3d 731, 734 (D.C. Cir. 2001) (Garland, J.) (letter advising claimant that DEA was denying application to proceed in forma pauperis in forfeiture proceeding reviewable under § 877) (not discussed at OA).
- *Bowen v. Massachusetts*, 487 U.S. 879, 903 (1988) (discussed at OA 7:00-8:00).
- U.S. Dep't of Justice, *ATTORNEY GENERAL'S MANUAL ON THE ADMINISTRATIVE PROCEDURE ACT* 93 (1947), https://www.google.com/books/edition/Attorney_General_s_Manual_on_the_Adminis/e1A_AAAAIAAJ?hl=en&gbpv=1 (“Section 10 [of the Administrative Procedure Act], it must be emphasized, deals with principles. It does not supersede special statutory review

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proceedings, but also generally leaves the mechanics of judicial review to be governed by other statutes”); *see also id.* at 101 (“Many statutes specifically provide for judicial review of particular agency action, and such action will continue to be reviewable.”) (discussed at OA 7:52-8:09).

- *Chicago & Southern Air Lines, Inc. v. Waterman S.S. Corp.*, 333 U.S. 103, 113 (1948), (discussed at OA 8:30-9:05) *cited by Bennett v. Spear*, 520 U.S. 154, 178 (1997).
- Off. of Mgmt and Budget, *DEA Registration for Religious Organizations under the Religious Freedom Restoration Act*, Off. of Info. and Regul. Aff. (Spring 2021), <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202104&RIN=1117-AB66> (discussed at OA 26:20-27:00).

Respectfully,

/s/ Thomas J. Tobin
Thomas J. Tobin

CC: Counsel of Record (Via CM/ECF)

CERTIFICATE OF COMPLIANCE

I certify that this letter complies with the word limit of Federal Rule of Appellate Procedure 28(j) because the body of the letter contains 274 words.

/s/ Thomas J. Tobin
Thomas J. Tobin