

District Judge Kymberly K. Evanson

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UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

David Alan Heldreth, Jr.,

Plaintiff,

v.

Merrick B. Garland et al.,

Defendants.

Case No. 2:24-cv-1817-KKE

DEFENDANTS' RESPONSE TO  
PLAINTIFF'S MOTION FOR STAY,  
EXTENSION OF DEADLINES

Although Defendants disagree with many of Plaintiff's assertions in his Motion for Stay, Extension of Deadlines, ECF 19, Defendants agree that this case should be stayed because the marijuana rescheduling hearing to which this case relates has been stayed by the Administrative Law Judge (ALJ) presiding over that hearing. On January 13, 2025, the ALJ cancelled the hearing on the merits of the proposal to reschedule marijuana that was scheduled to commence on January 21, 2025, and stayed the proceeding while certain participants in the hearing pursue an interlocutory appeal of the ALJ's ruling on a prehearing motion to the Administrator of the Drug Enforcement Administration. ECF 19-2.

“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for

1 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). “In considering the  
2 appropriateness of a stay, courts balance the competing interests of the parties, including: (1) the  
3 damage that may result from a stay; (2) inequity suffered by a party if the case moves forward;  
4 and (3) any impact to the ‘orderly course of justice.’” *Ma v. Esther Park Densmore*, 2022 WL  
5 1492254, at \*1 (W.D. Wash. Apr. 14, 2022) (quoting *Lockyer v. Mirant Corp.*, 398 F.3d 1098,  
6 1110 (9th Cir. 2005)). Here, a stay will not cause damage to any party, as shown by the fact that  
7 both Plaintiff and Defendants support a stay. In this lawsuit, Plaintiff challenges various aspects  
8 of the marijuana rescheduling hearing, but that hearing has been stayed. Accordingly, staying  
9 this lawsuit for the duration of the stay of the rescheduling hearing will avoid wasting efforts of  
10 the Court or the parties and will promote the orderly course of justice.

11 The Court should enter a stay of all deadlines in the above-captioned case, including  
12 Defendants’ deadline to respond to the Complaint. Specifically, an order staying the case should  
13 state that Defendants’ deadline to respond to the Complaint is the later of 60 days after service  
14 on the United States attorney, Fed. R. Civ. P. 12(a)(2), or 21 days after the Court lifts the stay.

15 For the foregoing reasons, the Court should enter an order staying this case.

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1 DATED this 15th day of January, 2025.

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3 Respectfully submitted,

4 BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

5 JOSHUA GARDNER  
6 Special Counsel  
7 Federal Programs Branch

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19 *Counsel for Defendants*

20 I certify that this memorandum contains 489  
21 words, in compliance with the Local Civil  
22 Rules.  
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