

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-1162

Carl Eric Olsen,

Petitioner,

v.

Drug Enforcement Administration,

Respondent.

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* Petition for Review of an
* Order of the United States
* Drug Enforcement Agency.
*
* [UNPUBLISHED]
*

Submitted: August 25, 2009

Filed: August 26, 2009

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Carl Olsen petitions this court, pursuant to 21 U.S.C. § 877, for review of a final determination by the Drug Enforcement Administration denying his request for a rescheduling of marijuana based upon its medical usefulness. He maintains that he has been injured by his inability to use marijuana for religious purposes. Upon de novo review, we conclude that Olsen lacks standing under Article III of the United States Constitution. See Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992) (Article III standing requires “injury in fact,” causal connection between injury and conduct complained of, and likelihood that injury will be redressed by favorable decision); Young Am. Corp. v. Affiliated Computer Servs., Inc., 424 F.3d 840, 843 (8th Cir. 2005) (Article III standing is question of subject matter jurisdiction which

this court reviews de novo); Gettman v. DEA, 290 F.3d 430, 433 (D.C. Cir. 2002) (§ 811(a)(2) does not provide “automatic standing” to petition federal court for review of DEA’s denial of request; petitioner must have Article III standing). Accordingly, we dismiss the petition for lack of jurisdiction.

United States Court of Appeals

For The Eighth Circuit

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Michael E. Gans
Clerk of Court

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August 26, 2009

Mr. Carl E Olsen
130 E. Aurora Avenue
Des Moines, IA 50313

RE: 09-1162 Carl Olsen v. Drug Enforcement Admin.

Dear Sir:

The court today issued an opinion in this case. Judgment in accordance with the opinion was also entered today.

Please review [Federal Rules of Appellate Procedure](#) and the [Eighth Circuit Rules](#) on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing and petitions for rehearing en banc must be received in the clerk's office within 45 days of the date of the entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. No grace period for mailing is allowed, and the date of the postmark is irrelevant, for pro-se-filed petitions. Any petition for rehearing or petition for rehearing en banc which is not received within the 45 day period for filing permitted by FRAP 40 may be denied as untimely.

Michael E. Gans
Clerk of Court

PAW

Enclosure(s)

cc: Ms. Melissa N Patterson
Mr. Matthew G. Whitaker

District Court/Agency Case Number(s):