

IN THE UNITED STATES DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

IN THE MATTER OF

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Schedules of Controlled Substances:

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Docket No. 22-21

Placement of 2,5-dimethoxy-4-

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iodoamphetamine (DOI) and 2,5-dimethoxy-

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5-chloroamphetamine (DOC) in Schedule 1

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**PANACEA PLANT SCIENCES MOTION TO COMPEL PUBLICATION OF NOTICE,
STAY OF PROCEEDINGS**

Panacea Plant Sciences submits a motion to request court to compel/place an injunction on DEA/government to publish a new notice in the federal register which provides time and date of the hearing as required under the Administrative Procedure Act and also to stay the current hearing process and all associated deadlines until the publication of the notice in the above captioned matter information as identified below.

Factual Background

1. On April 11, 2022 the DEA filed a notice of rule-making on the intent to move DOI and DOC into schedule 1 in the federal register. This notice did not set or state a time for a hearing on the scheduling of DOI and DOC.

2. The Administrative Procedure Act states that notices for hearings must include the time and place of the hearing. For example: § 1316.53 Time and place of hearing. -The hearing will commence at the place and time designated in the notice of hearing published in the Federal Register but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without notice other than announcement thereof by the presiding officer at the hearing.

3. Panacea Plant Sciences recently participated in a similar hearing for 5 tryptamines, and the DEA and administrative judge Teresa Wallbaum similarly found that the hearing required

a new notice to be published for the hearing process to continue. This notice included allowing a 30 day period for additional parties to join the hearing process.

Argument

4. The Administrative Procedure Act requires that the hearings must only commence after a public notice has been published and it is also clear that this notice must include the date and place of the hearing among other requirements. Currently the DEA/government has not fulfilled this requirement in the process for docket 22-21 regarding DOI and DOC. A similar issue arose during a recent administrative hearing which involved 5 tryptamines in the court of ALJ Teresa Wallbaum. During that process Wallbaum ruled that a formal notice of hearing was required to be filed in the federal register which included the date and time of the hearing and also allowed additional parties to join due to the current lack of proper notice. This is required to allow for current public notification as required under law.

5. The current hearing process should not continue until there has been proper notice and additional parties have had time to join the hearing process. This would best serve the time and efforts of the court and parties already involved.

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CONCLUSION

For the foregoing reasons, Panacea Plant Sciences requests the Tribunal request court to compel/place an injunction on DEA/government to publish a new notice in the federal register which provides time, date and location of the hearing and allows 30 days for additional parties to join as required under the Administrative Procedure Act. Additionally we ask the tribunal to stay the current hearing process and all associated deadlines until 45 days after the publication of the

notice to allow 15 day for notice of the new parties who may join and to ensure most efficient hearing process.

Date: July 25, 2022

Respectfully submitted,

/s/ David Heldreth

David Heldreth

PANACEA PLANT SCIENCES

davidh@panaceaplantsciences.net

14321 SE 49th St.

Bellevue, WA 98006

For Panacea Plant Sciences

CERTIFICATE OF SERVICE

On July 25, 2022, I served a copy of this motion on via email to the DEA Judicial

Mailbox (ECF-DEA@dea.gov), and

- David Locher, Esq., Counsel for the Government, via email at David.M.Locher@dea.gov;
- Jennifer L. Holsclaw, Esq., Counsel for the Government, via email at Jennifer.L.Holsclaw@dea.gov;
- The DEA Government Mailbox at dea.registration.litigation@dea.gov; and
- Elijah Z. Ullman, via email at ezu321@gmail.com.

/s/ David Heldreth