

**UNITED STATES DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**In the Matter of**

**Schedules of Controlled Substances:  
Placement of 2,5-dimethoxy-4-  
iodoamphetamine (DOI) and 2,5-  
dimethoxy-4-chloroamphetamine  
(DOC) in Schedule I**

**Docket No. 22-21**

**ORDER GRANTING MOTIONS FOR CONTINUANCE AND  
MODIFYING ORDER FOR PREHEARING STATEMENTS**

On July 25, 2022, Panacea Plant Sciences (“Panacea”) filed “Panacea Plant Sciences Motion to Compel Publication of Notice, Stay of Proceedings,” (“Panacea’s Motion”), which I will construe as a motion to continue deadlines. In its motion, Panacea asserts that the “current hearing process should not continue until there has been proper notice and additional parties have time to join the hearing process.” *Id.* at 2. Panacea therefore requests a stay until forty-five (45) days after the Government publishes a notice in the Federal Register regarding “time, date and location of the hearing” to allow for the potential joining of new parties and to “ensure [the] most efficient hearing process.” *Id.* at 2-3.

On July 27, 2022, the Government filed “Government’s Motion for Continuance” (“Government Motion”). In its motion, the Government asserts that a continuance is warranted in this matter so that it can evaluate the issues set forth in Panacea’s Motion as well as “other related and attendant legal issues.” Gov’t Mot. at 1. The Government further states that there is no prejudice to any party and notes that Panacea has already made a request to stay the proceedings. *Id.* The Government therefore requests a thirty-day continuance of all deadlines currently scheduled in this matter. *Id.*

On July 28, 2022, Panacea filed “Panacea Plant Sciences Corrected Motion for Response to Government’s Motion for Continuance”<sup>1</sup> (“Panacea’s Response”). In its response, Panacea agrees with the Government’s request to extend the current deadlines by thirty days. Panacea Resp. at 1. Panacea also requests an additional fourteen days in order to allow “an efficient hearing process.” *Id.*

Upon consideration of Panacea’s and the Government’s motions and Panacea’s response, in which both Panacea and the Government represent that a continuance is warranted to conduct these proceedings, and finding no prejudice thereto, the requests for continuance are **GRANTED** such that previously scheduled deadlines in these proceedings are continued for a period of forty-five (45) days.

It is therefore **ORDERED** that the Order for Prehearing Statements be modified such that the Interested Parties’ Prehearing Statements shall be filed by **2:00 p.m. ET/11:00 a.m. PT on September 23, 2022.**<sup>2</sup> Furthermore, the Prehearing Conference scheduled for August 15, 2022 is **CANCELED** and **will be conducted by video teleconference (“VTC”) on September 30, 2022 at 1:00 p.m. ET/10:00 a.m. PT.**<sup>3</sup>

It is further **ORDERED** that the Government file by **2:00 p.m. ET/11:00 a.m. PT on August 29, 2022,** a response to Panacea’s motion to compel publication of notice with the Government’s position on Panacea’s motion to compel and any proposed action the Government is prepared to take in response thereto.

Panacea’s motion to compel publication and stay proceedings will therefore be held **IN ABEYANCE** pending the Government’s response.

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<sup>1</sup> A motion filed by Panacea earlier in the day included an incorrect date that was subsequently corrected in this later filing.

<sup>2</sup> To be clear, the Prehearing Statements of both Panacea and Mr. Ullman will now be due on September 23, 2022.

<sup>3</sup> Logistical issues will be coordinated by Law Clerk Courtney Lutz, who can be contacted at (571) 362-7030 and Courtney.J.Lutz@dea.gov. To access the VTC Prehearing Conference, the respective parties will receive an invite to the email addresses of record in this case.

It is further **ORDERED** that all other requirements set forth in this tribunal's Order for Prehearing Statements remain in effect.

Dated: July 28, 2022

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PAUL E. SOEFFING  
U.S. Administrative Law Judge

### **CERTIFICATE OF SERVICE**

This is to certify that the undersigned, on July 28, 2022, caused a copy of the foregoing to be delivered to the following recipients: (1) David M. Locher, Esq., Counsel for the Government, via email to the DEA Government Mailbox at [dea.registration.litigation@dea.gov](mailto:dea.registration.litigation@dea.gov) and [David.M.Locher@dea.gov](mailto:David.M.Locher@dea.gov); (2) Jennifer L. Holsclaw, Esq., Counsel for the Government, via email to the DEA Government Mailbox at [dea.registration.litigation@dea.gov](mailto:dea.registration.litigation@dea.gov) and [Jennifer.L.Holsclaw@dea.gov](mailto:Jennifer.L.Holsclaw@dea.gov); (3) David Heldreth, CEO of Panacea Plant Sciences, via email at [davidh@panaceaplantsciences.net](mailto:davidh@panaceaplantsciences.net); and (4) Elijah Z. Ullman, via email at [ezu321@gmail.com](mailto:ezu321@gmail.com).

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Danielle A. Prince, Staff Assistant  
Office of Administrative Law Judges