

IN THE 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**

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Docket No. 22-21

**PANACEA PLANT SCIENCES MOTION FOR SUMMARY DISMISSAL, AND
DELAY IN FILING DEADLINES AND EXTENSION OF TIME**

Panacea Plant Sciences is writing to advise the Court as we did on June 13, 2022 via email that no service had been made to use by the court, the DEA/government or the other parties in this case as of June 13, 2022. However, on June 13, 2022 we received a notice of preliminary statements from the government/DEA. At that point we requested and received the documents which had been filed by the court, government and other parties over the previous month. It appears that on May 18, 2022 the court provided direction to parties and submitted deadlines for prehearing statements of July 12, 2022 for Panacea Plant Sciences and a prehearing conference hearing on July 19, 2022. Due to lack of service to Panacea Plant Sciences as required under law and the constitution we request that these deadlines and hearings be delayed a minimum of the 4 weeks or month which Panacea Plant Sciences has been disadvantaged by the lack of service. As such we request that the deadlines for Panacea Plant Sciences to file prehearing statements be moved until August 9, 2022 from July 12, 2022 and the prehearing conference be moved until August 16, 2022. We ask that any and all other deadlines be similarly extended by 4 weeks.

Panacea Plant Sciences finds that even a delay in proceedings however will still give the government an unfair advantage and due to failure to be served would ask that this hearing be dismissed. If Panacea Plant Sciences failed to service the government with a notice our case would be dismissed and we find the same should fall to the DEA and the government.

Panacea Plant Sciences would like to provide evidence in support of Panacea Plant Sciences motions for dismissal and extensions/delay, the party states as follows:

Factual Background

1. On April 11, 2022, the Drug Enforcement Administration (“DEA”) published a Notice of Proposed Rulemaking with docket number DEA-8241 and titled “Schedules of Controlled Substances: Placement of 2,5-dimethoxy-4-iodoamphetamine (DOI) and 2,5-dimethoxy-4- chloroamphetamine (DOC) in Schedule I.” 87 Fed. Reg. 21,069 (2022). The Notice of Proposed Rulemaking also provided a May 11, 2022 deadline for requests for a hearing (“RFH”), but did not set a hearing location.

2. On April 27, 2022, Panacea Plant Sciences (“Panacea”), acting pro se, 2 filed a document titled “Regarding Docket No. DEA-824” (“Panacea RFH”), regarding the proposed placement of DOI and DOC in Schedule I of the Controlled Substances Act. In its filing, Panacea specifically requests a hearing.

3. On May 18, 2022 the Court filed an order for prehearing statements which set several deadlines. In the certificate of services Panacea Plant Sciences and the correct email are listed, but the Court and the DEA/government failed to actually service or provide the orders or documents to Panacea Plant Sciences as required under law.

4. On June 13, 2022 the DEA submitted to Panacea Plant Sciences a notice of appearance which caused Panacea Plant Sciences to email the Court and request information. Only upon this request did the court provide documents or service to Panacea Plant Sciences.

5. Additionally and prior to any attempt to disqualify Panacea Plant Sciences for standing the company would like to also state that they have patent filings and research on the two named compounds in this docket

Argument

6. Panacea Plant Sciences was not correctly served as required under the law and has been given a 4 week delay in this case compared to the government and other parties. Due to this lack of proper procedure under the law and correct service which provides for protections under the law we request a summary dismissal of these hearings. If summary dismissal is not granted we ask that a 4-week delay/extension of time in all hearings and deadlines be granted.

CONCLUSION

For the foregoing reasons, Panacea Plant Sciences requests the Tribunal find irremediable fault with the hearings and process and summarily dismiss the hearings. If summary dismissal is not granted we ask that a 4-week delay/extension of time in all hearings and deadlines be granted. That would push deadlines for prehearing statements until August 9, 2022 and prehearing appearance until August 16, 2022.

Date: June 14, 2022

Respectfully submitted,

/s/ David Heldreth

David Heldreth

PANACEA PLANT SCIENCES

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For Panacea Plant Sciences

CERTIFICATE OF SERVICE

On June 14, 2022, I served a copy of this motion on via email to the DEA Judicial Mailbox (**ECF-DEA@dea.gov**), Holsclaw, Jennifer L (Jennifer.L.Holsclaw@dea.gov) and the Government Mailbox at (**dea.registration.litigation@dea.gov**).

/s/ David Heldreth