

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

CARL ERIC OLSEN,	*	
	*	
Plaintiff,	*	No. 4-07-CV-00023-JAJ-RAW
	*	
v.	*	
	*	REQUEST FOR JUDICIAL NOTICE
ALBERTO R. GONZALES, et al.,	*	IN SUPPORT OF
	*	MOTION FOR SUMMARY JUDGMENT
Defendants.	*	

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rules of Evidence, Rule 201, the Plaintiff hereby requests the Court to take Judicial Notice of the following facts and documents:

Exhibit #1. The Legislative History of the Federal Controlled Substances Act, House Report No. 91-1444, 1970 USCCAN 4566, pages 4577-4579, showing the material fact that Congress was uncertain of "the extent to which marihuana should be controlled" and that the Presidential Commission on Marijuana would "be of aid in determining the appropriate disposition of this question."

Exhibit #2. Volume 51, Federal Register, pages 17476-17478, showing the material fact that the pharmaceutically pure psychoactive ingredient in marijuana in sesame oil encapsulated in soft gelatin capsules was moved from Schedule I to Schedule II of the Federal Controlled Substances Act in 1986.

Exhibit #3. Volume 64, Federal Register, pages 35928-35930, showing the material fact that the pharmaceutically pure psychoactive ingredient in marijuana in sesame oil encapsulated in soft gelatin capsules was moved from Schedule II to Schedule III of the Federal Controlled Substances Act in 1999.

Exhibit #4. Findings of Fact, In the Matter of Lyle E. Craker, Ph.D., DEA Docket No. 05-16, February 12, 2007, showing the material fact that the National Institute on Drug Abuse (NIDA) has a monopoly on the supply of marijuana for

scientific and medical research, and that the NIDA has not been providing adequate supplies of marijuana for legitimate medical research.

Exhibit #5. Unpublished decision in State of Iowa v. Carl Eric Olsen, No. 171/69079, Supreme Court of Iowa, July 18, 1984, showing the material facts that: (1) the Plaintiff is a member and priest of the Ethiopian Zion Coptic Church; (2) the Ethiopian Zion Coptic Church is a bona fide religious organization; and (3) the Iowa Supreme Court refused to make an independent finding of a compelling state interest, relying instead on the legislature's decision to regulate marijuana.

Exhibit #6. Unpublished decision in Carl Eric Olsen v. State of Iowa, Civ. No. 93-301-E, 1986 WL 4045 (S.D. Iowa), showing the material facts that: (1) the Plaintiff is a priest of the Ethiopian Zion Coptic Church; (2) marijuana is an integral part of the religious doctrine of the Ethiopian Zion Coptic Church; and (3) the United States District Court agreed with the Iowa Supreme Court that an independent finding of a compelling state interest was not required.

Exhibit #7. Corrected Order of the United States District Court for the Southern District of Florida, July 12, 1984, Ethiopian Zion Coptic Church v. Drug Enforcement Administration, No. 83-1932, showing the material fact that the Plaintiff was allowed to represent Thomas F. Reilly, Jr., also known as Brother Louv, the official spokesperson for the Ethiopian Zion Coptic Church in the United States (See Exhibit #4 attached to Plaintiff's Original Complaint).

Exhibit #8. August 22, 1991, letter from the Department of Health and Human Services explaining the distribution of marijuana to 15 Americans in the "compassionate" IND program.

Exhibit #9. Iowa's Drug Control Strategy 2007, showing the material fact that Iowa drug law enforcement receives substantial federal funding.

Exhibit #10. Slip Opinion of the United States Supreme Court in Morse v. Frederick, No. 06-278, June 25, 2007.

Exhibit #11. Slip Opinion of the United States Court of Appeals for the Ninth Circuit in Raich v. Gonzales, No. 03-15481, March 14, 2007.

Respectfully submitted this 2nd day of July, 2007

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of July, 2007 all of the following Defendants are ECF system registrants and copies of this reply are being distributed to them electronically by the Court pursuant to the Court's Text Order of May 3, 2007 (Docket Entry 32):

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