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ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JAN 28 2010  
at 1 o'clock and 5 min. 5 M.  
SUE BEITIA, CLERK

Attorney for Plaintiffs  
OKLEVUEHA NATIVE AMERICAN CHURCH OF HAWAII, INC.  
MICHAEL REX "RAGING BEAR" MOONEY

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

OKLEVUEHA NATIVE	)	Civil No. 09-00336 SOM BMK
AMERICAN CHURCH OF	)	
HAWAII, INC.; MICHAEL REX	)	<b>AFFIDAVIT OF MICHAEL REX</b>
"RAGING BEAR" MOONEY,	)	<b>"RAGING BEAR" MOONEY IN</b>
	)	<b>OPPOSITION TO DEFENDANTS'</b>
Plaintiffs,	)	<b>MOTION TO DISMISS; EXHIBITS</b>
	)	<b>1-2; CERTIFICATE OF SERVICE</b>
vs.	)	
	)	
ERIC H. HOLDER, JR., as U.S.	)	
Attorney General; MICHELE	)	
LEONHART, as Acting	)	
Administrator of the U.S. Drug	)	
Enforcement Administration;	)	Hearing: February 22, 2010 @ 9:00
EDWARD H. KUBO, JR., as U.S.	)	
Attorney for the District of Hawaii,	)	Honorable: Susan Oki Mollway
	)	
<u>Defendants.</u>	)	Trial Week: October 13, 2010

**AFFIDAVIT OF MICHAEL REX "RAGING BEAR" MOONEY**

**IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

1. Plaintiff herein Michael Rex "Raging Bear" Mooney, having been sworn under oath and penalty of perjury, does hereby assert and affirm as follows:
2. I am a resident of the City and County of Honolulu, State of Hawaii.

3. I am of Seminole Native-American ancestry.

4. I am the President of the Oklevueha Native American Church of Hawaii, Inc. (the NAC, as evidenced by the attached articles of nonprofit incorporation (exhibit 1).

5. I am also the Medicine Custodian of the NAC.

6. As a spiritual leader of the NAC, I am experienced in Native American spiritual practices and I act to facilitate the spiritual practices of Church members.

7. I have reviewed the Complaint for Declaratory Relief and for Preliminary and Permanent Injunctive Relief prior to its filing in this case, and hereby aver and verify that the allegations made therein are true and accurate, and hereby incorporate them by reference.

8. An actual controversy between myself/the NAC and the named Defendants exists by virtue of the fact that the Defendants have confiscated Cannabis from the Plaintiffs and have refused to return it to Plaintiffs.

9. The Cannabis intended for myself and my Church was sent to me on June 8, 2009, as evidenced by the attached FedEx US Airbill (exhibit 2).

10. Defendants have seized this Cannabis sacrament from us, at some point prior to its delivery to myself and the NAC.

11. The NAC considers Cannabis to be most holy, and sacramental Cannabis is utilized both in conjunction with (and without) sacramental Peyote usage by myself and the NAC.

12. Defendants are failing to protect and preserve my right to use this traditional sacrament by their seizing of NAC property.

13. I request that the Defendants be ordered to return the seized Cannabis to me/the NAC, and further request that the relief sought in our Complaint be expeditiously granted by this Honorable Court.

14. Plaintiff hereby declares under penalty of perjury that he understands that his signature under oath is his solemn statement that he has read this Affidavit and that he knows and understands the contents and that these statements are true, correct and

complete to the best of Plaintiff's knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT.

DATED: Boise, Idaho; 1/27/10, 2010

*MR*  
MICHAEL REX "RAGING BEAR" MOONEY  
individually and as President of  
OKLEVUEHA NATIVE AMERICAN CHURCH OF HAWAII, INC.

Subscribed and Sworn to  
before Me on this Date: 27 January 2010

*Christy Fieldstad*  
Notary Public, State of Idaho

Idaho

NOTARY CERTIFICATE (~~Hawaii Administrative Rules § 5-11-8~~)

Document Identification or Description: Affidavit  
*Identified* U.S. Passport 433023845  
4/29/08 exp 4/28/18

Document Date: ~~4/29/08~~ # of Pages: 3 Jurisdiction: District of Hawaii

*Christy Fieldstad* expiration March 01, 2012  
Signature of Notary Date of Certificate

Christy Fieldstad  
Printed Name of Notary

(Official Stamp or Seal)

