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FILED

JUN 06 2005

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIN ALLIANCE FOR MEDICAL
MARIJUANA, and LYNETTE SHAW,

Defendants.

No. C 98-00086 CRB
No. C 98-00087 CRB
No. C 98-00088 CRB

ORDER

AND RELATED CASES

Before issuing an opinion on the merits of defendants' consolidated appeals, the Ninth Circuit remanded these related actions to this Court for reconsideration after the United States Supreme Court issues its decision in Gonzales v. Raich, cert. granted, 524 U.S. 936 (2004). United States v. Marin Alliance for Medical Marijuana, 372 F.3d 1047 (9th Cir. 2004). Raich is a Commerce Cause challenge to federal regulation of intrastate noncommercial cultivation and use of marijuana. In light of the Supreme Court's opinion issued today, Gonzales v. Raich, __ S.Ct. __, 2005 WL 1321358 (June 6, 2005), the Court declines to reconsider its earlier rulings.

IT IS SO ORDERED.

Dated: June 6, 2005



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

RECEIVED

JUN 07 2005

MORRISON & FOERSTER

1 **CIRCUIT RULE 3-2 REPRESENTATION STATEMENT**

2
3 1. Defendants/Appellants are OAKLAND CANNABIS BUYERS' COOPERATIVE and JEFFREY
4 JONES.

5 Counsel for Defendants/Appellants are:

6 Robert A. Raich
7 1970 Broadway, Suite 1200
8 Oakland, California 94612
9 Telephone: (510) 338-0700
10 Facsimile: (510) 338-0600

11 Gerald F. Uelmen
12 Santa Clara University, School of Law
13 Santa Clara, California 95053
14 Telephone: (408) 554-5729
15 Facsimile: (408) 554-4426

16 Randy E. Barnett
17 Boston University Law School
18 765 Commonwealth Avenue
19 Boston, Massachusetts 02215
20 Telephone: (617) 353-3099
21 Facsimile: (617) 353-3077

22 Annette P. Carnegie
23 Heather A. Moser
24 Morrison & Foerster LLP
25 425 Market Street
26 San Francisco, California 94105-2482
27 Telephone: (415) 268-7000
28 Facsimile: (415) 268-7522

29 2. Plaintiff/Appellee is the UNITED STATES OF AMERICA.

30 Counsel for Plaintiff/Appellee is:

31 Mark T. Quinlivan
32 United States Attorneys' Office
33 John Joseph Moakley Courthouse
34 One Courthouse Way
35 Suite 9200
36 Boston, MA 02210
37 Telephone: (617) 748-3606
38 Facsimile: (617) 748-3953

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28

3. Defendants MARIN ALLIANCE FOR MEDICAL MARIJUANA and LYNETTE SHAW.
Counsel for Defendants is:

Gregory Anton
P.O. Box 299
Lagunitas, CA 94938
Telephone: (415) 789-8535
Facsimile: (415) 663-0350

4. Defendant UKIAH CANNABIS BUYER'S CLUB, CHERRIE LOVETT, MARVIN
LEHRMAN, and MILDRED LEHRMAN.

Counsel for Defendants is:

Susan B. Jordan
515 South School Street
Ukiah, CA 95482
Telephone: (707) 462-2151
Facsimile: (707) 462-2194

5. *Amicus Curiae* AMERICAN CIVIL LIBERTIES UNION.

Counsel for *Amicus Curiae* are:

Graham A. Boyd
American Civil Liberties Union Foundation
1101 Pacific Avenue, Suite 333
Santa Cruz, CA 95060
Telephone: (831) 471-9000
Facsimile: (831) 471-9676

Ann Brick
American Civil Liberties Union
Foundation of Northern California, Inc.
1663 Mission Street
San Francisco, CA 94103
Telephone: (415) 621-2488
Facsimile: (415) 255-1478

Jordan C. Budd
American Civil Liberties Union Foundation of San Diego & Imperial Counties, Inc.
110 West C Street, Suite 901
San Diego, CA 92101
Telephone: (619) 232-2121
Facsimile: (619) 232-0036

Peter Eliasberg
American Civil Liberties Union Foundation of Southern California, Inc.
1616 Beverly Boulevard
Los Angeles, CA 90026
Telephone: (213) 977-9500
Facsimile: (213) 250-3919

1 6. *Amicus Curiae* STATE OF CALIFORNIA.

2 Counsel for *Amicus Curiae* is:

3 Bill Lockyer, Attorney General of California
4 Peter Siggins, Chief Deputy Attorney General
5 Taylor S. Carey, Special Asst. Attorney General
6 1300 I Street
7 Sacramento, CA 95814
8 Telephone: (916) 324-5362
9 Facsimile: (916) 322-0206

7 7. *Amicus Curiae* CALIFORNIA MEDICAL ASSOCIATION.

8 Counsel for *Amicus Curiae* are:

9 Alice P. Mead
10 California Medical Association
11 221 Main Street
12 San Francisco, CA 94120-7690
13 Telephone: (415) 541-0900
14 Facsimile: (415) 882-5143

15 Julie M. Carpenter
16 Jenner & Block LLP
17 601 Thirteenth Street, N.W.
18 Washington, D.C. 20005
19 Telephone: (202) 639-6029
20 Facsimile: (202) 639-6066

16 8. *Amicus Curiae* CITY OF OAKLAND.

17 Counsel for *Amicus Curiae* is:

18 John Russo, City Attorney
19 Barbara J. Parker, Chief Asst. City Attorney
20 City Hall
21 One Frank Ogawa Plaza, 6th Floor
22 Oakland, CA 94612
23 Telephone: (510) 238-3601
24 Facsimile: (510) 238-6500

22 9. *Amicus Curiae* COUNTY OF ALAMEDA.

23 Counsel for *Amicus Curiae* is:

24 Richard E. Winnie
25 Alameda County Counsel
26 1221 Oak Street, #450
27 Oakland, CA 94612
28 Telephone: (510) 272-6700
Facsimile: (510) 272-5020

**PROOF OF SERVICE BY OVERNIGHT DELIVERY
(FRCP 5)**

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited in a box or other facility regularly maintained by United Parcel Service or delivered to an authorized courier or driver authorized by United Parcel Service to receive documents on the same date that it is placed at Morrison & Foerster for collection.

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**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
CIVIL APPEALS DOCKETING STATEMENT**

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 27th day of July, 2005.

Carol J. Peplinski
(typed)

(signature)

SERVICE LIST

United States of America

Mark T. Quinlivan
United States Attorneys' Office
John Joseph Moakley Courthouse
One Courthouse Way
Suite 9200
Boston, MA 02210

Marin Alliance for Medical Marijuana and Lynette Shaw

Gregory Anton
359 Meadow Way
San Geronimo, CA 94963

Ukiah Cannabis Buyer's Club, Cherrie Lovett, Marvin and Mildred Lehrman

Susan B. Jordan
515 South School Street
Ukiah, CA 95482

Oakland Cannabis Buyers' Cooperative and Jeffrey Jones

Robert A. Raich
A Professional Law Corporation
1970 Broadway, Suite 1200
Oakland, CA 94612

Gerald F. Uelmen
Santa Clara University
School of Law
Santa Clara, CA 95053

Randy Barnett
Boston University School of Law
765 Commonwealth Avenue
Boston, MA 02215

Amicus Curiae California Medical Association

Alice P. Mead
California Medical Association
221 Main Street, Third Floor
San Francisco, CA 94120-7690

Julie M. Carpenter
Jenner & Block
601 13th Street, N.W.
Washington, D.C. 20005

Amicus Curiae County of Alameda

Richard E. Winnie
Alameda County Counsel
1221 Oak Street, #450
Oakland, CA 94612

Amicus Curiae City of Oakland

John A. Russo, City Attorney
Barbara J. Parker, Chief Asst. City Atty.
City Hall
One Frank Ogawa Plaza, 6th Floor
Oakland, CA 94612

Amicus Curiae American Civil Liberties Union

Graham A. Boyd
American Civil Liberties Union
Foundation
1101 Pacific Avenue, Suite 333
Santa Cruz, CA 95060

Ann Brick
American Civil Liberties Union
Foundation of Northern California, Inc.
1663 Mission Street
San Francisco, CA 94103

Jordan C. Budd
American Civil Liberties Union
Foundation of San Diego & Imperial
Counties, Inc.
110 West C Street, Suite 901
San Diego, CA 92101

Peter Eliasberg
American Civil Liberties Union
Foundation of Southern California, Inc.
1616 Beverly Boulevard
Los Angeles, CA 90026

Amicus Curiae State of California

Bill Lockyer, Atty. General of California
Peter Siggins, Chief Deputy Atty. General
Taylor S. Carey, Special Asst. Atty. General
1300 I Street
Sacramento, CA 95814