[CASE BEING CONSIDERED FOR TREATMENT PURSUANT TO

RULE 34(j) OF THE COURT'S RULES]

No. 18-1058

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

In Re: Rev Bryan A Krumm, CNP
pro se petitioner

v

US Drug Enforcement Administration et al

On Petition for Review from a January 16, 2018 Letter Decision of the Drug Enforcement Administration

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PETITIONERS MOTION FOR SUMMARY JUDGEMENT

Rev. Bryan A. Krumm, CNP

Pro Se Petitioner

The DEA has violated States rights to determine "accepted medical use" of Cannabis by violating 18 U.S. Code § 1512. They have created unreasonable, arbitrary and capricious standards defining "accepted medical use", in order to illegally tamper with the findings of the FDA and HHS. DEA has illegally prevented the FDA from including the laws of 30 States, dozens of phase 2 clinical trials, the expertise of thousands of medical providers and the anecdotal reports of millions of Americans during it's reviews. FDA and HHS are required to withhold evidence proving the safety and efficacy of Medical Cannabis in order to comply with DEAs capricious and irrational rules. Now, the DEA is attempting to manipulate legal procedural issues to prevent this Court from considering the facts in this case. Petitioner would like to remind the Court that he is not an attorney and respectfully requests a liberal interpretation of all pleadings under *Haines v. Kerner*, 404 U.S. 519 (1972).

18 U.S. Code § 1512 (e) states:

> "In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully".

(f)For the purposes of this section—

(1) an official proceeding need not be pending or about to be instituted at the time of the offense; and

(2) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

There is nothing about the actions of the DEA to indicate that their intention has ever been to encourage, induce or cause the FDA or HHS to produce a factually accurate review of Medical Cannabis. The evidence is quite clear that DEA has instituted unreasonable and arbitrary rules to prevent FDA and HHS from considering the vast epidemiological proof that Cannabis is safe and effective for medical use. Jeff Sessions is fully complicit in these actions because he is responsible for administering the CSA and he has directly ordered the DEA to violate the law by continuing to block Medical Cannabis research and to refuse to approve new producers of Medical Cannabis, in violation of the settlement from my previous Rescheduling Petition.

The question of who makes the decision whether to accept the medical use of controlled substances in treatment in the United States was answered definitively in *Gonzales v. Oregon*, 546 U.S. 243, 258 (2006):

> The Attorney General has rulemaking power to fulfill his duties under the CSA. The specific respects in which he is authorized to make rules, however, instruct us that he is not authorized to make a rule declaring illegitimate a medical standard for care and treatment of patients that is specifically authorized under state law.

Yet, the DEA has chosen to illegally ignore the laws of 30 States by ordering the FDA and HHS to adhere to irrational standards of review for Cannabis, that are completely unreasonable, arbitrary, and capricious. Now, Attorney General Jeff Session has illegally ordered DEA to ignore the limited recommendations of FDA and HHS to stop blocking research and allowing people to grow cannabis for research purposes. The DEA and Jeff Sessions know that allowing phase 3 clinical trials to be conducted with Cannabis produced by reliable sources would quickly substantiate the overwhelming evidence that Cannabis is safe and effective for medical use allowing the FDA to finally meet the DEAs capricious standards of review. Decades of illegal and unethical behavior by the DEA is responsible for the deaths of million of Americans. Now we have an Attorney General who may be even more corrupt than the DEA itself.

Due to the egregious nature of the DEA's illegal witness tampering, which harms millions of Americans, Petitioner respectfully asks that this Court issue Summary Judgement against the DEA, instructing the DEA to immediately exempt Cannabis from control under the CSA. The States should be allowed to determine how Cannabis should be controlled for medical, religious, industrial and recreational purposes. In the alternative, DEA must be ordered to immediately remove Cannabis from schedule 1 of the CSA, as required by the clear statutory language of the Act. They must stop blocking medical research and immediately

allow more cultivation of Cannabis for medical and research purposes, as is required according the 2016 settlement of my 2009 rescheduling petition.

Respectfully submitted this 23’rd day of July, 2018

Rev. Bryan A. Krumm CNP
xxxxxxxxxxxxx
Albuquerque, NM xxxxx
xxxxxxxxxx
In Propria Persona

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the requirements of Federal Rule of Appellate Procedure 32(a)(5) and (6) because it has been prepared in 14-point Times New Roman, a proportionally spaced font.

I further certify that this brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B) because it contains 748 words, according to the count of Apple Pages.

Signature

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Date 7/23/18

CERTFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, Rev. Bryan A. Krumm, CNP
[petitioner]

I hereby certify that on July 23, 2018, filed the foregoing brief with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by Fed-Ex next day delivery.

I hereby certify that on July 23, 2018, I served a copy of the foregoing Petition for Writ of Mandamus by USPS express delivery to the last known addresses of,

Robert W. Patterson, Acting Administrator, Drug Enforcement Administration, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152.

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[Respondents]

Signature

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Date 7/23/18