



Cited

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## National Org. for the Reform of Marijuana Laws v. DEA

United States Court of Appeals for the District of Columbia Circuit

October 16, 1980, Filed

No. 79-1660

### Reporter

1980 U.S. App. LEXIS 13099 \*

The **National Organization for the Reform of Marijuana Laws** (NORML), Petitioner v. Drug Enforcement Administration, U.S. Department of Justice, and U.S. Department of Health, Education and Welfare, Respondents

**Notice:** [\*1] UNPUBLISHED DISPOSITION - NOT TO BE CITED AS PRECEDENT. SEE LOCAL RULE 11(c).

**Prior History:** PETITION FOR REVIEW OF AN ORDER OF THE DRUG ENFORCEMENT ADMINISTRATION

### Core Terms

partial, parties

**Judges:** Before: TAMM, ROBINSON and MIKVA, Circuit Judges

**Opinion by:** PER CURIAM

### Opinion

#### JUDGMENT

This cause came on to be heard on a petition for review of an order of the Drug Enforcement Administration, briefs and other pleadings, including a motion for partial remand, were filed by the parties, and the case was called for oral argument. Counsel for the parties were asked to address the Court as to the present status of this case and did so. In view of respondents' motion for partial remand of this case to the Drug Enforcement Administration, this Court finds, *sua sponte*, that reconsideration of all the issues in this case would be appropriate. Upon consideration of the foregoing, it is

ORDERED AND ADJUDGED, by this Court, that this

case be remanded in its entirety to the Drug Enforcement Administration. It is

FURTHER ORDERED, that the Drug Enforcement Administration refer all the substances at issue to the Department of Health and Human Resources for that Department's scientific and medical findings and recommendations on scheduling, [\*2] as provided by [21 U.S.C. § 811\(b\) \(1976\)](#). These proceedings shall take into account new evidence concerning medical use of the substances at issue, and shall be consistent with both this order and the prior decisions of this Court in [National Organization for the Reform of Marijuana Laws v. Drug Enforcement Administration, 182 U.S. App. D.C. 114, 559 F.2d 735 \(D.C. Cir. 1977\)](#), and [National Organization for the Reform of Marijuana Laws v. Ingersoll, 162 U.S. App. D.C. 67, 497 F.2d 654 \(D.C. Cir. 1974\)](#). We regrettably find it necessary to remind respondents of an agency's obligation on remand not to "do anything which is contrary to either the letter or spirit of the mandate construed in the light of the opinion of [the] court deciding the case." [City of Cleveland v. Federal Power Commission, 182 U.S. App. D.C. 346, 561 F.2d 344, 346 \(D.C. Cir. 1977\)](#) (quoting [Yablonski v. UMW, 147 U.S. App. D.C. 193, 454 F.2d 1036, 1038 \(D.C. Cir. 1971\)](#), cert. denied, 406 U.S. 906, 31 L. Ed. 2d 816, 92 S. Ct. 1609 (1972)).

Per Curiam

For the Court

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