

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

NEW DIRECTIONS ADDICTION
RECOVERY SERVICES; KENNETH
FINN, M.D.; ELIZABETH “LIBBY” B.
STUYT, M.D.; CANNABIS INDUSTRY
VICTIMS EDUCATING LITIGATORS;
MMJ INTERNATIONAL HOLDINGS,
INC.; MMJ BIOPHARMA
CULTIVATION, INC.; and MMJ
BIOPHARMA LABS, INC.,

Petitioners,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States;
TODD BLANCHE, in his official capacity
as Acting Attorney General of the United
States; UNITED STATES DEPARTMENT
OF JUSTICE; TERRANCE C. COLE, in
his official capacity as Administrator of
the Drug Enforcement Administration;
and DRUG ENFORCEMENT
ADMINISTRATION,

Respondents.

Case No. 26-1136

PETITION FOR REVIEW OF FINAL AGENCY ACTION

Petitioners New Directions Addiction Recovery Services (“New Directions”); Kenneth Finn, M.D.; Elizabeth “Libby” B. Stuyt, M.D.; Cannabis Industry Victims Educating Litigators (“CIVEL”); and MMJ International Holdings, Inc. (“MMJIH”) with its subsidiaries MMJ BioPharma Cultivation, Inc. (“MMJBC”) and MMJ BioPharma Labs, Inc. (“MMJBL”) (collectively, “MMJ”), by and through their undersigned counsel, respectfully petition this Court pursuant to 21 U.S.C. § 877, 28 U.S.C. § 2344, and 5 U.S.C. §§ 701–706 for review of the final order of the Attorney General of the United States

entitled “Schedules of Controlled Substances: Rescheduling of Food and Drug Administration Approved Products Containing Marijuana and Products Containing Marijuana Subject to a Qualifying State-issued License From Schedule I to Schedule III; Corresponding Change to Permit Requirements,” AG Order No. 6754-2026, 91 Fed. Reg. 22,714 (Apr. 28, 2026) (the “Final Order”), which became effective on April 22, 2026. A copy of the Final Order is attached hereto as Exhibit A.

I. Jurisdiction and Venue

This Court has jurisdiction under 21 U.S.C. § 877, which provides that “[a]ll final determinations, findings, and conclusions of the Attorney General” under the Controlled Substances Act (“CSA”) “shall be final and conclusive decisions of the matters involved, except that any person aggrieved by a final decision of the Attorney General may obtain review of the decision in the United States Court of Appeals” for the circuit in which the person resides or has a principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit. This Court additionally has jurisdiction under 28 U.S.C. §§ 2112 and 2344 and 5 U.S.C. § 702.

Venue is proper in this Circuit pursuant to 21 U.S.C. § 877, which expressly authorizes any person aggrieved by a final decision of the Attorney General under the CSA to obtain review in the United States Court of Appeals for the District of Columbia Circuit. The D.C. Circuit is the appropriate forum for this challenge because it has longstanding expertise in CSA scheduling matters and is the court of record for the seminal decision construing § 811(d)(1). *See NORML v. DEA*, 559 F.2d 735 (D.C. Cir. 1977). Additionally, Petitioner CIVEL is a named plaintiff in *Smart Approaches to Marijuana, Inc.*

v. Kennedy, No. 1:26-cv-01081-TNM (D.D.C.), and counsel for Petitioners maintain offices in Washington, D.C.

This Petition is timely filed within thirty (30) days of the publication of the Final Order in the Federal Register on April 28, 2026. *See* 21 U.S.C. § 877.

II. Background

On December 18, 2025, President Donald J. Trump issued Executive Order No. 14370, titled “Increasing Medical Marijuana and Cannabidiol Research,” 90 Fed. Reg. 60,541 (Dec. 23, 2025) (the “Executive Order”), which directed the Attorney General to “take all necessary steps to complete the rulemaking process related to rescheduling marijuana to Schedule III of the CSA in the most expeditious manner in accordance with Federal law, including 21 U.S.C. 811.” At the Oval Office signing ceremony, President Trump stated that rescheduling marijuana is “really something having to do with common sense” and predicted that “[t]his reclassification order will make it far easier to conduct marijuana-related medical research allowing us to study benefits, potential dangers and future treatments. It’s going to have a tremendously positive impact.” *Remarks on Signing an Executive Order on Increasing Medical Marijuana and Cannabidiol Research and an Exchange With Reporters*, The American Presidency Project (Dec. 18, 2025), <https://tinyurl.com/3229zz3p>.

President Trump credited Howard Kessler—a Palm Beach billionaire, financial services executive, and longtime personal friend of the President who founded The Commonwealth Project in 2019 to advocate for cannabis’s supposed medical benefits—as the driving force behind the Executive Order. Trump told the assembled press that

Kessler “came to see me on more than one occasion” and “said there’s been nothing like this and we’re going to have to take a good strong look at it.” *Id.* Secretary Robert F. Kennedy Jr. stated at the ceremony that “without [Kessler] we wouldn’t be here today,” noting that Kessler “drove this change in the schedule” based on “his own experience” mitigating the effects of chemotherapy. *Id.*

On April 22, 2026, Acting Attorney General Todd Blanche issued the Final Order placing two categories of marijuana products into Schedule III of the CSA: (1) drug products containing marijuana that have been approved by the Food and Drug Administration (“FDA”), and (2) marijuana products subject to a qualifying state-issued license to manufacture, distribute, and/or dispense marijuana for medical purposes (“state medical marijuana license”). 91 Fed. Reg. at 22,714. The Final Order simultaneously amended DEA regulations at 21 C.F.R. Part 1312 to require import and export permits for the rescheduled products, and established an expedited registration process under 21 C.F.R. Part 1301 for entities holding state medical marijuana licenses. *Id.*

The Acting Attorney General purported to act under the authority of 21 U.S.C. § 811(d)(1), the treaty-implementation provision of the CSA, claiming that this action was “required to satisfy the responsibility of the Administrator under the CSA to place a drug in the schedule he deems most appropriate to carry out United States obligations under the Single Convention on Narcotic Drugs, 1961.” *Id.* However, the Final Order is also intended to carry out the Executive Order. *See* 91 Fed. Reg. 22,777–22,778 (Apr. 28, 2026).

The Final Order was issued without prior notice-and-comment rulemaking under 5 U.S.C. § 553, without a formal hearing on the record under 21 U.S.C. § 811(a), without

consultation of the recommendation of the Department of Health and Human Services (“HHS”) on rescheduling, without consideration of the administrative process regarding rescheduling that was already in progress, and without compliance with the procedural requirements of 5 U.S.C. §§ 556–557.¹ The Respondents avoided many of these procedural safeguards by issuing their rescheduling decision under Section 811(d).

Simultaneously, the Department of Justice withdrew the prior Notice of Proposed Rulemaking, 89 Fed. Reg. 44,597 (May 21, 2024), terminated the ongoing administrative hearing proceedings before former Chief Administrative Law Judge John J. Mulrooney, II (DEA Docket No. 1362, Hearing Docket No. 24-44) (the “Administrative Hearing”), and issued a new Notice of Hearing for an expedited rescheduling hearing to commence June 29, 2026, and conclude by July 15, 2026.

The Final Order has immediate and sweeping consequences, including:

- The elimination of the deduction disallowance imposed by 26 U.S.C. § 280E for state-licensed marijuana businesses;
- The creation of a novel, bifurcated federal scheduling framework never contemplated by Congress;
- The effective federal endorsement of state medical marijuana programs that have never undergone FDA approval; and
- The reduction of federal controls on marijuana products in a manner that will foreseeably increase marijuana availability and use.

¹ The Acting Attorney General explicitly stated that he was “not required to consider [the] HHS recommendation when issuing an order under section 811(d)(1).” *Id.* at 22,718.

III. Identification of Petitioners and Standing

Each Petitioner is a “person aggrieved” by the Final Order within the meaning of 21 U.S.C. § 877. Petitioners satisfy the requirements of Article III standing because each has suffered or will imminently suffer a concrete and particularized injury in fact that is fairly traceable to the Final Order and redressable by a favorable decision of this Court. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992). Each Petitioner’s interests fall within the zone of interests protected by the CSA and the APA. *See Americans for Safe Access v. DEA*, 706 F.3d 438, 443–49 (D.C. Cir. 2013).

A. New Directions Addiction Recovery Services

New Directions is a substance abuse recovery clinic and retreat center located in McHenry County, Illinois.

The Final Order directly and concretely injures New Directions and its patients by rescheduling marijuana products to Schedule III without adequate consideration of marijuana’s well-documented addiction potential, thereby signaling to the public and to persons in recovery that marijuana is less dangerous than its prior Schedule I classification indicated. According to the Centers for Disease Control and Prevention, approximately three in ten people who use cannabis develop cannabis use disorder. This rescheduling will foreseeably increase the availability and social acceptability of marijuana, undermining New Directions’ organizational mission to assist individuals in overcoming substance abuse, including cannabis use disorder, and diverting organizational resources to address increased marijuana-related harm among its patient population. Additionally, the Final Order deprives New Directions of accurate and reliable medical information necessary to counsel patients who are using or considering

the use of marijuana, as there are no FDA-approved dosing guidelines, package inserts, or clinical protocols that would enable New Directions's clinicians to provide evidence-based treatment guidance regarding a substance now classified as a Schedule III drug.

The Final Order also injures New Directions by providing no avenue for comment under the APA and no access to an administrative hearing under the CSA. New Directions would have had an opportunity to present evidence of the Final Order's harms before and after its publication, but because the Final Order was issued under Section 811(d) instead of as a Notice of Proposed Rulemaking under Section 811(a), it was deprived of due process and equal protection of the laws.

B. Kenneth Finn, M.D.

Dr. Finn is a physician who practices comprehensive pain medicine in Prescott, Arizona, and is board-certified in Physical Medicine and Rehabilitation, Pain Medicine, and Pain Management. He is certified in Cannabis Science through the University of Colorado, is former President of the American Board of Pain Medicine, and has served on that Board's Exam Council for over 25 years. Dr. Finn serves on the Board of Directors of the International Academy on the Science and Impacts of Cannabis ("IASIC") and is the editor of *Cannabis in Medicine: An Evidence-Based Approach* (Springer, 2020). Dr. Finn also served on the Governor's Task Force for Amendment 64, which legalized marijuana for recreational use in Colorado, and served four years on the Colorado Marijuana Scientific Advisory Council. His clinical practice, academic work, and policy involvement place him in direct and ongoing contact with the consequences of inadequate regulatory frameworks governing marijuana as a purported medical therapy. He wishes to prescribe

cannabis to patients for pain management using safe and effective products and following proper dosing requirements, but cannot do so.

Dr. Finn was designated as a participant in the Administrative Hearing and was found to have established standing by Chief Administrative Law Judge John J. Mulrooney II. The ALJ found that Dr. Finn “raised issues related to his pain management practice where he claims that he will be adversely affected by the promulgation of the NPRM” and that “this type of allegation clearly sounds within the reach of the APA and CSA’s standing requirements under the regulations, and militate in favor of standing.” Order Regarding Standing, Scope, and Prehearing Procedures at 19-20 (Nov. 19, 2024). The ALJ concluded that “all four of the [Standing Criteria] favor standing” and that Dr. Finn had established standing to participate in the Administrative Hearing. *Id.* Dr. Finn is also a named plaintiff in *Smart Approaches to Marijuana, Inc. v. Kennedy*, No. 1:26-cv-01081-TNM (D.D.C.), challenging the Centers for Medicare & Medicaid Services’ Substance Access Beneficiary Engagement Incentive.

The Final Order directly and concretely injures Dr. Finn by requiring him, as a practitioner seeking to prescribe cannabis products to his patients for pain management, to do so without the benefit of the standardized dosing protocols, package inserts, drug interaction data, and FDA-approved labeling that ordinarily accompany Schedule III controlled substances – but which are absent in the Final Order. Because the Final Order allows state-licensed dispensaries to dispense marijuana using certifications that omit the drug name, strength, dosage form, quantity prescribed, and directions for use required by 21 C.F.R. § 1306.05(a), Dr. Finn cannot determine whether a patient is consuming a

smoked product of 15% THC or a 95% THC concentrate such as wax or shatter – each carrying materially different risk profiles. This absence of standardized prescribing information also prevents Dr. Finn from evaluating potential cannabis-drug interactions, which presents significant patient safety risks. The Final Order thus bypasses the normal FDA drug-approval process, depriving Dr. Finn of the clinical information necessary to provide informed patient care and exposing him to increased professional liability.

Additionally, Dr. Finn is procedurally injured. Issuing the Final Order arbitrarily and capriciously under Section 811(d) and thereby terminating the ongoing Administrative Hearing, in which he had standing and was prepared to present evidence and arguments, prevents him from participating in the regulatory process and violates his Fifth Amendment right to due process and equal protection of the laws. Issuing the Final Order without notice or comment also violates Dr. Finn's right to provide comments on rulemakings with the force and effect of law.

C. Elizabeth “Libby” B. Stuyt, M.D.

Dr. Elizabeth “Libby” B. Stuyt is a board-certified psychiatrist with Added Qualifications in Addiction Psychiatry from the American Board of Psychiatry and Neurology. She holds a Colorado Medical License and has served as Medical Director of the Circle Program at the Colorado Mental Health Institute at Pueblo and as Senior Instructor in the Department of Psychiatry at the University of Colorado Health Sciences Center. Dr. Stuyt is a member of the Board of Directors and Secretary of the International Academy on the Science and Impacts of Cannabis (“IASIC”), serves on the SAMHSA Drug Testing Advisory Board, the Colorado Retail Marijuana Public Health Advisory

Committee, and the Johnny's Ambassadors Scientific Advisory Board. She is a nationally recognized expert on the harms of high-potency THC and its relationship to psychosis, violence, and addiction. Dr. Stuyt is licensed in Colorado, where state-licensed medical marijuana dispensaries operate under the programs that the Final Order purports to federally endorse.

The Final Order directly and concretely injures Dr. Stuyt in the same manner as Dr. Finn: as a practitioner licensed in a state with a medical marijuana program that the Final Order now federally endorses, Dr. Stuyt is required to navigate a clinical landscape in which marijuana products are dispensed as Schedule III controlled substances without the standardized dosing protocols, package inserts, drug interaction data, or FDA-approved labeling that accompany all other Schedule III drugs. The Final Order deprives Dr. Stuyt of the clinical information necessary to provide informed patient care in her addiction psychiatry practice and exposes her to increased professional liability. Because the Final Order was issued without notice-and-comment rulemaking or a formal hearing, Dr. Stuyt's statutory and constitutional rights to participate in the regulatory process were abridged.

D. Cannabis Industry Victims Educating Litigators (CIVEL)

CIVEL is a marijuana industry victims' advocacy organization that educates lawyers on how to hold the marijuana industry accountable to its victims and enables litigation to protect the rights of cannabis industry victims and to obtain justice for cannabis-related injuries such as psychosis or suicide. CIVEL was designated as a participant in the DEA's prior rescheduling hearing proceedings (DEA Docket No. 1362,

Hearing Docket No. 24-44) and was recognized as having associational standing by the Chief Administrative Law Judge, who found that CIVEL “is apparently engaged in the active representation of individuals who claim/have claimed harmful effects from marijuana, and equips trial attorneys and the public with legal citations and tactical approaches for engaging in anti-marijuana litigation.” CIVEL was also recognized as having associational standing in *Botteon v. Murphy*, NJ Superior Court MID-L-002293 (2020). CIVEL is also a named plaintiff in *Smart Approaches to Marijuana, Inc. v. Kennedy*, No. 1:26-cv-01081-TNM (D.D.C.).

The Final Order directly and concretely injures CIVEL by impairing its core programmatic activities: the rescheduling will increase the use of marijuana, reduce the public perception of its dangerousness, lower medical standards for determining what constitutes a medicine, and generate additional victims of the marijuana industry whom CIVEL must serve—all requiring CIVEL to divert staff time and resources from its existing victim assistance and legal education programs to monitor, analyze, and respond to the consequences of the Final Order.

Additionally, CIVEL is procedurally injured. Issuing the Final Order arbitrarily and capriciously under Section 811(d) and thereby terminating the ongoing administrative hearing process in which CIVEL has standing and was prepared to present evidence and arguments prevents CIVEL from participating in the regulatory process and violates its Fifth Amendment right to due process and equal protection of the laws. Issuing the Final Order without notice or comment also violates CIVEL’s right to provide comments on rulemakings with the force and effect of law.

E. MMJ International Holdings

MMJIH is a private pharmaceutical cannabinoid development company and the parent of MMJBC and MMJBL. MMJBL holds an active DEA Schedule I analytical laboratory registration. MMJBC has pursued the federal pharmaceutical pathway from inception, securing FDA Investigational New Drug applications, obtaining Orphan Drug Designation for Huntington's disease, developing pharmaceutical soft-gel cannabinoid formulations, building DEA-inspected laboratory systems, and pursuing botanical-drug chemistry under FDA guidance. Duane Boise serves as President and CEO.

The Final Order directly and concretely injures MMJ by creating a regulatory double standard that rewards state-market marijuana operators who operated outside the federal Controlled Substances Act while penalizing federally compliant pharmaceutical developers like MMJ that invested millions in the FDA pathway, DEA registration, and pharmaceutical manufacturing controls. The Final Order's expedited registration pathway for state licensees effectively bypasses the rigorous public-interest standards, criminal-history requirements, and diversion-prevention controls that DEA imposed on pharmaceutical applicants like MMJ, constituting a competitive injury cognizable under Article III. Additionally, MMJBC challenged the constitutionality of the DEA's Administrative Law Judge structure in *MMJ BioPharma Cultivation Inc. v. Bondi*, Civil Action No. 1:24-cv-127-WES-PAS (D.R.I.), and the Department of Justice formally conceded that "the multiple layers of removal restrictions for administrative law judges ('ALJs') in 5 U.S.C. § 7521 do not comport with the separation of powers and Article II." The Final Order compounds this injury by proceeding to restructure the scheduling

framework while the constitutional defect in the DEA's adjudicatory system remains unresolved. Because the Final Order was issued without notice-and-comment rulemaking or a formal hearing, MMJ's statutory and constitutional rights were abridged.

IV. Statement of Issues Presented For Review

Petitioners seek review and vacatur of the Final Order on the following grounds, which will be developed fully in Petitioners' opening brief:

1. Whether the Final Order is *ultra vires* and in excess of the Attorney General's statutory authority under 21 U.S.C. § 811(d)(1), which the D.C. Circuit in *NORML v. DEA*, 559 F.2d 735 (D.C. Cir. 1977), construed as having a "limited purpose" that does not authorize placement of marijuana below Schedule II, where the Single Convention on Narcotic Drugs does not require Schedule III placement.
2. Whether the Final Order is unlawful because it creates a hybrid schedule not authorized by Congress or Section 811(d), by placing marijuana in Schedule III while simultaneously imposing Schedule I- and II-style regulatory requirements (quotas, import-export permits, enhanced registration) that are not characteristic of Schedule III, effectively creating a regulatory framework that Congress never enacted.
3. Whether the Final Order is arbitrary and capricious under 5 U.S.C. § 706(2)(A) because the agency failed to adequately consider marijuana's well-documented health risks—including the well-documented harms of cannabis use, such as the onset and exacerbation of serious mental health disorders

(including psychosis, bipolar, PTSD, depression, and anxiety) impaired adolescent neurological development, prenatal exposure risks, respiratory damage, drugged driving fatalities, cannabis use disorder, and cardiovascular harm—which DEA’s own scientific review in the Administrative Hearing extensively documented but which the Final Order failed to meaningfully address or reconcile with prior agency findings.

4. Whether the Final Order is arbitrary and capricious because the agency failed to provide FDA-quality indication, dosing, risk-benefit, delivery, and monitoring systems and guidance and other information to physicians that is required to properly prescribe marijuana to patients.
5. Whether the Final Order is arbitrary and capricious because it relies on state medical marijuana licensing programs that do not satisfy the “adequate safeguards” required by the Single Convention on Narcotic Drugs—including the Convention’s requirements for medical prescriptions (Article 30), manufacturing quotas (Article 21), and import-export permits (Article 31)—where state programs instead rely on “recommendations” or “certifications” that do not satisfy these treaty obligations.
6. Whether the Final Order is arbitrary and capricious under 5 U.S.C. § 706(2)(A) because it lacks any rational evidentiary basis for its implicit determination that marijuana as dispensed under state medical marijuana programs constitutes an effective medical treatment, where

- a. no marijuana product dispensed under a state license has received FDA approval, and the agency's rescheduling to Schedule III—a schedule historically reserved for drugs that have undergone FDA review—represents an unexplained departure from the agency's own longstanding practice and the CSA's statutory framework requiring consideration of “scientific evidence of [the drug's] pharmacological effect,” 21 U.S.C. § 811(c)(3), and “the state of current scientific knowledge regarding the drug,” *id.* § 811(c)(4);
- b. the state medical marijuana programs on which the Final Order relies are so widely divergent in their qualifying conditions, permitted product types, potency limitations, dosing requirements, and oversight mechanisms that no rational scheduling determination can be applied uniformly across the category the agency has defined—rendering the agency's factual premise that these programs constitute a coherent regulatory category for CSA scheduling purposes arbitrary on its face; and
- c. there is no body of adequate and well-controlled scientific studies demonstrating that cannabis as sold in state-licensed dispensaries—as distinguished from isolated, pharmaceutical-grade cannabinoid formulations—can effectively treat any specific medical condition with the degree of scientific rigor historically required for CSA

scheduling determinations. See *Alliance for Cannabis Therapeutics v. DEA*, 15 F.3d 1131, 1135 (D.C. Cir. 1994).

7. Whether the Final Order was issued without observance of procedure required by law, in violation of the APA's notice-and-comment requirements, 5 U.S.C. § 553, and the CSA's requirement that scheduling rules be "made on the record after opportunity for a hearing," 21 U.S.C. § 811(a), where the Final Order was issued as an immediately effective order without prior notice-and-comment rulemaking or a formal hearing on the record.
8. Whether the Final Order deprived Petitioners of procedural due process under 21 U.S.C. § 811(a) by circumventing their statutory right to a hearing on the record—including by withdrawing the prior Notice of Hearing and terminating the proceedings before the ALJ in which Petitioners Dr. Finn and CIVEL had established standing, filed prehearing statements, and prepared for a hearing originally scheduled for December 2, 2024—and issuing a final order effective April 22, 2026 without any recourse to a hearing or public comment.
9. Whether the Final Order violates the major questions doctrine under *West Virginia v. EPA*, 597 U.S. 697 (2022), because the Attorney General used the ancillary treaty-implementation provision of § 811(d)(1) to accomplish a decision of vast economic and political significance—including the restructuring of DEA regulations and the immediate elimination of the 26 U.S.C. § 280E tax bar for state-licensed marijuana businesses—without clear

congressional authorization for such economically and politically transformative action.

10. Whether the Final Order violates the equal protection component of the Fifth Amendment's Due Process Clause by creating a novel, condition-based scheduling framework that treats chemically identical marijuana products differently based solely on whether they are covered by a state medical marijuana license or FDA approval, without rational basis in the CSA's statutory structure.
11. Whether the Final Order contravenes the United States' obligations under the Single Convention on Narcotic Drugs, where DOJ's own Office of Legal Counsel conceded that Schedule III alone does not fully satisfy the Convention's requirements and the State Department acknowledged that only "most—but not all" of the Convention's obligations would be met.
12. Whether the Final Order is unlawful under *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), because the Acting Attorney General's contested interpretation of § 811(d)(1) cannot survive *de novo* judicial review of the statute's best meaning.
13. Whether the Final Order is unlawful because it was issued under the authority of an administrative structure that the Department of Justice itself has conceded violates the separation of powers and Article II of the Constitution, where DOJ formally acknowledged in *MMJ BioPharma Cultivation Inc. v. Bondi*, Civil Action No. 1:24-cv-127-WES-PAS (D.R.I.), that "the multiple layers of

removal restrictions for administrative law judges (“ALJs”) in 5 U.S.C. § 7521 do not comport with the separation of powers and Article II,” and the same constitutionally defective administrative structure is expected to conduct the expedited rescheduling hearing commencing June 29, 2026. *See Axon Enterprises, Inc. v. FTC*, 598 U.S. 175 (2023).

V. Relief Requested

WHEREFORE, Petitioners respectfully request that this Court:

- a. Stay the effectiveness of the Final Order under 5 U.S.C. § 705 pending this Court’s review, or, in the alternative, remand to the agency with instructions to stay the order pending completion of the formal rulemaking procedures required by 21 U.S.C. § 811(a);
- b. Declare the Final Order, AG Order No. 6754-2026, 91 Fed. Reg. 22,714 (Apr. 28, 2026), to be unlawful, arbitrary and capricious, *ultra vires*, in excess of statutory authority, issued without observance of procedure required by law, and in violation of the Constitution and laws of the United States;
- c. Vacate and set aside the Final Order in its entirety;
- d. Award Petitioners their costs and reasonable attorneys’ fees to the extent permitted by law; and
- e. Grant such other and further relief as this Court deems just and proper.

Date: May 28, 2026

Respectfully submitted,

/s/Connor W. Mighell
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Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2026, I caused a true and correct copy of this Petition for Review to be delivered to the Attorney General of the United States as required by 21 U.S.C. § 877, and to be served upon the following parties by U.S. first-class and certified mail, return receipt requested.

President Donald J. Trump
1600 Pennsylvania Avenue
Washington, DC 20500

The Hon. Todd Blanche
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

In accordance with 21 C.F.R. § 1316.68, I have sent five true and correct copies of this Petition for Review by U.S. first-class and certified mail, return receipt requested, at the following address.

The Hon. Terrance C. Cole
Administrator
Drug Enforcement Administration
8701 Morissette Drive
Springfield, VA 22152

Respondent agencies will be served by the Clerk of Court pursuant to FRAP 15(c).

/s/Connor W. Mighell

Connor W. Mighell