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July 28, 2010

Molly Dwyer, Clerk of the Court
Office of the Clerk
The James R. Browning Courthouse
95 Seventh Street
San Francisco, CA 94103

Re: *Americans for Safe Access v. Department of Health and Human Services, No. 07-17388*

Dear Ms. Dwyer:

Pursuant to Rule 28(j) of the Federal Rules of Appellate Procedure, I write to call this Court's attention to a recently issued Veterans Health Administration ("VHA") Directive concerning medical marijuana, which is attached hereto. The VHA Directive, dated July 22, 2010, recognizes that veterans might benefit from the use of marijuana for medical purposes for the treatment of glaucoma, chemotherapy induced nausea, multiple sclerosis, epilepsy, and chronic pain. *See* VHA Directive 2010-035 at 1, ¶2a. This recognition of the therapeutic potential of marijuana by a federal agency bolsters Appellant's argument at pages 11 through 14 of its Opening Brief that marijuana has currently accepted medical uses for treatment in the United States and that the Department of Health and Human Services violates the Information Quality Act when it disseminates statements that it does not.

Respectfully Submitted,

/s/ Joseph D. Elford
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