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TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: ald / SCANNED BY: AMJ / L-23

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Petitioner,

No.

vs.

Hon.

1:10-mc-109
Gordon J Quist
U.S. District Judge

MICHIGAN DEPARTMENT OF
COMMUNITY HEALTH,

Respondent.

_____ /

PETITION TO ENFORCE DRUG ENFORCEMENT ADMINISTRATION SUBPOENA

Now comes the United States of America by its attorneys, Donald A. Davis, United States Attorney for the Western District of Michigan, and John C. Bruha, Assistant United States Attorney, and hereby petitions the Court as follows:

1. This is a proceeding brought pursuant to 21 U.S.C. § 876(c) to judicially enforce a Drug Enforcement Administration (DEA) subpoena issued under the authority of 21 U.S.C. § 876(a).

2. This Court has jurisdiction pursuant to 21 U.S.C. § 876(c) and 28 U.S.C. § 1345.

3. Chris S. Scott is a special agent of the Drug Enforcement Administration, United States Department of Justice. He is assigned to the Lansing, Michigan, office of the DEA. He is authorized to serve DEA subpoenas issued pursuant to 21 U.S.C. § 876. The Lansing DEA office is supervised by Michael Yasenchak, resident agent in charge of the Grand Rapids, Michigan, DEA office, who is authorized to issue DEA subpoenas pursuant to 21 U.S.C. § 876 and 21 C.R.R. 0.104, Appendix to Subpart R, Section 4.

4. The respondent in this matter is the Michigan Department of Community Health, 611 W. Ottawa, Lansing, Michigan.

5. As set forth in the attached declaration, Special Agent Chris S. Scott is conducting an investigation concerning possible violations of the federal Controlled Substances Act, 21 U.S.C. § 801 et seq., by various individuals in the Lansing, Michigan area.

6. Upon information and belief, the respondent, Michigan Department of Community Health, is in possession and control of records that are relevant to that investigation.

7. On June 4, 2010, Resident Agent in Charge Michael Yasenchak issued DEA subpoena number IC-10-486990 pursuant to 21 U.S.C. § 876 to the Michigan Department of Community Health in Lansing, Michigan, to provide “copies of any and all documents, records, applications, payment method of any application for Medical Marijuana Patient Cards and Medical Marijuana Caregiver cards and copies of front and back of any cards located for” seven individuals named in the subpoena. A copy of the subpoena is attached to the declaration of Chris S. Scott filed in support of this petition. The names, dates of birth and addresses of the subjects have been redacted from the copy filed with the Court.

8. On June 6, 2010, Special Agent Chris S. Scott personally served a copy of the subpoena on the Michigan Department of Community Health. The compliance date of the subpoena was June 15, 2010.

9. As of this date, the Michigan Department of Community Health has not complied with the subpoena. The DEA has been informed, through the Michigan Office of Attorney General, counsel for the Michigan Department of Community Health, that due to potential civil and criminal penalties for violation of the confidentiality provisions of the Michigan medical

marijuana law, the Michigan Department of Community Health is reluctant to comply with the subpoena in the absence of a court order, but will do so if ordered by this Court.

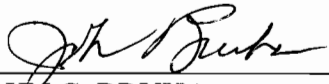
WHEREFORE, the Petitioner respectfully prays:

1. That this Court enter an order directing the respondent to comply with the DEA subpoena, in its entirety, forthwith;
2. That any order granting relief sought herein be served on the respondent or its counsel by the DEA, and;
3. For such other relief as is just and proper.

Respectfully submitted,

DONALD A. DAVIS
United States Attorney

Dated: December 22, 2010



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