

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
MARIN ALLIANCE FOR MEDICAL
MARIJUANA; LYNETTE SHAW,
Defendants-Appellants.

No. 02-16335
D.C. No.
CV-98-00086-CRB

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
OAKLAND CANNABIS BUYERS'
COOPERATIVE; JEFFREY JONES,
Defendants-Appellants.

No. 02-16534
D.C. No.
CV-98-00088-CRB

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
UKIAH CANNABIS BUYERS' CLUB;
CHERRIE LOVETT; MARVIN
LEHRMAN; MILDRED LEHRMAN,
Defendants-Appellants.

No. 02-16715
D.C. No.
CV-98-00087-CRB
ORDER

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Argued September 17, 2003
Submitted April 30, 2004
San Francisco, California

Filed June 18, 2004

Before: Mary M. Schroeder, Chief Judge, Stephen Reinhardt,
and Barry G. Silverman, Circuit Judges.

COUNSEL

Randy Barnett, Boston, Massachusetts, Annette P. Carnegie, Morrison & Foerster, LLP, San Francisco, California, Susan B. Jordan, Ukiah, California, and David Nelson, Nelson & Riemenschneider, Ukiah, California, for the appellants.

Mark T. Quinlivan, United States Department of Justice, Washington, D.C., for the appellee.

David A. Handzo, Jenner & Block, LLC, Washington, D.C. and Taylor S. Carey, Office of the Attorney General of the State of California, Sacramento, California, for the amicus curiae.

ORDER

This matter was argued September 17, 2003. This court subsequently issued its decision in *Raich v. Ashcroft*, 352 F.3d 1222 (9th Cir. 2003), *petition for cert. filed*, (U.S. April 20, 2004) (No. 03-1454), on December 16, 2003. We vacated submission and ordered supplemental briefing. This case was resubmitted as of April 30, 2004.

The issues in *Raich* may control the outcome in this case. Accordingly, this case is remanded for the district court to

reconsider after the Supreme Court has completed its action
in *Raich*.

IT IS SO ORDERED

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