

Nos. 03-15481 and 04-16296

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ANGEL McCLARY RAICH, DIANE MONSON,
JOHN DOE NUMBER ONE, and JOHN DOE NUMBER TWO,
Plaintiffs-Appellants in No. 03-15481,
Plaintiffs-Appellees in No. 04-16296,

v.

ALBERTO GONZALES, as United States Attorney General, and
KAREN TANDY, as Administrator of the Drug Enforcement Administration,
Defendants-Appellees in No. 03-15481,
Defendants-Appellants in No. 04-16296.

Remand from the United States Supreme Court
Case No. 03-1454
and
Appeal from the United States District Court
for the Northern District of California
Case No. C 02-4872 MJJ.

MOTION FOR PERMISSION TO WITHDRAW FROM CASES

DAVID M. MICHAEL
The DeMartini Historical Landmark Bldg.
294 Page Street
San Francisco, California 94102
Telephone: (415) 621-4500

Attorney for Plaintiff/Appellant
DIANE MONSON

MOTION FOR PERMISSION TO WITHDRAW FROM CASES

Pursuant to Rule 27 of the Federal Rule of Appellate Procedure and Ninth Circuit Local Rule 27-1, and for the reasons set forth below, Plaintiff Diane Monson and her counsel, David M. Michael, respectfully request that this Court allow them to withdraw from Case No. 04-16296 and Case No. 03-15481, now pending before this Court.

This motion is made on the grounds that Plaintiff/Appellant Diane Monson had initially chosen to appear as a plaintiff-appellant in this litigation in order to challenge the policies and powers of the federal government under the Commerce Clause of the United States Constitution. That issue, underlying both cases before this Court, was ultimately decided by the United States Supreme Court last year. *See Gonzalez v. Raich*, 125 S.Ct. 2195 (2005).

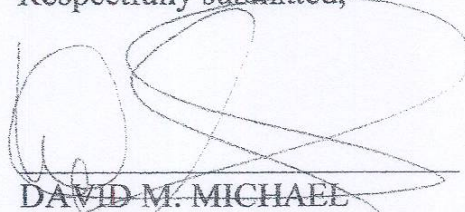
Following the resolution of that issue, Plaintiff-Appellant Diane Monson does not now desire to participate further in the litigation of the other remaining issues before this Court, for which briefing is due on 23 November 2005. She feels that the remaining plaintiffs-appellants, Angel Raich, John Doe Number One, and John Doe Number Two, will continue to be effectively represented by the remaining able counsel in this matter, Robert A. Raich and Randy E. Barnett, such that her

withdrawal as a plaintiff-appellant will not prejudice either the remaining parties or the fair and equitable litigation of the issues remaining before this Court.

Therefore, Plaintiff-Appellant Diane Monson, respectfully requests that this Court enter an order allowing her and her counsel, David M. Michael, to withdraw from any further litigation in these two cases, Case No. 03-15481 and Case No. 04-16296.

Dated: November 21, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David M. Michael", is written over a horizontal line. The signature is somewhat stylized and overlaps the line.

DAVID M. MICHAEL
Attorneys for Plaintiff-Appellant
Diane Monson

CERTIFICATE OF SERVICE

I am not a party to the within action and am over eighteen years of age. My business address is 294 Page Street, San Francisco, California 94102. I hereby certify that on the date this certificate is signed, I served the attached

MOTION FOR PERMISSION TO WITHDRAW FROM CASES

by inserting a true copy thereof in a sealed envelope, with postage fully prepaid, to be placed in the United States mail addressed to the following:

Alberto Gonzales and Karen Tandy

Mark T. Quinlivan
U.S. Department of Justice
20 Massachusetts Avenue, N.W., Room 7128
Washington, D.C. 20530

Angel McClary Raich, John Doe Number One, and John Doe Number Two

ROBERT A. RAICH
1970 Broadway, Suite 1200
Oakland, California 94612

Prof. Randy E. Barnett
Boston University School of Law
765 Commonwealth Avenue
Boston, Massachusetts 02215

Amicus Curiae State of California

Hon. Bill Lockyer
Taylor S. Carey
Office of the Attorney General
1300 I Street, Suite 1720
Sacramento, California 95814

Amicus Curiae County of Alameda

Richard E. Winnie

Alameda County Counsel
1221 Oak Street, Suite 450
Oakland, California 94612

Amicus Curiae County of Butte

Hon. Michael L. Ramsey
District Attorney
25 County Center Drive
Oroville, California 95965

Amicus Curiae City of Oakland

Hon. John A. Russo
Barbara J. Parker
City Attorney's Office
One Frank Ogawa Plaza, 6th Floor
Oakland, California 94612

Amici Curiae California Medical Association and California Nurses Association

Alice P. Mead
California Medical Association
221 Main Street, Fifth Floor
P.O. Box 7690
San Francisco, California 94120

Julie M. Carpenter
Jenner & Block
601 Thirteenth Street, N.W.
Washington, D.C. 20005

Amici Curiae Marijuana Policy Project, Rick Doblin, Ph.D., and Ethan Russo, M.D.

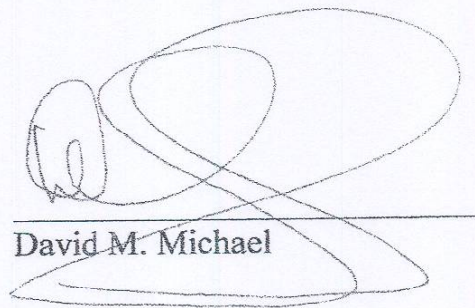
Frederick L. Goss
Law Offices of Frederick L. Goss
1 Kaiser Plaza, Suite 1750
Oakland, California 94612

Rick Doblin, Ph.D.
3 Francis Street
Belmont, Massachusetts 02478

Rob Kampia
Executive Director
Marijuana Policy Project
P.O. Box 77492
Washington, D.C. 20013

Ethan Russo, M.D.
Missoula Medical Plaza, Suite 303
900 North Orange Street
Missoula, Montana 59823

Dated: November 22, 2005



David M. Michael