

U.S. Department of Justice

Civil Division

Washington, D.C. 20530

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April 6, 2004

The Hon. Jeremy Fogel
United States District Court
280 South First Street
San Jose, CA 95113

Re: County of Santa Cruz, et al. v. John Ashcroft, et al., No. 03-CV-1802 JF

Dear Judge Fogel:

This letter brief responds to the questions raised by the Court during the hearing on plaintiffs' motion for reconsideration, which took place on March 31, 2004.

First, we wish to inform the Court that the Solicitor General has authorized the filing of a petition for certiorari in Raich v. Ashcroft, No. 03-15481 (9th Cir.). We anticipate that the petition for certiorari will be filed with the Supreme Court shortly.

Second, defendants cannot agree, formally or informally, to stay enforcement of the Controlled Substances Act as to the plaintiffs, or to anyone else.

Thank you for your consideration of this letter brief.

Sincerely,

/s/ Mark T. Quinlivan

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