

No. 00-16411
(Related Case No. 98-16950, 98-17044, 98-17137, 99-15838, 99-15844, 99-15879)

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

v.

OAKLAND CANNABIS BUYERS' COOPERATIVE
and JEFFREY JONES,

Defendants-Appellees.

Appeal from Orders Modifying Injunction by the United States District Court
for the Northern District of California
Case No. C 98-00088 CRB, entered on July 17, 2000, by Judge Charles R. Breyer.

**MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE*
IN SUPPORT OF APPELLEES IN SUPPORT OF AFFIRMANCE**

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City of Oakland, California

The City of Oakland, California ("City") respectfully moves this Court, Pursuant to Federal Rule of Appellate Procedure 29, for leave to file the brief submitted herewith, as *amicus curiae* in support of the Defendants-Appellees. Counsel for Plaintiff-Appellant, Dana Martin, indicated that Plaintiff-Appellant does not object to the filing of this *amicus* brief.

As more fully explained in the brief itself, the City is interested in the matter because it implicates the city's independent duty to protect the health and safety of its citizens and to promote the public interest. Moreover, exercising its police power, the City by Ordinance established a Medical Cannabis Distribution Program, and designated the Oakland Cannabis Buyers' Cooperative ("OCBC") the City's designee to administer the Program. Additionally, the OCBC and its agents, employees, and directors are Officers of the City of Oakland. Finally, as a result of this litigation, the City declared a Public Health Emergency with respect to safe, affordable access to medical cannabis. Pursuant to State law, the City renews that Emergency every two weeks.

The outcome of this litigation will directly affect both the public safety and the public health in the City of Oakland. Wherefore, the City of Oakland, California respectfully moves this Court for leave to file the accompanying Brief of *Amicus Curiae* in Support of Appellees.

PROOF OF SERVICE

United States of America v. Oakland Cannabis Buyers' Cooperative, et al.

United States Court of Appeals No. 00-16411

**(Related Cases Nos. 98-16950, 98-17044, 98-17137, 99-15838,
99-15844, and 99-15879)**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is City Hall, One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612. On September 26, 2000, I served the within documents:

**MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE* IN
SUPPORT OF APPELLEES IN SUPPORT OF AFFIRMANCE**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California, addressed as set forth below.
- by causing personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth below.
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- by causing such envelope to be sent by Federal Express/ Express Mail.

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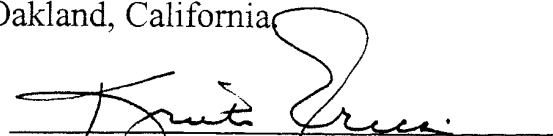
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I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 26, 2000, at Oakland, California.



Kristin Ericsson