

**IN THE UNITED STATES DEPARTMENT OF JUSTICE**  
**DRUG ENFORCEMENT ADMINISTRATION**

**IN THE MATTER OF** §

**Schedules of Controlled Substances:** §

**Placement of 2,5-dimethoxy-4-** § Docket No. 24-24

**iodoamphetamine (DOI) and 2,5-dimethoxy-4** §

**-Chloroamphetamine (DOC) in Schedule 1** §

§

**PANACEA PLANT SCIENCES REPLY TO DEA MOTION**

Panacea Plant Sciences challenges and disagrees with the government motion in limine which attempts to strike the proposed testimony of David Heldreth. If the judge in the hearing approves this motion by DEA, PPS plans to seek an interlocutory appeal of the non-final judgment ruling on the motion would then have to be sent to the DEA administrator for review. PPS would then plan to ask for a stay in the hearings during the time between the judge's ruling and the DEA administrator's receipt. Additionally, PPS plans to challenge this point in federal court if that interlocutory appeal is denied.

On September 26, 2024 DEA filed a motion in limine to attempt to block the testimony of Panacea Plant Sciences and David Heldreth.

DH testimony specifically lists the items which he will testify about. The DEA is incorrect regarding their statements on lack of exposition. Additionally, DEA is incorrect that DH

testimony will be limited to psychedelic research limitations. The removal of DH's testimony would remove the only business interest testifying as the others are simply academic research. DH testimony speaks to patents, and other commercial work which will be left out of the discussion and testimony under the DEA motion. This is a disservice to the hearings and the American people. This also shows the fascist nature of the US DEA and their attempts to limit open discussion of the merits of the case and various factors underlying it. Or should I say the fascist nature of President Joe Biden's DEA as the previous DEA under Trump did NOT take these measures and did NOT attempt to schedule these compounds.

Further, DH and PPS are to provide the only testimony which relates to indigenous peoples and their relation to psychedelics and these compounds. This paired with the lack of Executive Order 13175 tribal consultation shows complete disregard to the tribal communities.

Conceptually, Executive Order 13175 has received little criticism. The principles of self-government, self-determination, and tribal sovereignty have been publicly acknowledged in Indian policy since President Nixon. The idea that consultation is part of the federal government's trust responsibility has been cited since early treaties between federal and tribal governments. Rather, the majority of criticism regarding Executive Order 13175 has concerned a lack of compliance with the order. Tribal leaders have protested that consultation under Executive Order 13175 occurs only when instigated by negative publicity regarding the implementation of policies that did not receive tribal input and consequently harmed tribal communities. This is exactly what is happening here. The DEA and DOJ are violating the executive order and their own written regulatory policies on tribal consultation.

As such PPS asks that the DEA motion in limine be denied, at least regarding DH testimony.

Date: October 3, 2024

Respectfully submitted,

s/David Heldreth

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David Heldreth

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*For Panacea Plant Sciences*

## CERTIFICATE OF SERVICE

On October 3, 2024, I served a copy of this motion via email to the DEA Judicial Mailbox ([ECF-DEA@dea.gov](mailto:ECF-DEA@dea.gov)), and

- Alexis B Attanasio, Counsel for the Government, via email at [Alexis.B.Attanasio@dea.gov](mailto:Alexis.B.Attanasio@dea.gov);
- Kala L Kreinheder, Counsel for the Government, via email at [Kayla.L.Kreinheder@dea.gov](mailto:Kayla.L.Kreinheder@dea.gov);
- Francis W. Mann, Counsel for the Government, via email at [Francis.W.Mann@dea.gov](mailto:Francis.W.Mann@dea.gov);
- The DEA Government Mailbox at [dea.registration.litigation@dea.gov](mailto:dea.registration.litigation@dea.gov);
- Robert T. Rush, Esq., Counsel for Respondent Ramos, et al, via email at [rrush@rrushlaw.com](mailto:rrush@rrushlaw.com); and
- Brett Phelps, Esq., for SSDP at [brett@brettphelpslaw.com](mailto:brett@brettphelpslaw.com).

/s/ David Heldreth