

Denver Federal District Court

The Shaivite Temple of Colorado

Rev. Ryan "Sasha" Gallagher

200 S Wilcox St. #174

Castle Rock Co 80108

V

Drug Enforcement Administration (DEA)

Demetra Ashley

Deputy Admin of Diversion Control

DEA Diversion Control

Drug Enforcement Administration

US Department of Justice

Washington, DC 20530

Request for Judicial Review/Complaint

Ryan Gallagher, Pro Se, hereby files this Complaint and makes these allegations based on the fact that my Processes are not being followed properly—against Defendants, Drug Enforcement Agency ("DEA" or "Defendant"), as well as Demetra Ashley ("Defendant 2"). I ask that the court consider the fact that I am not a lawyer, but am alleging violations of various rights, which after discovery will be blatantly clear. Cruz v. Beto 405 U.S. 319 (1972)

I am simply asking the Court to review the DEA's Religious Exemption process in regards to the Petition of the Shaivite Temple of Colorado. I Submitted a Petition as per the DEA Guidelines, found in this link, around November 15th 2017, and have failed to respond as of February 2nd 2018.

https://www.deadiversion.usdoj.gov/pubs/rfra_exempt012209.pdf

DEAs rules, that they aren't following.

D. Processing Timeframes

It is important to act expeditiously on applications for Schedule I research. The timeframes for DEA's and FDA's processing of Schedule I research applications are specified in the regulations. DEA forwards complete Schedule I research protocols to the FDA within seven days of receipt; FDA notifies DEA of its determination regarding the merits of the protocol within 30 days; and DEA issues a certificate within 10 days of receiving the FDA's notice. 21 C.F.R. 1301.32(c). It should be noted that although many clinical researchers may be subject to a standardized protocol, thereby streamlining the process, some researchers must also meet institutional and State requirements prior to approval. DEA works closely with researchers to assist with the expeditious completion of their protocol submission and registration application.

I would like the Court to Recognize that I have already opened a Human Rights Case with the Inter American Commission on Human Rights, because I assume that the DEA will attempt to use International Treaties.

IACHR Petition # P-2098-17

THE INDIAN HEMP DRUGS COMMISSION REPORT

Before Indian Independence during the time of Gandhi, India was a British Colony, and the British Empire did the largest most comprehensive study of Marijuana use and the Impact of Marijuana use on Society, and concluded that it was harmless, and decided to legalize it and tax it. This study included everyone from Marijuana prescribing Doctors and Marijuana using Patients and Gurus, to Hash smugglers and Crazy people. It is so large and comprehensive that it is actually comprised of many Volumes, like an Encyclopedia or Lawbook set.

<http://digital.nls.uk/indiapapers/browse/pageturner.cfm?id=74908458>

I. Introduction

- i. To get the Court quickly up to date on Case Law, I cite **Olsen V DEA** 878 F.2d 1458 279 U.S.App.D.C. 1, 58 USLW 2023 as well as **Gonzales v. O Centro Espirita Beneficente União do Vegetal**, 546 U.S. 418 (2006); **Marbury v. Madison**, 5 U.S.

137 (1803). Olsen did not have the benefit of the 2016 Federal Registration (Catalent, etc), and did not have a Human Rights Case open.

- ii. Article XVIII, Amendment 64, Section 2 of the Colorado State Constitution, states in the explanation of Definitions “Unless the Context otherwise Requires” in explanation of all definitions, yet the Marijuana Enforcement Agency claims that they only exist to review Applications for Recreational and Medical Marijuana, not “Unless the Context otherwise Requires”, see USC Title 42 Chapters 21B and 21C. Amendment 64 can be found in Exhibit S.
- iii. Article XVIII, Amendment 64, Section 1 of the Colorado State Constitution, states in the explanation of the law itself, that “Marijuana shall be taxed like Alcohol”. The Colorado State Alcohol Code, Article 47, Title 12 CRS, Part I General Provisions, 12-14-106, Exemptions, Section 1, states “The provisions of this Article shall not apply to the sale or Distribution of Sacramental wines sold and used for Religious Purposes”, see *Walz v. Tax Comm'n of City of New York* 397 U.S. 664 (1970). Colorado Alcohol Code can be found in Exhibit S.
- iv. For Guidance in this case, I ask the Court to review the DEA RFRA Exemption Process.
DEA Processing Guidelines
RFRA Exemption Guidelines
https://www.deadiversion.usdoj.gov/pubs/rfra_exempt012209.pdf
D. Processing Timeframes
It is important to act expeditiously on applications for Schedule I research. The timeframes for DEA's and FDA's processing of Schedule I research applications are specified in the regulations. DEA forwards complete Schedule I research protocols to the FDA within seven days of receipt; FDA notifies DEA of its determination regarding the merits of the protocol within 30 days; and DEA issues a certificate within 10 days of receiving the FDA's notice. 21 C.F.R. 1301.32(c). It should be noted that although many clinical researchers may be subject to a standardized protocol, thereby streamlining the process, some researchers must also meet institutional and State requirements prior to approval. DEA works closely with researchers to assist with the expeditious completion of their protocol submission and registration application.
- v. The 1st amendment was incorporated into the States, and is basically a "person" for legal purposes. So the 1st amendment is a separate plaintiff from myself **Everson v. Board of Education**, 330 U.S. 1 (1947)
- vi. The DEA is inhibiting Liberty; “The fundamental theory of liberty upon which all governments of this Union rest excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only.” **Pierce v. Society of Sisters**, 268 U.S. 510 (1925)

- vii. I would like to point out that the Law itself actually does provide a route for keeping the Government and Religion unentangled, the DEA just has to follow their own rules. What they are SUPPOSED to be doing right now is not judging if our Religion Conflicts with their Goals, they are simply supposed to be determining if our Religion is (1) Sincere (2) a Religious Belief (3) and is Burdened by the Controlled Substances Act. And if those 3 Conditions are met, they are supposed to grant Exemption.
- viii. From there, Petitions can be submitted to solve the Entanglement Problem, as per #6 in the DEA RFRA Guidelines
 - 6. Applicability of DEA Regulations.
A Petitioner whose petition for Religious Exemption from the Controlled Substances Act is granted remains bound by all applicable laws and Controlled Substances Act regulations governing registration, labeling and packaging, quotas, recordkeeping and reporting, security and storage, and periodic inspections, among other things. See 21 C.F.R. Sections 1300-1316. A Petitioner who seeks exemption from applicable CSA regulations (as opposed to the CSA itself) may petition under C.F.R. Section 1307.03. Such petition must separately address each regulation from which the petitioner seeks exemption and provide a statement of the reasons for each exemption sought.
- ix. We are growing "Low THC" Marijuana, for THCV content, not for THC content. And I am breeding strains for their THCV Content. Meaning that we are growing "Hemp" and we are making "Industrial Hemp", with High THCV and Low or No THC.
(2) Industrial hemp
The term "industrial hemp" means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis
- x. 'it is a familiar rule, that a thing may be within the letter of the statute and yet not within the statute, because not within its spirit, nor within the intention of its makers.' **Church of the Holy Trinity v. United States**, 143 U.S. 457 (1892)
- xi. "The global need to prevent chemical warfare does not require the Federal Government to reach into the kitchen cupboard, or to treat a local assault with a chemical irritant as the deployment of a chemical weapon." **Bond v. United States**, 572 U.S. ____ (2014)
- xii. "We do not want the government deciding what is political truth — for fear that the government might persecute those who criticize it. Instead, in a democracy, the voters should decide." **Susan B. Anthony List v. Driehaus**, 573 U.S. ____ (2014)
- xiii. Sincere Religious Belief; and
All Religions deserve exemptions
(via Wisconsin v. Yoder U.S. 205 (1972))
"Within that phrase would come all sincere religious beliefs which are based upon a power or being, or upon a faith to which all else is subordinate or upon which all else is ultimately dependent. The test might be stated in these words: a sincere and meaningful belief which occupies in the life of its

possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption comes within the statutory definition. This construction avoids imputing to Congress an intent to classify different religious beliefs, exempting some and excluding others, and is in accord with the well established congressional policy of equal treatment for those whose opposition to service is grounded in their religious tenets."

xiv. *Lemon v. Kurtzman*, 403 U.S. 602 (1971)

- a) *The statute must have a secular legislative purpose. (Also known as the Purpose Prong)*
- b) *The principal or primary effect of the statute must not advance nor inhibit religion. (Also known as the Effect Prong)*
- c) *The statute must not result in an "excessive government entanglement" with religion. (Also known as the Entanglement Prong)*

II. Claim

One of the most important indicia of 'a religion' is that the particular collection of ideas and/or practices involves belief in the supernatural, that is to say, belief that reality extends beyond that which is capable of perception by the senses. If that be absent, it is unlikely that one has 'a religion'.

(1) Ultimate Ideas: Fundamental Questions about life, purpose and death

(2) Metaphysical Beliefs: Beliefs addressing a reality that transcends the physical and immediate apparent world

(3) Moral and Ethical System: Proscription of a particular manner of acting or a way of life that is moral or ethical

(4) Comprehensive Beliefs: An overarching array of beliefs that coalesce to provide the believer with answers to many of the problems and concerns that confront humans

(5) Accouterments of Religion: The presence of various external signs of Religion

A Church is not much different in Nature from a State, see *Texas v. White* 74 U.S. 700 (1868). Religion is a form of COMITY INTER GENTES from AFFLATUS. The Separation of Church and State in the ESTABLISHMENT CLAUSE exists because of the fact that Religion used to be the State, as it is now in Vatican City and the Holy See, Churches may even be a party to CONCORDAT see *Ponce v. Roman Catholic Church* 210 U.S. 296 (1908); *Respublica v. De Longchamps*, 1 U.S. 111 (1784); *Serbian Orthodox Diocese v. Milivojevich*, 426 U. S. 696 (1976); *Presbyterian Church v. Hull Church*, 393 U.S. 440 (1969), and allows American's to practice not only one Religion, but any Religion, free from persecution. Not only is there an ANTINOMY between the RELIGIOUS FEEDOM RESTORATION ACT / RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT and the CONTROLLED SUBSTANCES ACT, there is a CONFLICTUS LEGEM between the Plaintiff's Church and the Federal State arising from the ANTINOMY, which can be resolved by the

FREE EXERCISE CLAUSE. RELIGIOUS ACCESSION also needs to be considered in the progress of History, Technology and Knowledge. "The term "religious exercise" includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief", see 42 U.S. Code § 2000cc-5 (7) (a). "the general characteristics of Schedule I substances cannot carry the day", see Gonzales v. O Centro Espírita Beneficente União do Vegetal 546 U.S. 418 (2006); Church of Holy Light of the Queen V. Eric Holder, Jr., No. 13-35058 (9th Cir. 2014). "Congress must first enact a law criminalizing an activity, attach a penalty, and give the Federal courts Jurisdiction", see Hudson v. United States 522 U.S. 93 (1997). "Congress shall make no laws prohibiting the Free Exercise of Religion", see FREE EXERCISE CLAUSE, I AMENDMENT. "If a Government confronts an individual with a choice that pressures the individual to forgo a Religious practice, whether by imposing a penalty or withholding a benefit, then the Government has burdened the individuals free Religious Exercise.", see Sherbert v. Verner 374 U.S. 398 (1963). "Even neutral laws can be used unconstitutionally", see Yick Wo v. Hopkins 118 U.S. 356 (1886); 42 U.S. Code § 2000bb (a) (2). "failing to accommodate petitioners' exercise of their "nonmainstream" religions in a variety of ways", see Cutter v. Wilkinson, 544 U.S. 709 (2005). "conduct business in accordance with their religious beliefs", see Burwell v. Hobby Lobby Stores, Inc. 573 U.S. _ (2014).

The Defendants would likely use Reynolds v. United States 98 U.S. 145 (1878) in their Defense, but if we are going to go that route, Reynolds would be overturned if it were brought to the court today. Reynolds was decided based on USC Ch126, 12 S 501, Morrill Anti-Bigamy Act which was, and is well understood to have been, targeting Mormons, and was A POSTERIORI an illegal Act of Congress and is VOID AB INITIO, see Church of the Lukumi Babalu Aye, Inc. v. Hialeah, 508 U.S. 520 (1993). A FORTIORI Using Reynolds as precedent to allow Congress to prohibit Free Exercise is ULTRA VIRES; Hilton v. Guyot, 159 U.S. 113 (1895); Leary v. United States, 395 U.S. 6 (1969); United States v. Alfonso D. Lopez, Jr., 514 U.S. 549 (1995); United States v. Alvarez, 567 U.S. _ (2012). This case is not an argument that the US Government does not have jurisdiction of the Church or its members and is not a statement of ABJURE, it is an argument that Congress has overstepped its role in the Constitution, that Church law is to be considered in these courts, and that arguments from Reynolds should no longer be considered persuasive to US Courts, see Gonzalez v. Roman Catholic Archbishop of Manila 280 U.S. 1 (1929).

Due to the ANTI-NOMY of the CONTROLLED SUBSTANCES ACT and The FREE EXERCISE CLAUSE, the RELIGIOUS FREEDOM RESTORATION ACT and the RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT, the ABOLITIO LEGIS of the CONTROLLED SUBSTANCES ACT is necessary, it must be ABROGATED as a matter of DE FACTO Right and PENUMBRA.

The Latin phrase SUB ROSA means "under the rose", and is used in English to denote secrecy or confidentiality, similar to the Chatham House Rule. The literal rose and its essence or attar has also played a role in religious and spiritual rites which often would have been held in secret.

Persecution under the modern ULTRA VIRES actions of the US Congress has forced many religions and religious practitioners to operate SUB ROSA or in

CLANDESTINE settings AB INVITO, in violation of the FREE EXERCISE CLAUSE which is AD GRAVE DAMNUM to these Religions, see Church of the Lukumi Babalu Aye, Inc. v. Hialeah 508 U.S. 520 (1993). During this time of ULTRA VIRES, CAUSA SINE QUA NON religious practitioners have been CASTIGATED, COERCED and brought to CARCER with no method of ASYLUM established. CESSANTE CAUSA.

During the initial development of the Christian Church under the Roman Empire followers often had to practice in secret. Official policy under Trajan was to provide Christians with the choice between recanting and execution. In 1636, expelled from Massachusetts in the winter, former Puritan leader Roger Williams issued an impassioned plea for freedom of conscience. He wrote, "God requireth not an uniformity of Religion to be inacted and enforced in any civill state; which inforced uniformity (sooner or later) is the greatest occasion of civill Warre, ravishing of conscience, persecution of Christ Jesus in his servants, and of the hypocrisie and destruction of millions of souls." Williams later founded Rhode Island on the principle of religious freedom. He welcomed people of religious belief, even some regarded as dangerously misguided, for nothing could change his view that "forced worship stinks in God's nostrils." A clandestine church (Dutch: schuilkerk), defined by historian Benjamin J. Kaplan as a "semi-clandestine church", is a house of worship used by religious minorities whose communal worship is tolerated by those of the majority faith on condition that it is discreet and not conducted in public spaces. Schuilkerken are commonly built inside houses or other buildings, and do not show a public façade to the street. "Here, however, defendants challenge plaintiffs' sincerity, citing plaintiffs' decision to conduct ceremonies in secret until the Supreme Court ruling in favor of the UDV plaintiffs. Plaintiffs' secrecy does not show a lack of sincerity. Instead, it shows that plaintiffs remained committed to practicing their religion despite the threat of criminal prosecution and loss of professional status.", see Church of Holy Light of the Queen V. Eric Holder, Jr., No. 13-35058 (9th Cir. 2014) "Moreover, the latter ordinances' various prohibitions, definitions, and exemptions demonstrate that they were "gerrymandered" with care to proscribe religious killings of animals by Santeria church members but to exclude almost all other animal killings. They also suppress much more religious conduct than is necessary to achieve their stated ends. The legitimate governmental interests in protecting the public health and preventing cruelty to animals could be addressed by restrictions stopping far short of a flat prohibition of all Santeria sacrificial practice...The resulting syncretion, or fusion, is Santeria, "the way of the saints." The Cuban Yoruba express their devotion to spirits, called oris has, through the iconography of Catholic saints, Catholic symbols are often present at Santeria rites, and Santeria devotees attend the Catholic sacraments. 723 F. Supp. 1467, 1469-1470 (SD Fla. 1989); 13 Encyclopedia of Religion 66 (M. Eliade ed. 1987); 1 Encyclopedia of the American Religious Experience 183 (C. Lippy & P. Williams eds. 1988)...The sacrifice of animals as part of religious rituals has ancient roots. See generally 12 id., at 554-556. Animal sacrifice is mentioned throughout the Old Testament, see 14 Encyclopaedia Judaica 600, 600-605 (1971), and it played an important role in the practice of Judaism before destruction of the second Temple in Jerusalem, see id., at 605-612. In modern Islam, there is an annual sacrifice commemorating Abraham's sacrifice of a ram in the stead of his son. See C. Glasse, Concise Encyclopedia of Islam 178 (1989); 7 Encyclopedia of Religion, supra, at 456...Santeria adherents faced widespread persecution in Cuba, so the religion and its rituals were practiced in secret. The open practice of Santeria and its rites remains infrequent. See 723 F.

SUPP.,;It 1470; 13 Encyclopedia of Religion, supra, at 67; M. Gonzalez-Wippler, Santeria: The Religion 3-4 (1989)...Pichardo indicated that the Church's goal was to bring the practice of the Santeria faith, including its ritual of animal sacrifice, into the open...The court also concluded that an exception to the sacrifice prohibition for religious conduct would "unduly interfere with fulfillment of the governmental interest" because any more narrow restrictions-e. g., regulation of disposal of animal carcasses-would be unenforceable as a result of the secret nature of the Santeria religion. Id., at 1486-1487, and nn. 57-59...Although the practice of animal sacrifice may seem abhorrent to some, "religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection." Thomas v. Review Bd. of Indiana Employment Security Div., 450 U. S. 707, 714 (1981). Given the historical association between animal sacrifice and religious worship, see supra, at 524-525, petitioners' assertion that animal sacrifice is an integral part of their religion "cannot be deemed bizarre or incredible." Frazee v. Illinois Dept. of Employment Security, 489 U. S. 829, 834, n. 2 (1989).", see Church of the Lukumi Babalu Aye, Inc. v. Hialeah 508 U.S. 520 (1993)

"The purpose of separation of church and state is to keep forever from these shores the ceaseless strife that has soaked the soil of Europe in blood for centuries."
- James Madison, 4th president of the United States

OUTLINE OF THE CASE

All I have to do to get the case accepted by the court is prove Prima Facie (Not beyond a reasonable doubt) that my claim is plausible.

So, the first Cause of Action. According to the Supreme Court, Schedule I substances are not enough to bar a substance from Religious Use. The wording they used is that calling a substance Schedule I as an argument against Religious use "can not carry the day".

<https://supreme.justia.com/cases/federal/us/546/418/>

My Religious rights are regularly violated by the DEA. I have been arrested, charged with both a Misdemeanor and a Felony and jailed (and won the case in the end, everything is dismissed), I have been arrested, had items seized and had a Narcotics Investigation opened (and won the case in the end, everything is dismissed). The fact that the DEA does not openly recognize the O Centro case, and make a Public Statement for lower Enforcement bodies, is dereliction of duty.

Laws must be Neutral and can not Overtly or Covertly ban Religions. The DEA allows large corporations to Manufacture, Import and Posses Schedule I and II Substances using DEA form 225, protocol can be found in 21 CFR 1301.18, the Constitution allows the regulation of Commerce, but not the Regulation of Religion. The Controlled Substances Act is not a Neutral Law.

<https://supreme.justia.com/cases/federal/us/508/520/case.html>

<http://law.justia.com/cases/federal/appellate-courts/cadc/02-1211/02-1211a-2011-03-24.html>

Second cause of Action, Gerrymandering causing Death. My brother died in 2013 at the age of 11, the final cause of death was Edema (brain swelling). There is solid

research (the Doctors even agreed, which is laid out in an Affidavit) that Cannabinoids can reverse Edema. But doctors are either Unable or Unwilling to retrieve Cannabinoids for this purpose due to the current operations of the DEA. The University of Mississippi was a protected Monopoly until August 2016 for Marijuana, at which time the DEA admitted it was allowing this Monopoly and opened up registration to more companies (the DEA admission of this is included in the lawsuit). Mallinckdrot has been allowed to Synthesize Tetrahydrocannabinoids (THC derivatives) but, due to this Gerrymandering, Hospitals do not have access. My brother's Death certificate and Autopsy are included in the lawsuit, as well as the research papers proving he could have been saved. The files showing that they have allowed companies to Manufacture, Import and Posses these Substances is also included, along with case law for what legally defines a Monopoly.

<https://www.federalregister.gov/documents/2016/08/12/2016-17955/applications-to-become-registered-under-the-controlled-substances-act-to-manufacture-marijuana-to>
https://www.deadiversion.usdoj.gov/fed_regs/manufact/reg/2016/index.html
https://www.deadiversion.usdoj.gov/fed_regs/imprt/app/2016/index.html
<https://www.justice.gov/atr/memorandum-antitrust-division-united-states-department-justice-amicus-curiae-support-application>

Third Cause of Action, laws are not Amendments. The 18th Amendment started prohibition, and the Volstead Act was passed by Congress which put it into action. During Prohibition (and in the Volstead Act) Religious use of Alcohol was not Prohibited. If an Amendment did not have the power to violate Religion due to the 1st Amendment, then a mere law can not violate Religion. There is another point made in the third cause of action, but it would take up way more space to explain it here.

Fourth Cause of Action, Rights retained by the People. I am challenging the Controlled Substances Act under Rule 5.1 of the Federal Rules of Civil Procedure, and as an Unconstitutional law, the Controlled Substances Act must be overturned. Any judge involved in protecting it is in violation of their oath.

<https://supreme.justia.com/cases/federal/us/395/6/>
<https://supreme.justia.com/cases/federal/us/5/137/case.html>

Fifth Cause of Action, violation of International Agreements. The United States is a party to various Treaties stating that 1. Religion can not be violated, 2. Religion can not be targeted, and; 3. Religions must be able to manufacture and use Religious items/materials.

<http://www.un.org/en/universal-declaration-human-rights/>
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>
<http://www.un.org/documents/ga/res/36/a36r055.htm>
<http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FreedomReligionIndex.aspx>
<http://hrlibrary.umn.edu/gencomm/hrcom22.htm>

In August 2016, the DEA opened up Registration for Federal Marijuana Growers, Importers, and Researchers.

<https://www.federalregister.gov/documents/2016/08/12/2016-17955/applications-to-become-registered-under-the-controlled-substances-act-to-manufacture-marijuana-to>

Catalent has already been approved to Import Tons of Marijuana

https://www.deadiversion.usdoj.gov/fed_regs/imprt/app/2017/fr0918_4.htm

<https://www.youtube.com/watch?v=fOU7kVRwFwx>

Here is what the Senate has to say about Marijuana

<https://www.judiciary.senate.gov/imo/media/doc/07-13-16%20Weiss%20Testimony.pdf>

Kratom not Scheduled after massive Twitter Response

<https://www.federalregister.gov/documents/2016/10/13/2016-24659/withdrawal-of-notice-of-intent-to-temporarily-place-mitragynine-and-7-hydroxymitragynine-into>

Lipomed can pretty much import anything

https://www.deadiversion.usdoj.gov/fed_regs/imprt/reg/2016/fr0119_2.htm

DOJ Anti-Trust Division says that the DEA has to accept new Manufacturers and Importers so as not to be creating Monopolies.

<https://www.justice.gov/atr/memorandum-antitrust-division-united-states-department-justice-amicus-curiae-support-application>

United States v. E. C. Knight Co. 156 U.S. 1 (1895)

Counsel contend that this definition, as explained by the derivation of the word, may be applied to all cases in which "one person sells alone the whole of any kind of marketable thing, so that only he can continue to sell it, fixing the price at his own pleasure," whether by virtue of legislative grant or agreement; that the monopolization referred to in the act of Congress is not confined to the common law sense of the term as implying an exclusive control, by authority, of one branch of industry without legal right of any other person to interfere therewith by competition or otherwise, but that it includes engrossing as well, and covers controlling the market by contracts securing the advantage of selling alone or exclusively all or some considerable portion of a particular kind or merchandise or commodity to the detriment of the public, and that such contracts amount to that restraint of trade or commerce declared to be illegal. But the monopoly and restraint denounced by the act are the monopoly and restraint of interstate and international trade or commerce, while the conclusion to be assumed on this record is that the result of the transaction complained of was the creation of a monopoly in the manufacture of a necessary of life.

<https://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>

<https://www.congress.gov/amendment/114th-congress/house-amendment/332>

You may have heard some crazy quotes about how safe Marijuana is, such as "Aspirin is more dangerous than Marijuana" or "Potatoes are more dangerous than Marijuana" or "It would take 100 tons of Marijuana, smoked in 15 minutes to Overdose" and other crazy quotes. Those actually came from a DEA Judge, Judge Francis, and he backed up everything he said.

<https://medicalmarijuana.procon.org/sourcefiles/Young1988.pdf>

III. Events

I Submitted a Request for an Exemption for our Church under the RFRA Guidelines set forth by the DEA on Oct 24th, 2017, and they are not responding. They also did not respond to the Ethiopian Zion Coptic

Church until forced to by a Federal Court. I went to the Colorado Marijuana Enforcement Agency, having set up a meeting with them on Nov 6th, 2017, and they said “We only do Medical and Recreational” and when told the DEA has a process, they said “We are not the DEA” and kicked me out, without having the agreed upon Religious Meeting. A Separate case will be brought for that incident.

But the DEA already has a process and they need to follow it.

I simply want the Court to review this process, and as they were forced to respond to the Ethiopian Zion Coptic Church by a Federal Court, I assume that it will have to be done that way again, because I have received no response.

I was also the Defendant in a Religious Marijuana Case in Collin County Texas from 2010, which I won in 2015; and I have filed a Petition with the Inter American Commission on Human Rights (IACHR) on Nov 16th; because this is not just happening to the Shaivite Temple, it also happened to the Ethiopian Zion Coptic Church, so it is becoming a Human Rights issue.

It is a Federal Crime to Obstruct Religion

18 U.S. Code § 247 - Damage to religious property; obstruction of persons in the free exercise of religious beliefs

(a) Whoever, in any of the circumstances referred to in subsection (b) of this section—

(1) intentionally defaces, damages, or destroys any religious real property, because of the religious character of that property, or attempts to do so; or

(2) intentionally obstructs, by force or threat of force, any person in the enjoyment of that person’s free exercise of religious beliefs, or attempts to do so;

shall be punished as provided in subsection (d).

(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign commerce.

(c) Whoever intentionally defaces, damages, or destroys any religious real property because of the race, color, or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall be punished as provided in subsection (d).

(d) The punishment for a violation of subsection (a) of this section shall be—

(1) if death results from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an

attempt to kill, a fine in accordance with this title and imprisonment for any term of years or for life, or both, or may be sentenced to death;

(2) if bodily injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, and the violation is by means of fire or an explosive, a fine under this title or imprisonment for not more that 40 years, or both;

(3) if bodily injury to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, a fine in accordance with this title and imprisonment for not more than 20 years, or both; and

(4) in any other case, a fine in accordance with this title and imprisonment for not more than one year, or both.

(e) No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General or his designee that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice.

(f) As used in this section, the term “religious real property” means any church, synagogue, mosque, religious cemetery, or other religious real property, including fixtures or religious objects contained within a place of religious worship.

(g) No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the indictment is found or the information is instituted not later than 7 years after the date on which the offense was committed.

IV. Whereby the Plaintiff Prays the Court,

Order that the Defendants create a Religious Exemption Process better than that created by *Gonzales V O Centro*, Order the Defendants to Grant the Petition of the Plaintiff, and award Punitive Damages so as to deter the Defendants from engaging in this kind of Discriminatory activity again.

Rev. Ryan “Sasha” Gallagher

Subscribed and affirmed before me in the county of _____, State of Colorado,
this _____ day of _____, 20__.

(Notary's official signature)

(Commission Expiration)

Notary
Seal

Exhibit S
(The Petition)