

UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION

In the Matter of

Scheduling 4-OH-DiPT, 5-MeO-AMT, 5-MeO-MiPT, 5-MeO-DET, and DiPT

Docket No. 22-15

ADMINISTRATIVE LAW JUDGE

TERESA A. WALLBAUM

**THE GOVERNMENT’S PARTIAL WITHDRAWAL OF ITS
MOTION TO DISMISS IN PART**

On April 18, 2022, the Government filed its Motion to Dismiss in Part (Motion). In the Motion, the Government argued, *inter alia*, that Tactogen, Inc. (Tactogen) had failed to establish that it was an “interested person” entitled to participate in these proceedings. Specifically, the Government argued that Tactogen failed to establish that it would suffer an “injury-in-fact” from the proposed scheduling of any of the Five Tryptamines in its Request for Hearing or on its website, which was referenced in its Request for Hearing. *See Mot.* at 12.

After the filing of the Motion, counsel for Tactogen directed the Government to information contained on the Tactogen website that referenced Tactogen’s handling of 5-MeO-MiPT. While the Government believes that a party must establish standing in its request for hearing, *see Mot.* at 5–6, the Government acknowledges that the information referenced likely establishes a sufficient injury-in-fact for Tactogen with respect to the proposed scheduling of 5-MeO-MiPT.

Accordingly, the Government withdraws its Motion to Dismiss *only* with respect to Tactogen’s standing to participate in a hearing on the proposed

scheduling of 5-MeO-MiPT. The Government continues to assert that Tactogen has not established standing with respect to the other four tryptamines. The Government maintains its Motion with respect to the other Objectors.

Dated: April 22, 2022

Respectfully submitted,

/s/ John E. Beerbower
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CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2022, I electronically submitted the foregoing to the DEA Office of the Administrative Law Judges via the DEA Judicial Mailbox, at ECF-DEA@dea.gov, and simultaneously to the Objectors at:

- Matthew C. Zorn, Esq., Counsel for Tactogen Inc. and Mindstate Design Labs, via email at mzorn@yettercoleman.com;
- Graham Pechenik, Esq., Counsel for Tactogen Inc. and Mindstate Design Labs, via email at graham@calyxlaw.com;
- David Heldreth, CEO of Panacea Plant Sciences, via email at davidh@panaceaplantsciences.net;
- John T. Hunter, Esq., Counsel for Jason Wallach and Hamilton Morris, via email at John@hljdefense.com; and
- Amy Rising, via email at amynicholerising@gmail.com.

/s/ John E. Beerbower

John E. Beerbower