

No. 03-15481

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED _____
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DATE _____ INITIAL _____

ANGEL McCLARY RAICH, et al.,
Plaintiffs-Appellants,

v.

ALBERTO GONZALES, as United States Attorney General, et al.,
Defendants-Appellees.

Remand from the United States Supreme Court,
Case No. 03-1454
and
Appeal from the United States District Court
for the Northern District of California
Case No. C 02-4872 MJJ.

REQUEST FOR ORAL ARGUMENT

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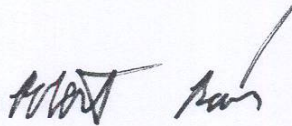
Pursuant to Circuit Rule 3-3(c), Appellants Angel McClary Raich, John Doe Number One, and John Doe Number Two, by and through their attorneys, hereby request that this Court hear oral argument in this expedited preliminary injunction appeal.

Appellants make this request because this case raises significant legal issues of first impression involving the government's attempts to interfere with patients who require cannabis to treat their serious medical conditions. These issues include: (1) whether, under the Fifth and Ninth Amendments, Mrs. Raich may exercise her enumerated fundamental right to life itself and her fundamental liberty interests to make life-altering decisions, preserve bodily integrity, and avoid intolerable pain and physical suffering free from unjustified government interference; (2) whether the doctrine of Medical Necessity protects Appellants' activities; (3) whether the Controlled Substances Act, properly interpreted, applies to Appellants' activities; and (4) the extent to which principles of federalism embodied in the Tenth Amendment protect Appellants' wholly intrastate activities of possessing and cultivating medical cannabis pursuant to State law, as an exercise of the sovereign powers reserved to the People and to the State of California, which is primarily responsible for securing the health and safety of its citizens.

Appellants believe that oral argument will assist the Court in analyzing the

implications of these issues and their application to the Appellants. Because of the complexity of the legal issues and the importance of the constitutional questions present in this case, Appellants believe that oral argument is necessary to address these matters thoroughly. Accordingly, Appellants respectfully request that the Court set this case for oral argument.

Dated: November 23, 2005



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CERTIFICATE OF SERVICE BY OVERNIGHT DELIVERY

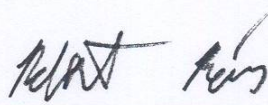
I am not a party to the within action and am over eighteen years of age. My business address is 1970 Broadway, Suite 1200, Oakland, California 94612. I hereby certify that on the date this certificate is signed, I caused the attached

REQUEST FOR ORAL ARGUMENT

to be served on the following counsel by Federal Express for delivery the next business day:

Mark T. Quinlivan
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
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Dated: November 23, 2005



Robert A. Raich