

**No. 25-1140**

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**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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**IN RE IOWASKA CHURCH OF HEALING, PETITIONER**

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**PETITION FOR WRIT OF MANDAMUS  
TO PAMELA J. BONDI, ATTORNEY GENERAL, AND  
U.S. DRUG ENFORCEMENT ADMINISTRATION**

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**EXPEDITED TREATMENT REQUESTED**

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## **CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES**

### **(A) Parties, Intervenors and Amici**

Petitioner is the Iowaska Church of Healing (“ICH”). Respondents are Pamela Bondi, in her official capacity as Attorney General of the United States, and the U.S. Drug Enforcement Agency (“DEA”). There are no intervenors or amici at the time of the filing of this petition.

### **(B) Ruling under Review**

This is an original action challenging the Attorney General’s/DEA’s unlawful withholding of action and unreasonable delay on ICH’s application for a religious exemption to the Controlled Substances Act (“CSA”), which ICH filed at DEA in February 2019. ICH seeks a writ of mandamus compelling the Attorney General/DEA to issue a final decision on ICH’s religious exemption application within 21 days of this Court’s order. The Attorney General/DEA has not issued any (final or interim) decision in this matter.

### **(C) Related Cases**

ICH and its counsel are not aware of any related pending cases.<sup>1</sup>

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<sup>1</sup> This Court previously affirmed summary judgment against ICH and in favor of the U.S. Internal Revenue Service (“IRS”) on ICH’s claims that IRS violated the Tax Code and the Religious Freedom Restoration Act (“RFRA”) by denying ICH tax-exempt status under 26 U.S.C. § 501(c)(3) on the basis that ICH’s ayahuasca sacrament violates the CSA. *Iowaska Church of Healing v. Werfel*, 105 F.4th 402 (D.C. Cir. 2024). This Court agreed with IRS that ICH’s sacrament is “illegal . . .

## **CORPORATE DISCLOSURE STATEMENT**

Petitioner Iowaska Church of Healing (“ICH”) is an Iowa non-profit corporation organized as a religious corporation under Iowa Code § 504.141(38). ICH has no parent company and no publicly-held company has a 10% or greater ownership interest in Iowaska Church of Healing.

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without a CSA exemption,” which, this Court noted, ICH had applied for but not yet obtained from DEA. *Id.* at 414.

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## GLOSSARY

|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C[n]         | Appendix C (record of ICH’s application and ICH-DEA correspondence), at page [n]                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| CSA          | Controlled Substances Act of 1970, 21 U.S.C. §§ 801, <i>et seq.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| DEA          | U.S. Drug Enforcement Administration (respondent)                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| DEA Guidance | DEA, Diversion Control Division, <i>Guidance Regarding Petitions for Religious Exemption from the Controlled Substances Act Pursuant to the Religious Freedom Restoration Act (Revised)</i> (Nov. 20, 2020), <a href="https://www.deaiversion.usdoj.gov/GDP/(DEA-DC-5)(EO-DEA-007)(Version2)RFRA_Guidance_(Final)_11-20-2020.pdf">https://www.deaiversion.usdoj.gov/GDP/(DEA-DC-5)(EO-DEA-007)(Version2)RFRA_Guidance_(Final)_11-20-2020.pdf</a> (including prior versions as appropriate; <i>see</i> Appendix B) |
| GAO Report   | U.S. Government Accountability Office (“GAO”), <i>Drug Control: DEA Should Improve its Religious Exemptions Petition Process for Psilocybin (Mushrooms) and Other Controlled Substances</i> (May 2024), <a href="https://www.gao.gov/assets/gao-24-106630.pdf">https://www.gao.gov/assets/gao-24-106630.pdf</a>                                                                                                                                                                                                   |
| ICH          | Iowaska Church of Healing (petitioner)                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| IRS          | U.S. Internal Revenue Service                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| RFRA         | Religious Freedom Restoration Act of 1993, 42 U.S.C. §§ 2000bb, <i>et seq.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## INTRODUCTION AND SUMMARY OF ARGUMENT

Petitioner Iowaska Church of Healing (“ICH”) was created in 2018 to offer to the public, in a safe community setting grounded in religious doctrine, a combination of religious and spiritual practices and education centered on the ayahuasca sacrament. But for over six years, ICH and its members have been threatened with federal prosecution if they practice that sacrament, while being denied a ruling on their religious liberties. This Court should promptly issue a writ of mandamus to end that unjustified prior restraint on a fundamental liberty.

The Religious Freedom Restoration Act of 1993, 42 U.S.C. §§ 2000bb, *et seq.* (“RFRA”), was enacted specifically to protect religious observances involving the ingestion of controlled substances, and it applies to ayahuasca churches like ICH. *See Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 436-37 (2006) (“*O Centro*”) (upholding a preliminary injunction against U.S. Drug Enforcement Agency (“DEA”) enforcement). Under RFRA, the Government may substantially burden the free exercise of religion only if it satisfies strict scrutiny. 42 U.S.C. § 2000bb-1(a)-(b).

For 15 years, DEA has purported to meet its RFRA obligations in the context of the Controlled Substances Act of 1970, 21 U.S.C. §§ 801, *et seq.* (“CSA”),<sup>2</sup>

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<sup>2</sup> By statute, the administration of CSA is the Attorney General’s responsibility. *See, e.g.*, 21 U.S.C. §§ 811-12, 821-22, 957-58. However, by regulation, the Attorney General’s CSA statutory duties have been delegated to DEA. 28 C.F.R. §



through an administrative exemptions program. DEA, Diversion Control Division, *Guidance Regarding Petitions for Religious Exemption from the Controlled Substances Act Pursuant to the Religious Freedom Restoration Act (Revised)* (Nov. 20, 2020), [https://www.deadiversion.usdoj.gov/GDP/\(DEA-DC-5\) \(EO-DEA-007\)\(Version2\)RFRA\\_Guidance\\_\(Final\)\\_11-20-2020.pdf](https://www.deadiversion.usdoj.gov/GDP/(DEA-DC-5) (EO-DEA-007)(Version2)RFRA_Guidance_(Final)_11-20-2020.pdf) (“DEA Guidance”).<sup>3</sup>

DEA instructs adherents whose religious observances involve the ingestion of controlled substances to apply to it for exemptions under CSA, while admonishing adherents that they will be subject to prosecution if they practice their religion while their application is pending, *id.* ¶ 7. And DEA has successfully argued that at least while an exemption application is pending, it is for DEA, not the courts, to apply RFRA’s strict scrutiny test in the first instance. *See Soul Quest Church of Mother Earth, Inc. v. Att’y Gen.*, 92 F.4th 953, 965-71 (11th Cir. 2023). That might be all well and good if DEA administered its exemptions program properly and expeditiously. But it does not.

ICH submitted its exemption application in February 2019, following DEA’s guidance to the letter. For 75 months since then, ICH has responded fully and

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0.100(b). Accordingly, ICH seeks relief against both the Attorney General and DEA, referring to them collectively as DEA or the Government.

<sup>3</sup> Appendix B provides a redline comparison of the current, 2020 version of the DEA Guidance against the version that was operative when ICH filed its application. There are no material changes between them.

candidly to every supplemental information request from DEA. For three-quarters of that period, DEA has been sitting on ICH's application with no pending request. Only after ICH's application had been pending for five years did DEA request a site inspection, which ICH promptly provided. And for ten months, DEA has had both the results of that inspection and complete answers to the few follow-up questions it asked. Yet repeated requests from ICH for updates, including a pre-litigation email, have yielded *nothing* from DEA: no decision on the exemption application, no further questions, no identification of any potential concerns, not even an ETA for decision.

This is not an isolated case. As described in a 2024 congressional report, DEA has a long-standing pattern and practice of withholding action for years on almost every CSA religious exemption application, at least until it is sued. *See generally* U.S. Government Accountability Office ("GAO"), *Drug Control: DEA Should Improve its Religious Exemptions Petition Process for Psilocybin (Mushrooms) and Other Controlled Substances* (May 2024), <https://www.gao.gov/assets/gao-24-106630.pdf> ("GAO Report"). While purporting to implement RFRA in conjunction with CSA, DEA is in practice flouting RFRA and imposing a prior restraint on the exercise of religion by pocket-veto.

DEA should have granted ICH's CSA religious exemption application years ago. Or, if it denied it, ICH could have petitioned this Court for judicial review, applying RFRA's strict scrutiny standard, under 21 U.S.C. § 877. Instead, DEA continues, by its delay, to prevent ICH's free exercise and obstruct ICH's access to the courts.

After 75 months, this Court "must let the agency know, in no uncertain terms, that enough is enough." *In re Int'l Chem. Workers Union*, 958 F.2d 1144, 1150 (D.C. Cir. 1992) (internal quotation marks omitted). That entails granting mandamus to compel DEA to issue its long-overdue final decision on ICH's CSA exemption application. Given the egregious nature of DEA's delays and the severe prejudice caused to ICH daily by being deprived of its fundamental rights, ICH respectfully requests that this Court rule on this matter expeditiously and order DEA to issue its final decision within 21 days of this Court's order.

### **STATEMENT OF JURISDICTION**

This Court has jurisdiction over mandamus petitions alleging agency inaction or unreasonable delay "whenever a statute commits review of the relevant action to the courts of appeals." *In re Pub. Emps. for Env't Resp.*, 957 F.3d 267, 271 (D.C. Cir. 2020). DEA has unreasonably delayed issuing a final decision on ICH's CSA exemption application under 21 U.S.C. §§ 822 and 957-58. This Court has jurisdiction to review a DEA final decision under those provisions pursuant to

21 U.S.C. § 877. *See, e.g., John Doe, Inc. v. Drug Enforcement Admin.*, 484 F.3d 561, 568-70 (D.C. Cir. 2007).

### **RELIEF SOUGHT**

ICH seeks, on an expedited basis, an order granting mandamus, instructing DEA to issue its final decision on ICH's CSA exemption application within 21 days of this Court's decision, and retaining jurisdiction to ensure DEA's compliance. *See, e.g., In re Ctr. for Bio. Diversity*, 53 F.4th 665, 673 (D.C. Cir. 2022) (setting a deadline for EPA action and retaining jurisdiction); *In re Bluewater Network*, 234 F.3d 1305, 1316 (D.C. Cir. 2000) (ordering Coast Guard to undertake prompt action and "retaining jurisdiction over the case until final agency action").

### **ISSUE PRESENTED**

Whether this Court should issue a writ of mandamus compelling DEA to issue a final decision promptly/within 21 days on ICH's application for a religious exemption from CSA, which ICH filed in accordance with DEA's guidance in February 2019 and has since pursued diligently, when for ten months DEA has had all the information it belatedly requested.

### **STATUTORY PROVISIONS AND REGULATIONS INVOLVED**

The pertinent statutory provisions and regulations are set forth in Appendix A to this petition.

## STATEMENT OF THE CASE

### I. Statutory Framework: CSA, RFRA And *O Centro*

Ayahuasca tea, which is consumed safely in a community environment by consenting adults under medical supervision as a central element of ICH's religion, contains dimethyltryptamine, a Schedule I drug under CSA. 21 U.S.C. § 812, Schedule I(c)(6). As such, it is generally illegal to "manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense," 21 U.S.C. § 841(a)(1), or to import, 21 U.S.C. § 957(a)(1), ayahuasca. However, the Attorney General/DEA has authority to permit applicants to manufacture, distribute or dispense Schedule I by means of registration, 21 U.S.C. § 822(b), to "waive the requirement for registration of certain manufacturers, distributors, or dispensers if he finds it consistent with the public health and safety," 21 U.S.C. § 822(d), and to permit importation pursuant to registration or waiver, 21 U.S.C. §§ 957(b)(2), 958. DEA's regulations provide that "[a]ny person may apply for an exception to the application of [CSA provisions including §§ 841 and 957] by filing a written request with the Office of Diversion Control, Drug Enforcement Administration, stating the reasons for such exception." 21 C.F.R. § 1307.03.

With one inapplicable exception,<sup>4</sup> CSA and its implementing regulations do not specifically address religious sacraments. However, RFRA provides that the Government “shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability,” unless “it demonstrates that application of the burden to the person (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.” 42 U.S.C. § 2000bb-1 (the strict scrutiny test). RFRA creates a cause of action for religious adherents burdened by Government regulation, and provides both a claim and a defense. 42 U.S.C. § 2000bb-1(c). RFRA applies to the entire federal Government, 42 U.S.C. § 2000bb-3(a), including DEA. Indeed, RFRA was enacted as an explicit congressional rejection of a Supreme Court decision that held that the freedom of religion protected by the First Amendment is not violated by neutral, generally applicable drug laws. *See* 42 U.S.C. § 2000bb(a)(4) (expressing Congress’s disapproval of *Employment Division v. Smith*, 494 U.S. 872 (1990)). More generally, RFRA “operates as a kind of super statute, displacing the normal operation of other federal laws.” *Bostock v. Clayton Cnty., Georgia*, 590 U.S. 644, 682 (2020).

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<sup>4</sup> *See* 42 U.S.C. § 1996a(b)(1) and 21 C.F.R. § 1307.31 (exempting peyote use by Native American tribes).

The Supreme Court addressed the interaction of CSA and RFRA in *O Centro*, 546 U.S. 418. There, an ayahuasca church sued after the Government intercepted its shipment of ayahuasca and threatened to prosecute it under CSA. The Government conceded that its enforcement actions would substantially burden the church's exercise of religion, but argued that enforcing CSA against the church was justified under strict scrutiny because doing so would protect church members' health and safety, prevent diversion to unlawful non-religious uses, and fulfill treaty requirements, and that CSA needed to be enforced uniformly. The Supreme Court unanimously upheld a preliminary injunction against the Government, concluding that it had failed to show that enforcing CSA without religious exemptions for ayahuasca churches was the least restrictive means of furthering its compelling interests.

## **II. DEA's Religious Exemptions Guidance**

In 2009, DEA responded to *O Centro* by creating a religious exemptions scheme under CSA. In non-binding guidance (which it has since revised, without significant change, *see* Appendix B), DEA instructs religious adherents seeking to use controlled substances for sacramental purposes to apply to its Diversion Control Division, providing a written statement and supporting documents addressing the RFRA strict scrutiny test and describing the applicant's religion, their religious practices involving controlled substances, the controlled substance

at issue, and “the amounts, conditions, and locations of its anticipated manufacture, distribution, dispensation, importation, exportation, use or possession.” DEA Guidance ¶ 2. DEA explains that it will examine applications and either accept them as filed (indicating that they are complete and compliant) or return them for correction of deficiencies, *id.* ¶ 4; it may also request supplemental information; *id.* ¶ 5. DEA states that activities for which exemption is sought are prohibited unless and until it grants an exemption. *Id.* ¶ 7.

### **III. ICH’s Application<sup>5</sup>**

On February 28, 2019, based on the DEA Guidance and after consulting with DEA staff, ICH filed a complete and compliant CSA religious exemption application. On January 10, 2019, ICH also applied to the Internal Revenue Service (“IRS”) for tax-exempt status as a church under 26 U.S.C. § 501(c)(3).

ICH’s CSA application explained that ICH “is preparing to offer religious services that will provide the Sacrament of Ayahuasca in tea form to its members,” and that ayahuasca contains dimethyltryptamine, a Schedule I controlled substance. C1. ICH attached the detailed filings it had made with IRS in support of its application for 501(c)(3) tax-exempt status, which included its articles of

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<sup>5</sup> ICH’s application and the subsequent correspondence between ICH and DEA, summarized in this and the next section, are reproduced in Appendix C and cited as “C[page number]”. Undersigned counsel participated at all stages and affirm the accuracy of all facts stated herein.



incorporation and bylaws and proof of its classification as a religious corporation under Iowa law. C20-154. ICH described its mission “to inspire individuals to seek and embrace authentic, self-realized healing of the mind, body and spirit through the use of the sacred, indigenous plant-medicine of Ayahuasca,” C1, and its plans to conduct regular worship services, educational and mission-based public programming, and outreach to veterans, C1-2, C20-30. It provided details of its religious doctrine, including the Ayahuasca Manifesto and ICH’s Universal Laws of Respect, Mission, Vision and Value Statements. C22-23, C75-126. ICH attached its detailed and strict Rules and Regulations for Participating in the Sacrament of Ayahuasca, limiting participation to sincere and consenting adults and designed to ensure their safety. C127-32. ICH explained that it proposes to purchase and import two plants (*Psychotria Viridis* and *Banisteriopsis Caapi*) from Amazonian sources and have them shipped through proper Customs protocols. C3. And ICH detailed the specific provisions from which it seeks exemption and explained the legal basis for exemption pursuant to RFRA and *O Centro*. C2-3. ICH also informed DEA that it planned to establish two sites of worship, in Florida and in Iowa, and would update and work with DEA and state officials as those plans progressed. C4.

#### IV. DEA's Ongoing Failure To Act On ICH's Application

On July 17, 2019, DEA informally acknowledged ICH's application, raising no concerns and seeking no supplemental information. C160. In 2020, IRS issued a preliminary denial of ICH's 501(c)(3) application, reasoning that without an exemption from DEA, ICH's intended exercise of religion was illegal. On July 1, 2020, ICH asked DEA to expedite its exemption application so that ICH could contest IRS's preliminary denial. C176-78. On July 17, 2020, DEA formally accepted ICH's application as complete and compliant. C180; *see* DEA Guidance ¶ 4. Again, DEA raised no concerns and sought no further information.

DEA's next communication with ICH was on February 14, 2022—*almost three years after ICH filed its application*. For the first time, DEA sought supplemental information, regarding where, when and how ICH proposed to import, store, and use ayahuasca. C182-85.<sup>6</sup> That led to the one non-trivial period in the history of ICH's application when the ball was in ICH's court: ICH focused its limited resources, including the work of its *pro bono* counsel, on its appeal against IRS's adverse decision. *See* C190-91.<sup>7</sup> However, delays attributable to

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<sup>6</sup> The Government has never disputed that ICH's "sincerely-held religious belief involves the consumption of Ayahuasca," *Iowaska*, 105 F.4th at 406, and has never sought supplemental information regarding ICH's religious beliefs.

<sup>7</sup> The district court and ultimately this Court upheld IRS's adverse decision. This Court agreed with IRS that ICH's sacrament is "illegal . . . without a CSA

ICH ended on June 16-19, 2023, when ICH provided all the information DEA had requested in 2022 plus additional information DEA requested during a June 13, 2023 meeting. C194-202. DEA spent *five additional months* reviewing ICH's June 2023 supplemental information before requesting further supplemental information on November 27, 2023, C205, which ICH provided on January 22, 2024. C206-12.

In April 2024, ICH learned that, after being sued, DEA had entered into a settlement allowing the use of ayahuasca on certain conditions by another ayahuasca church, the Church of the Eagle and the Condor. On May 1, 2024, ICH wrote to DEA, seeking an update and proposing that DEA use the Church of the Eagle and the Condor settlement as a model for a conditional exemption for ICH. C214-33. DEA took 20 days to respond, proposing a conference call, C235, which ICH and DEA held on May 31, 2024, at which point *four additional months* had passed without any action on DEA's part since receiving the supplemental information ICH provided in January. During that one-hour call, DEA refused to commit to any timeline for decision or to using the Church of the Eagle and the Condor settlement as a model.<sup>8</sup> DEA requested that ICH present for inspection a

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exemption," which, this Court noted, ICH had applied for but not yet obtained from DEA. *Iowaska*, 105 F.4th at 414.

<sup>8</sup> In the ICH tax case, the Government told this Court that the Church of the Eagle and the Condor settlement was "irrelevant" to the legality of ICH's ayahuasca

secure facility for receiving and storing ayahuasca—a requirement that does not appear in the DEA Guidance.

That requirement compelled ICH to rent a facility and make appropriate security arrangements. As ICH had explained to DEA, C190, C208-10, it had not previously undertaken the significant costs of doing so because it was following DEA’s guidance by not using or handling ayahuasca while its application was pending. *See* DEA Guidance ¶ 7. However, ICH promptly rented a facility, installed a safe and implemented other security protocols, and (on July 3, 2024) made the facility available for DEA inspection. *See* C237-38. Over one-and-a-half hours on July 24, 2024, DEA field staff inspected ICH’s facility and discussed with ICH the measures ICH would take to prevent diversion and comply with DEA requirements. During that meeting, DEA requested some supplemental information, which ICH provided on July 26 and August 2, 2024. C240-49. On August 23, 2024, DEA advised ICH that the DEA inspection team had provided its written report to DEA headquarters. DEA raised no concerns and sought no further information from ICH. C250.

***Ten more months*** have now passed since August 2, 2024, when ICH fulfilled DEA’s last information requests. During that time, ICH has made multiple

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sacrament and “not new authority.” *Iowaska Church of Healing v. Werfel*, No. 23-5122, Doc. #2053898 (filed May 20, 2024).

requests to DEA for updates, culminating in an email ICH's counsel sent to DEA on April 7, 2025, warning that without a prompt resolution, ICH would file suit. C252-78. ICH has received no substantive response, and since January 20, 2025, not even a non-substantive response.

ICH filed its exemption application 75 months ago. *For over four-and-a-half years of that period, including the last 10 months, DEA has been sitting on ICH's application without any pending request for additional information.* DEA has *never* identified any problem with ICH's application.

## **V. Ongoing Prejudice To ICH**

ICH has been severely prejudiced by DEA's delay in adjudicating its exemption application. Consistent with DEA Guidance ¶ 7, ICH has held no ayahuasca sacraments since July 2019. Consistent with this Court's decision, *Iowaska*, 105 F.4th 402, ICH has been denied tax-exempt status while its application is pending. Without the ability to practice its central sacrament and without tax-exempt status, ICH has been unable to attract new members and donors.

In addition, since July 1, 2024, ICH has been compelled to rent and maintain the secure facility DEA inspected while being prohibited from using it for its intended purpose. Primarily due to DEA's requirements, ICH currently incurs

monthly operating costs of approximately \$3,800, while its Founder, Executive Director and *pro bono* counsel are working without compensation.

Had DEA promptly granted ICH's application subject to reasonable conditions, ICH would have been hosting weekly group ceremonies for the last several years with a thriving religious community of members and supporters, while providing free and subsidized healing services to veterans and disadvantaged communities. While ICH's religious observance and healing mission are its primary concern, ICH estimates its lost membership fee and donation income over the past six years at \$5-10 million.

#### **VI. DEA's Ongoing Pattern And Practice Of Pocket-Vetoing Religious Exemption Applications, At Least Until It Is Sued**

ICH is not alone. As GAO reported to Congress a year ago:

*Over an 8-year period*—from fiscal year 2016 through January 2024—DEA reported that 24 petitioners requested a religious exemption for various controlled substances. As of January 2024, DEA reported that *none of these petitions had been granted* an exemption. . . . DEA's information also showed instances where finalized actions regarding exemption petitions . . . have been pending a determination for an extensive period—one almost 5 years and one almost 8 years.

GAO Report, summary page (emphasis added). According to DEA's own data, just two of those 24 applicants received decisions (denials). *Id.* at 39. Of eight ayahuasca applications, one was denied after three-and-a-half years; two were withdrawn after three plus years; and five applications remained pending after,

respectively, seven-and-three-quarter years, five years (ICH), three-and-a-quarter years, one-and-a-half years, and six months. *Id.* at 40.<sup>9</sup> The denial was *Soul Quest*, where “it took three years and a federal lawsuit for the DEA to respond to a petition it requested in the first place. . . . The DEA has provided no explanation for the long delay in responding to Soul Quest.” 92 F.4th at 960 n.14.

Consistent with ICH’s experience, GAO found that the DEA exemptions process lacked transparency. GAO Report at 42-43. “DEA does not answer petitioners’ questions after a petition has been submitted, leaving petitioners unaware of their petition’s status, potentially for years.” *Id.* at 38. GAO recommended—and the Government agreed—that DEA should more clearly communicate the information it seeks and its standards and criteria, establish timeframes for decision and provide updates to applicants. *Id.* at 45-46. A year later, nothing published by DEA, and nothing ICH has experienced, suggests that DEA implemented those recommendations.

In the past 14 months, DEA has finally authorized two ayahuasca churches to practice their religion. First, on April 11, 2024, DEA settled a RFRA suit, *Church of the Eagle and the Condor v. Garland, et al.*, 22-cv-01004-SRB (D. Ariz.), by permitting ayahuasca sacraments subject to detailed conditions designed

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<sup>9</sup> Except for the Church of Gaia case discussed below, undersigned counsel understand those applications are still pending.



to eliminate the risk of diversion. *See* C217-33. That settlement did not arise from a CSA exemption application—unlike ICH, the church chose to bypass the DEA exemption process—but it offers a model with rigorous anti-diversion conditions. As noted above, ICH promptly proposed to use that settlement as a model for resolving ICH’s exemption application, but DEA refused to do so. Like the *Soul Quest* decision, the *Church of the Eagle and the Condor* settlement occurred only after DEA was sued (and had lost a motion to dismiss, *Church of the Eagle and the Condor v. Garland*, 2023 WL 11905258 (D. Ariz. Mar. 20, 2023)).<sup>10</sup>

Second, on May 16, 2025, DEA granted a CSA religious exemption application for ayahuasca for the first time. *See* Church of Gaia, *Church Granted First Exemption for Ayahuasca Through DEA Petition* (May 16, 2025), [https://www.churchgaia.org/\\_files/ugd/28fa63\\_b07a87cc206846eeb2bb6046f16ef954.pdf](https://www.churchgaia.org/_files/ugd/28fa63_b07a87cc206846eeb2bb6046f16ef954.pdf); Kyle Jaeger, *DEA Approves Church’s Petition to Use Psychedelics in Religious Ceremonies Without the Need for a Lawsuit, Marijuana Moment* (May 21, 2025), <https://www.marijuanamoment.net/dea-approves-churchs-petition-to-use-psychedelics-in-religious-ceremonies-without-the-need-for-a-lawsuit/>. DEA

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<sup>10</sup> The church has appealed the denial of its application for attorney’s fees as the prevailing party. *Church of the Eagle and the Condor v. Bondi*, 9th Cir. No. 25-1196. The amount it claims—over \$2 million incurred over two years of litigation—reflects the severe burdens on religion imposed by DEA’s practice of stalling on exemption applications and RFRA claims for as long as it can.



has not publicly acknowledged that decision, but undersigned counsel understand the Church of Gaia’s application was pending for two-and-a-half years before it was granted.<sup>11</sup>

## STANDING

ICH has standing to petition for mandamus because it is aggrieved by DEA’s failure to act within a reasonable time on ICH’s CSA exemption application under 21 U.S.C. §§ 822 and 957-58. 5 U.S.C. § 702.

## ARGUMENT

### I. Standard For Mandamus Relief

The Administrative Procedures Act requires an agency to “conclude a matter presented to it” “within a reasonable time,” 5 U.S.C. § 555(b), and authorizes this Court to “compel agency action unlawfully withheld or unreasonably delayed,” 5 U.S.C. § 706(1). This Court issues mandamus to compel action by an agency subject to its judicial review jurisdiction when (1) the agency is in violation of a “clear duty to act,” (2) the petitioner “has no other adequate means to attain the

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<sup>11</sup> Why DEA granted Church of Gaia’s application while stalling on ICH’s application, filed three years earlier, is unclear. One article highlights Church of Gaia’s “unorthodox legal strategy—the church vowed to suspend its use of ayahuasca while awaiting DEA’s decision.” Mason Marks, *Psychedelic Church First to Receive Ayahuasca RFRA Exemption from DEA Without Lawsuit*, *Psychedelic Week* (May 18, 2025), <https://www.psychedelicweek.com/p/church-rfra-dea-csa-drug-exemption-ayahuasca-psilocybin-mushroom-religion>. ICH has followed that same “strategy” for six years.

relief it desires,” and (3) the requested mandamus relief is supported by “compelling equitable grounds.” *Ctr. for Biological Diversity*, 53 F.4th at 670 (citations omitted). “On the equities, the central question is ‘whether the agency’s delay is so egregious as to warrant mandamus.’” *Id.* (citation omitted). That context- and fact-dependent determination is guided by six “*TRAC*” factors:

(1) the time agencies take to make decisions must be governed by a rule of reason; (2) where Congress has provided a timetable or other indication of the speed with which it expects the agency to proceed in the enabling statute, that statutory scheme may supply content for this rule of reason; (3) delays that might be reasonable in the sphere of economic regulation are less tolerable when human health and welfare are at stake; (4) the court should consider the effect of expediting delayed action on agency activities of a higher or competing priority; (5) the court should also take into account the nature and extent of the interests prejudiced by delay; and (6) the court need not find any impropriety lurking behind agency lassitude in order to hold that agency action is unreasonably delayed.

*Id.* (quoting *Telecommunications Research & Action Center v. FCC*, 750 F.2d 70, 80 (D.C. Cir. 1984) (“*TRAC*”)).

## **II. DEA Is In Violation Of A Clear Duty To Act**

The DEA Guidance does not purport to have the force of law or to create new duties or rights. DEA Guidance ¶ 9. But DEA’s exemption process is no mere discretionary act of regulatory grace—it is the means by which DEA has chosen to fulfill its mandatory duties under RFRA in the CSA context. *See* C183 (DEA describing its exemptions process as its “compliance with [*O Centro*]”).

RFRA “applies to all federal law, and the implementation of that law.” 42

U.S.C. § 2000bb-3(a). Even where the Government is applying a “rule of general applicability,” RFRA prohibits the Government from substantially burdening a person’s exercise of religion—which deeming a key sacrament criminal plainly does—unless the Government “demonstrates that application of the burden to the person (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.” 42

U.S.C. § 2000bb-1. Congress thus imposed “a statutory duty on the government” to justify such burdens under the strict scrutiny standard, *Weir v. Nix*, 114 F.3d 817, 820 n.6 (8th Cir. 1997), or remove them.

Accordingly, as the Government successfully urged in *Soul Quest*, DEA “ha[s] the authority (***and indeed, the duty***) to consider [an ayahuasca church’s] RFRA rights in deciding whether to allow the church to handle ayahuasca free from DEA enforcement.” 92 F.4th at 969 (emphasis added); *see also Soul Quest Church of Mother Earth, Inc. v. Att’y Gen.*, 11th Cir. No. 22-11072, Brief of Appellee United States, 2022 WL 3714912, \*9 (filed Aug. 22, 2022) (“Plaintiffs argue that RFRA authorizes courts, but not agencies, to consider the availability of religious exemptions, but that is incorrect.”); *id.* at \*16 (RFRA “does not require federal agencies to wait for an adverse court order before eliminating substantial burdens on the free exercise of religion. Concluding otherwise would ignore RFRA’s plain text [and] create unnecessary litigation . . . .”) (citation omitted).

That duty is mandatory. When a court applies RFRA's strict scrutiny test, it undertakes a judgment of law, not an exercise of discretion. *See, e.g., United States v. Grady*, 18 F.4th 1275, 1285 (11th Cir. 2021) ("whether government action 'comports with RFRA is a pure question of law,' which is subject to de novo review.") (citation omitted). When DEA applies the same RFRA standards to CSA exemption applications, it too has a mandatory duty to apply RFRA.<sup>12</sup>

### **III. ICH Has No Other Adequate Means To Obtain Relief**

ICH has no other adequate means to obtain the relief it seeks. ICH seeks an authoritative ruling determining that it can practice its religion free from threat of prosecution and without being treated as an unlawful organization for tax and other purposes. ICH has done everything it can through the DEA exemption application process, fully and candidly responding to DEA's every question. But after 75 months of delay, DEA shows no signs of providing that relief without an order from this Court compelling it to act.

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<sup>12</sup> While DEA's implementation of RFRA is mandatory and subject to *de novo* review, ICH recognizes the practical value of deploying DEA's subject-matter expertise to determine appropriate safety and anti-diversion protocols. ICH has, from the outset, sought to work with DEA and state authorities, employing rigorous safety and anti-diversion protocols and proactively soliciting DEA's guidance and offering to use DEA's prior actions as a model. *See, e.g.,* C4, C25-26, C31, C127-32, C155-57, C201-02, C206, C209-12, C214-33, C240-49. For example, ICH has offered to import ayahuasca in paste form, as per the Church of the Eagle and the Condor settlement. *See* C214-15, C221, C243. A resolution involving an exemption subject to appropriate conditions should take little time once DEA is motivated to reach one.

ICH has considered seeking relief directly from a court, bypassing DEA's exemption procedures. RFRA provides that "[a] person whose religious exercise has been burdened in violation of [RFRA] may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government." 42 U.S.C. § 2000bb-1(c). Several cases in the Ninth Circuit have held that religious adherents can sue DEA in district court under RFRA without using DEA's exemption procedures. *Oklevueha Native Am. Church of Hawai'i, Inc. v. Holder*, 676 F.3d 829, 838 (9th Cir. 2012); *Arizona Yage Assembly v. Garland*, 671 F. Supp. 3d 1013, 1020 (D. Ariz. 2023); *Church of the Eagle and the Condor*, 2023 WL 11905258, at \*4 n.4. However, those cases involved entities challenging actual or imminently threatened enforcement action, whereas ICH has elected to follow DEA guidance and seek an exemption first rather than risking prosecution.<sup>13</sup> Further, at the Government's urging, the Eleventh Circuit ruled in *Soul Quest* that once a church has filed an exemption application with the DEA, it can only invoke RFRA against DEA in a judicial review proceeding, which must be filed in the court of appeals pursuant to 21 U.S.C. § 877. 92 F.4th at 964-72.

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<sup>13</sup> In *O Centro*, the church obtained relief against DEA in a suit filed in district court, and the Supreme Court affirmed that "RFRA makes clear that it is the obligation of the courts to consider whether exceptions are required under the test set forth by Congress." 546 U.S. at 434. But *O Centro* preceded DEA's exemption procedures.

And, consistent with *Soul Quest*, a court in this circuit has ruled that district courts lack jurisdiction to grant mandamus to compel a DEA decision on a CSA exemption application. *Van Kush v. Drug Enforcement Admin.*, 2022 WL 1978730, \*3 (D.D.C. June 6, 2022).

There is, thus, arguably a circuit split between the Eleventh Circuit (in *Soul Quest*) and the Ninth Circuit (in *Oklevueha*) as to whether and when a church can bypass the DEA exemption procedures.<sup>14</sup> Because CSA mandamus petitions belong in the court of appeals and RFRA suits belong in the district court, ICH cannot file a pleading in the alternative that would enable a single court to grant relief on one basis or the other. Nonetheless, like any litigant, ICH is entitled to argue in the alternative. ICH takes no position here on whether *Soul Quest* is correct, and reserves the right to file a RFRA suit against DEA in district court for equitable and damages relief if this petition is denied.

Regardless, this Court plainly has jurisdiction to grant mandamus here. If *Soul Quest* and *Van Kush* are correct, that is the only means for ICH to obtain relief. The possibility that this Court might eventually reject *Soul Quest* does not make a district court action an adequate alternative means for ICH to obtain relief

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<sup>14</sup> It may not be a coincidence that the two churches that DEA has authorized to use ayahuasca—the Church of the Eagle and the Condor and the Church of Gaia—are both located in the Ninth Circuit, where precedent makes judicial relief more clearly promptly available than in other circuits.

now. And, having successfully argued in *Soul Quest* that no district court action is available in these circumstances (and unsuccessfully argued in *Arizona Yage*, 671 F. Supp. 3d at 1020, and *Church of the Eagle and the Condor*, 2023 WL 11905258 at \*4 n.4, that plaintiffs must file CSA exemption applications and await DEA's decisions before proceeding with RFRA suits), the Government should not be heard to argue here that ICH has petitioned the wrong court.

#### **IV. DEA's Ongoing Delay Is Egregious, And The Equities, Assessed In Accordance With The TRAC Factors, Compel Relief**

The *TRAC* factors frame the exercise of this Court's mandamus discretion. We address each factor in turn, then address the equities more holistically.

##### *A. TRAC Factor 1: Rule Of Reason*

Determining whether agency delay is unreasonable entails consideration of both the length of the delay and the nature of the agency's task. Here, the length of delay—75 months since ICH filed its complete application in full accordance with DEA's guidance—is plainly excessive. ICH acknowledges that during some of the 75 months, DEA was awaiting information from ICH. *See pp. 11-12, supra.*<sup>15</sup> However, DEA did not even request additional information for the first *three years*

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<sup>15</sup> That said, ICH's application in February 2019 provided all the information required by the DEA Guidance. Multiple rounds of requests for additional information and a site inspection added delays because DEA did not request that information earlier.



after ICH applied, from February 2019 to February 2022. After receiving full and candid responses to requests for additional information, DEA sat on ICH's application for *a further five months in 2023 and a further four months in early 2024*. It was *more than five years* after ICH submitted its application that DEA first requested that ICH make a storage facility available for inspection. And DEA has now been sitting on the results of that inspection, and the 10 pages of additional information (C240-49) it requested then, for *more than ten months*. In sum, *for three-quarters of the 75 months during which ICH's application has been pending, DEA has been sitting on all the information it has requested, raising no questions or concerns, while failing to adjudicate ICH's application.*

Some regulatory processes take a long time, particularly those involving notice-and-comment rulemaking on complex policy issues. For example, *International Chemical Workers Union* concerned an Occupational Safety and Health Administration ("OSHA") rulemaking that was "essentially legislative and rooted in inferences from complex scientific and factual data," 958 F.2d at 1149 (citation omitted), involving public comment and multiple public hearings, *id.* at 1147, review of multiple new scientific studies and a second public comment period to address the new scientific data, *id.* at 1149. Even in such cases, an agency must issue a final decision within a reasonable time. In *International Chemical Workers Union*, after the rulemaking petition had been pending for 69



months, this Court issued an order of mandamus compelling OSHA to issue a final rule.<sup>16</sup>

Here, DEA has already taken longer—75 months—on a much simpler task. ICH’s application involves just one party and a modest record.<sup>17</sup> DEA’s task here is to make a legal determination—not a discretionary public policy judgment—applying rules that Congress set in RFRA and the Supreme Court elucidated in this precise context in *O Centro*.<sup>18</sup> The process for performing that adjudicatory task is one DEA itself created in a three-page document which has barely changed in 15 years. *See* Appendix B.

The first *TRAC* factor overwhelmingly favors prompt mandamus relief.

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<sup>16</sup> Environmental impact statements under the National Environmental Policy Act provide another example of complex, multi-party proceedings leading to decisions implicating voluminous records, complex science and broad agency discretion. Even in that context, agencies must generally complete their environmental impact statements within two years, and courts should generally compel completion within 90 days if that deadline is not met. 42 U.S.C. § 4336a(g)(1)(A), (3).

<sup>17</sup> The record here consists of Appendix C (278 pages) plus DEA’s report (not shared with ICH) on a one-and-a-half-hour site inspection. Process-related emails, forms and legal argument comprise much of that record; there are less than 200 pages of substantive case-specific ICH evidence and DEA questions in Appendix C (C1-4, C20-154, C176-78, C182-85, C188, C190-91, C193-95, C201-02, C205-16, C237, C240-49).

<sup>18</sup> DEA has now spent longer failing to adjudicate ICH’s application than the 63 months that it took for three levels of federal courts to adjudicate the then-novel issues in *O Centro* from the filing of the complaint (in November 2000) to the Supreme Court decision (in February 2006).

*B. TRAC Factor 2: Statutory Timetables*

Neither CSA nor RFRA sets an explicit timetable for religious exemption determinations. But in enacting RFRA, Congress plainly intended to provide effective and expeditious remedies for religious adherents whose free exercise is impaired. The second *TRAC* factor either favors prompt mandamus relief or is neutral.

*C. TRAC Factor 3: Regulatory Context*

Courts are typically hesitant to grant mandamus to compel an agency to perform a complex economic or environmental regulation task, especially if the harm caused by agency delay is merely an economic harm that may be absorbed into the ordinary costs of doing business, may be temporary, and may be reparable. But this is the opposite type of case. This is a single-party adjudicatory matter focused on discrete legal issues under RFRA and CSA. And the costs of agency delay in this case are measured in fundamental religious liberties and the threat of criminal prosecution.

Time is of the essence when religious liberties are at stake. “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Roman Cath. Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020) (upon an emergency application, ordering injunctive relief to churches and synagogues whose religious sacraments were temporarily restricted

by New York’s COVID regulations) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion)); accord *Mills v. District of Columbia*, 571 F.3d 1304, 1312 (D.C. Cir. 2009). Every day that DEA fails to act on ICH’s application—over 2,200 days and counting—is a day on which ICH and its members are prohibited from practicing their religion, a profound and irreparable harm to a fundamental constitutional right.

That harm is accentuated by the criminal law context. DEA’s guidance threatens prosecution if ICH practices its religion while its application is pending:

No petitioner may engage in any activity prohibited under the Controlled Substances Act or its regulations unless the petition has been granted and the petitioner has applied for and received a DEA Certificate of Registration.

DEA Guidance ¶ 7.

By its nature, the threat of prosecution chills the exercise of constitutional rights. *Klopper v. North Carolina*, 386 U.S. 213, 222 (1967). That concern underlies the right to a speedy trial, “one of the most basic rights preserved by our Constitution.” *Id.* at 226. More broadly, courts have an essential role in protecting subjects from prosecutorial conduct that makes the threat of prosecution “hang[] like the proverbial Sword of Damocles” over them for a prolonged period. *United States v. Adams*, 2025 WL 978572, at \*22 (S.D.N.Y. Apr. 2, 2025) (denying a Government request to dismiss charges without prejudice).

The case for judicial intervention is never more compelling than when citizens are threatened with prosecution if they exercise their constitutional rights. The third *TRAC* factor overwhelmingly favors prompt mandamus relief.

*D. TRAC Factor 4: Effect Of Expediting Delayed Action On Agency Activities Of A Higher Or Competing Priority*

DEA has many important tasks, but removing a prior restraint against the exercise of fundamental liberties should be a top priority. DEA's unexplained delay, already exceeding six years, cannot be justified based on competing priorities. In *O Centro*, the Supreme Court rejected the Government's overbroad argument that enforcing CSA is so important that pleas for religious exemptions under RFRA can just be ignored. 546 U.S. at 432-37. Here, the Court should likewise refuse to countenance any claim that DEA's law enforcement responsibilities entitle it to shirk its statutory responsibilities under RFRA indefinitely.

Again, what ICH asks of DEA is not a heavy lift. It involves using the process DEA itself created 15 years ago to apply a clear legal standard to a single entity. If DEA were not up to the task, it should not have published the DEA Guidance, and the Government should not have taken the position it successfully took in *Soul Quest* that the DEA procedure cannot be bypassed by going straight to court. Further, as ICH highlighted to DEA more than a year ago, DEA's own

settlement with the Church of the Eagle and the Condor provides a model which should be easy to adapt to ICH. *See* C214-33.

In any event, it ill behooves DEA to argue about priorities in the present case. DEA settled with the Church of the Eagle and the Condor less than two years after that church filed suit, and apparently granted the Church of Gaia an exemption less than three years after it applied. Its failure to adjudicate ICH's application after 75 months is inconsistent with fair and reasonable prioritization of agency responsibilities.

The fourth *TRAC* factor overwhelmingly favors prompt mandamus relief.

*E. TRAC Factor 5: Nature And Extent Of Interests Prejudiced By Delay*

The fifth *TRAC* factor, the nature and extent of the interests prejudiced by delay, is central to the ultimate equitable judgment of whether more harm would be done by denying relief than by granting it. As discussed above in the context of *TRAC* factor 3, the principal interests prejudiced by delay here are fundamental religious liberties. Vigorously and promptly protecting those interests is one of the most important duties assigned to the federal courts by the Framers in the First Amendment and by Congress in RFRA.<sup>19</sup>

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<sup>19</sup> In the House Report on the final bill that became RFRA, Congress was explicit about the essential role of the judicial branch in protecting religious liberties: “[i]t is not feasible to combat the burdens of generally applicable laws on religion by relying on the political process . . . .” H. Rep. No. 103-88, Religious Freedom Restoration Act of 1993, at 6 (May 11, 1993).

DEA's delays also prejudice ICH's interests in other significant ways. While ICH awaits DEA's decision, it is precluded from claiming tax-exempt status and profoundly hampered in its ability to attract members and donors. Further, DEA's requirement that it maintain a DEA-inspected secure facility has so far cost ICH a year's rent plus associated costs, representing most of ICH's estimated \$3,800 in monthly operating expenses, while DEA continues to preclude ICH from using that facility for its intended purpose. *See pp. 14-15, supra.*

The fifth *TRAC* factor overwhelmingly favors prompt mandamus relief.

*F. TRAC Factor 6: Agency Impropriety*

“[T]he court need not find any impropriety lurking behind agency lassitude in order to hold that agency action is unreasonably delayed.” *TRAC*, 750 F.2d at 80. But where the agency lacks diligence or good faith, that is a strong consideration in support of mandamus.

DEA has been far from diligent. Indeed, DEA has essentially flouted its statutory obligations, undermining RFRA.<sup>20</sup> As the GAO Report documented, this case exemplifies a DEA pattern and practice of pocket-vetoing religious exemption claims, particularly those involving ayahuasca, by failing to adjudicate them for

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<sup>20</sup> ICH does not impugn the good faith of individual DEA staff. DEA's failures lie at the level of institutional policy, pattern and practice and span at least the current and two prior Presidential Administrations.

many years, without any reason or transparency. *See* pp. 15-16, *supra*. With respect to ICH, DEA has failed to meet its commitment to communicate better, establish timeframes for decision and provide updates to applicants. *See* GAO Report at 45-46. Instead, it is repeating the pattern decried by the Eleventh Circuit in *Soul Quest*, 92 F.4th at 960 n.14, of stalling for years until it is sued.<sup>21</sup>

The sixth *TRAC* factor overwhelmingly favors prompt mandamus relief.

*G. Overall Equitable Assessment*

Every *TRAC* factor clearly favors expeditious mandamus relief here, save for factor 2, which is at least neutral. DEA's decision on ICH's exemption application is many years overdue. Every day of delay is profoundly prejudicial to ICH, preventing it from exercising its religion without the threat of prosecution and (according to *Soul Quest*) preventing it from accessing the courts to vindicate its religious liberties under RFRA. And there is no cognizable prejudice on the other side of the equitable balance.

One additional feature of this case merits consideration. Courts properly hesitate to inject themselves prematurely in agency matters. But this Court is already a player in this drama. Last year, the Government persuaded this Court to

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<sup>21</sup> Whether DEA's recent grant of an exemption to the Church of Gaia (after two-and-a-half years) represents a change is unclear. DEA has said nothing about it, and it has not explained why ICH's similar application is still languishing after 75 months.



uphold the denial of ICH's application for tax-exempt status under 26 U.S.C. § 501(c)(3), notwithstanding RFRA, because ICH had not yet secured a religious exemption from CSA. *Iowaska*, 105 F.4th at 414. The Government's continuing delay in addressing ICH's religious exemption application threatens to distort the meaning and effect of this Court's decision, effectively substituting "never" for "not yet" with respect to ICH's 501(c)(3) application. In rejecting ICH's claim against IRS, this Court found reasonable the district court's conclusion that ICH "had sued the wrong agency." *Id.* at 416. Now that ICH has indisputably sued the right agency, this Court should not turn it away.

**V. Expedited Treatment And An Order Requiring A Final Decision Within 21 Days Is Appropriate**

DEA took over five years to decide what information it needed to adjudicate ICH's application, and it has had that information for ten months (most of it for years). Further delay imposing an unjustified prior restraint on ICH's religious liberty should not be tolerated.

This Court should grant mandamus on an expedited basis and order DEA to issue its decision without further delay. As the Eleventh Circuit noted in *Soul Quest*, "DEA's regulations generally entitle an applicant seeking an exemption for research purposes to a determination within 21 days. See 21 C.F.R. § 1301.32." 92 F.4th at 960 n.14. While religious and research exemptions are different, that is



21 days from application to decision. More than six years after ICH's application, 21 days from this Court's order should suffice for DEA to issue its final decision.

### CONCLUSION

No American should have to wait more than six years, under threat of prosecution, for a determination of whether they can practice their religion. This Court should expeditiously grant mandamus and order DEA to issue its final decision on ICH's application within 21 days of this Court's order.

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**CERTIFICATE OF COMPLIANCE**

Pursuant to Federal Rules of Appellate Procedure 21(d)(1) and 32, I hereby certify that this mandamus petition complies with the applicable typeface, type style, and type volume limitations. This petition was prepared using a proportionally spaced type (Times New Roman, 14-point). Exclusive of the portions exempted by Federal Rule of Appellate Procedure 32(f) and D.C. Circuit Rule 32(e)(1), this petition contains 7,795 words. This certificate was prepared in reliance on the word-count function of Microsoft Word.

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**CERTIFICATE OF SERVICE**

I hereby certify that, on June 9, 2025, I electronically filed the foregoing mandamus petition and its accompanying Appendices A, B and C with the Clerk of the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that I caused the foregoing petition to be served by FedEx next day service and by electronic mail on Respondents as follows:

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