

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

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CLERK, U.S. DISTRICT COURT
JUNEAU, ALASKA

Gordon Warren Epperly, Sui Juris Petitioner, vs., State of Alaska, Respondent, vs., The United States of America, [UNITED STATES], Respondent.	}	District Court Case No. <u>1:15-CV-00002-SLG</u> <u>Local Rule 40.2</u> Notice of Relevant Cases And Motion To Include Additional Court Cases Into Record Of The Court Petition For Redress Of Grievance
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COMES NOW Gordon Warren Epperly, the Petitioner of a verified "Petition for Redress of Grievance" that is before the above named U.S. District Court hereby gives "Notice of Relevant Cases" that are pending before other Federal and State Courts which are

Notice of Relevant Cases And
Motion To Include Additional
Court Cases Into Record Of
The Court

relevant to the Petitioner, Gordon Warren Epperly's "*Petition for Redress of Grievance.*" The Petitioner also moves the Court to allow additional U.S. Supreme Court cases into the record of the Court which addresses the "*standing*" of the Petitioner to raise questions of constitutionality of "*Marijuana Statutes*" of a State. This "*Notice of Relevant Cases*" is mandated by Local Rule 40.2 of the U.S. District Court for the District of Alaska.

Notice of Relevant Cases

The Petitioner, Gordon Warren Epperly has knowledge of the following "*on-going*" Court cases which are all relevant to Petitioner's "*Petition for Redress of Grievance*" for they address the question of constitutionality of "*Statutes*" of the "*States*" legalizing "*Marijuana*" for Medical and/or Recreational purposes:

U.S. Supreme Court

1. States of Nebraska and Oklahoma vs. State of Colorado,
Docket No. 22O144 ORG /¹ filed December 18, 2014.

^{1/} The case of State of Nebraska and Oklahoma vs. State of Colorado may be viewed on the Internet at: "<http://tinyurl.com/njab2o8>".

U.S. District Court for District of Colorado

1. Safe Streets Alliance et al., v. Alternative Holistic Healing, LLC et al.,
Case No. 1:2015cv00349 /² filed February 19, 2015.
2. Safe Streets Alliance et al v. Medical Marijuana of the Rockies, LLC et al.,
Case No. 1:2015cv00350 /³ filed February 19, 2015.
3. Justin E. Smith et al., v. John W. Hickenlooper,
Case No. 1:2015cv00462 /⁴ filed March 5, 2015.

U.S. District Court for Eastern District of California

1. United States of America v. Brian Justin Pickard, et al.,
Case No. 2:11-cr-00449-KLM /⁵ filed on October 6, 2011.

^{2/} The civil case of Safe Streets Alliance et al v. Alternative Holistic Healing, LLC et al., may be viewed on the Internet at: "<http://tinyurl.com/ojfrkr>".

^{3/} The civil case of Safe Streets Alliance et al v. Medical Marijuana of the Rockies, LLC et al., may be viewed on the Internet at: "<http://tinyurl.com/pvssmbg>".

^{4/} The civil case of Justin E. Smith et al., v. John W. Hickenlooper, may be viewed on the Internet at: "<http://tinyurl.com/pz3pseg>".

^{5/} The criminal case of United States of America v. Brian Justin Pickard, et al., may be viewed on the Internet at: "<http://tinyurl.com/outa2hh>".

State of Colorado Supreme Court

1. Brandon Coats v. Dish Network, LLC,

Case No. 13SC394, ⁶ decided on June 15, 2015.

“... a “lawful” [*marijuana*] activity is that which complies with applicable “law,” including state and federal law.”

Statement In Support Of Motion

On July 14, 2015, Judge Robert E. Blackburn of the U.S. District Court for the District of Colorado issued forth a “Court Order Granting Motions To Sever” ⁷ in the case of “Safe Streets Alliance et al., v. Alternative Holistic Healing, LLC et al., case no. 1:15-cv-00349-REB-CBS” (supra.). Judge Blackburn cites U.S. Supreme Court case of “Richard Armstrong et al., v. Exceptional Child Center, et al., 135 S.Ct. 1378, 1384, 191 L.Ed.2d 471 (2015)” ⁸ in support of his “Court Order.”

As The Respondents, the State of Alaska and The United States of America have challenged the authority of the Petitioner, Gordon Warren Epperly, to seek the remedy

⁶/ The case of Brandon Coats v. Dish Network, LLC may be viewed on the Internet at: “<http://tinyurl.com/p5x3jgt>”.

⁷/ The “Court Order” of Judge Robert E. Blackburn may be viewed on the Internet at: “<http://tinyurl.com/plletlu>”.

⁸/ The case of Richard Armstrong et al., v. Exceptional Child Center, Inc., et al., may be viewed on the Internet at: “<http://tinyurl.com/klh2x2o>”.

of "Declaratory Judgments" declaring the "Marijuana Statutes" of the State of Alaska to be "null and void" for being preempted by the "Federal Control Substance Law" ⁹ and as the "Complaint" of "Safe Streets Alliance et al., v. Alternative Holistic Healing, LLC et al." has many similarities to the Petitioner's "Petition for Redress of Grievance," the "Court Order" of Judge Robert E. Blackburn is of interest to the Petitioner.

Looking at the "Court Order" on page 5 we see that Judge Blackburn declares:

*"... a significant jurisdictional question hangs over plaintiffs' preemption claims. Without prejudging the pending motions to dismiss, but mindful of the United States Supreme Court's recent decision in **Armstrong v. Exceptional Child Center, Inc.**, – U.S. –, 135 S.Ct. 1378, 1384, 191 L.Ed.2d 471 (2015), plaintiffs' standing to pursue Counts VII and VIII appears precarious ..."*

is a statement of judicial error. Upon reviewing the U.S. Supreme Court case of "Armstrong v. Exceptional Child Center, Inc.," (supra.), we find that the Court declared in part:

"It is apparent that this [Supremacy] Clause creates a rule of decision: Courts "shall" regard the "Constitution," and all laws "made in Pursuance thereof," as "the supreme Law of the Land." **They must not give effect to state laws that conflict with federal laws.** *Gibbons v. Ogden*, 9 Wheat. 1, 210 (1824). It is equally apparent that the Supremacy Clause is not the "source of any federal rights," *Golden State Transit Corp. v. Los Angeles*, 493 U. S. 103, 107 (1989) (quoting *Chapman v. Houston Welfare Rights Organization*, 441 U. S. 600, 613 (1979)), and certainly does not create a cause of action. **It instructs courts what to do when state and federal law clash, but is silent regarding who may enforce federal laws in court, and in what circumstances they may do so.**" [Emphasis added].

⁹/ see 84 Stat. 1242, 21 U. S. C. §801 et seq.,

“To say that the Supremacy Clause does not confer a right of action is not to diminish the significant role that courts play in assuring the supremacy of federal law. For once a case or controversy properly comes before a court, judges are bound by federal law. ... And, as we have long recognized, if an individual claims federal law immunizes him from state regulation, the court may issue an injunction upon finding the state regulatory actions preempted. Ex parte Young, 209 U. S. 123, 155–156 (1908).” [Emphasis added].

“The ability to sue to enjoin unconstitutional actions by state and federal officers is the creation of courts of equity, and reflects a long history of judicial review of illegal executive action, tracing back to England. See Jaffe & Henderson, Judicial Review and the Rule of Law: Historical Origins, 72 L. Q. Rev. 345 (1956). It is a judge-made remedy, and we have never held or even suggested that, in its application to state officers, it rests upon an implied right of action contained in the Supremacy Clause.” [Emphasis added].

“The power of federal courts of equity to enjoin unlawful executive action is subject to express and implied statutory limitations. See, e.g., Seminole Tribe of Fla. v. Florida, 517 U.S. 44, 74 (1996). “Courts of equity can no more disregard statutory and constitutional requirements and provisions than can courts of law.” INS v. Pangilinan, 486 U. S. 875, 883 (1988) (quoting Hedges v. Dixon County, 150 U. S. 182, 192 (1893); brackets omitted).” [Emphasis added].

In other words, the Federal Courts in exercising their law and equity authority may declare the “Statutes” of a State to be “null and void” as being preempted by “Federal Law.”

The only other question that needs to be addressed: “*Did the U.S. Congress grant ‘private rights’ of an individual to enforce provisions of the ‘Federal Control Substance Law’?*” That question is answered at 21 USC 882(a) entitled “Jurisdiction”:

“The district courts of the United States and all courts exercising general jurisdiction in the territories and possessions of the United States shall have jurisdiction in proceedings in accordance with the Federal Rules of Civil Procedure to enjoin violations of this subchapter. [21 U.S. Code Chapter 13, Subchapter I - CONTROL AND ENFORCEMENT].”

Looking at 21 USC Chapter 13, Subchapter 1 we find:

21 U.S. Code Chapter 13, Subchapter I - CONTROL AND ENFORCEMENT

- [Part A—Introductory Provisions \(§§ 801–803\)](#)
- [Part B—Authority To Control; Standards and Schedules \(§§ 811–814\)](#)
- [Part C—Registration of Manufacturers, Distributors, and Dispensers of Controlled Substances \(§§ 821–831\)](#)
- [Part D—Offenses and Penalties \(§§ 841–865\)](#)
- [Part E—Administrative and Enforcement Provisions \(§§ 871–890\)](#)
- [Part F—General Provisions \(§§ 901–904\)](#)

which “Subparts” covers all “Sections” of the “Federal Control Substance Law.” The Petitioner has been granted “statutory authority” by the U.S. Congress to bring forth a “Petition for Redress of Grievance” into the above named U.S. District Court for relief of “Declaratory Judgments” to preempt “Marijuana Laws” of the State of Alaska which are in conflict with the “Federal Control Substance Law.”

The Petitioner, Gordon Warren Epperly hereby moves the above named U.S. District Court to include the U.S. Supreme Court case of “Richard Armstrong et al., v. Exceptional Child Center, Inc., et al., 135 S.Ct. 1378, 1384, 191 L.Ed.2d 471 (2015)” into the record of the Court in support of Petitioner’s request for “Declaratory Judgments.” The Petitioner was not aware of the case of “Richard Armstrong et al., v. Exceptional Child Center, Inc., et al.,” as the “Court Order” of Judge Robert E. Blackburn was not available at the time the Petitioner was addressing Respondent’s “Motions To Dismiss.”

This document contains “active” Internet links. You may view this document on the Internet at:

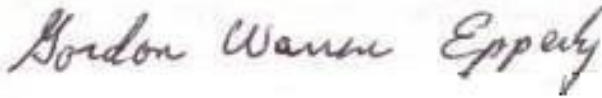
<http://www.usa-the-republic.com/marijuana.html>

ASSERVATION

COMES NOW THE PETITIONER, Gordon Warren Epperly, does hereby state under pains of penalty of perjury that he is the author of the above "Notice of Relevant Cases And Motion To Include Additional Court Cases Into Record Of The Court" and the statements made therein are true and correct to the best of his knowledge.

Dated this twenty-first day of the month of July in the year of our Lord, Jesus the Christ, Two-Thousand and Fifteen.

Seal



Gordon Warren Epperly – Petitioner / Affiant

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CERTIFICATE OF MAILING

COMES NOW Petitioner, **Gordon Warren Epperly**, hereby certifies under penalties of perjury that true and correct copies of Petitioner's "Notice of Relevant Cases And Motion To Include Additional Court Cases Into Record Of The Court" has been certified mailed to:

Certified Mail No. 7015 0640 0007 2746 0197

Certified Mail No. 7015 0640 0007 2746 0180

Richard L. Pomeroy
Assistant U.S. Attorney
222 West 7th Ave., #9, Rm. 253
Anchorage, Alaska 99513-7567

Christopher D. Peloso
Assistant Attorney General
Department of Law
P.O. Box 110300
Juneau, Alaska 99811-0300

by depositing said Petitioner's "Notice of Relevant Cases And Motion to Include Additional Court Cases Into Record Of The Court" with the U.S. Postal Service, Mendenhall Station, at Juneau, Alaska.

Dated this Twenty-First day of the month of July in the year of our Lord Jesus Christ, Two-Thousand and Fifteen .

Seal



Gordon Warren Epperly

Gordon Warren Epperly - Affiant

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