

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 11-1265

September Term, 2012

DEA-76FR40552

Filed On: October 16, 2012

Americans for Safe Access, et al.,

Petitioners

v.

Drug Enforcement Administration,

Respondent

Carl Eric Olsen,

Intervenor

BEFORE: Henderson* and Garland, Circuit Judges, and Edwards, Senior
Circuit Judge

ORDER

It is **ORDERED**, on the court's own motion, that within five days of the date of this order, Petitioner will clarify and amplify the assertions made in paragraph 4 of the Affidavit of Michael Krawitz regarding his individual standing. Petitioner may submit a further affidavit, as necessary, and a brief not to exceed five pages, to more fully explain precisely the nature of the injury that gives him standing, including but not limited to what he means by his "prescription pain treatment by the VA," what pain treatments and counselling he is denied by the VA, what pain treatment he receives from "an outside M.D.," and what he means when he says he receives pain treatment from an outside M.D. "under the VA's fee basis program." The Government, in turn, will have five days after Petitioner's submissions to respond in a brief not to exceed five pages, plus an affidavit if necessary.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Michael C. McGrail

Deputy Clerk

* Judge Henderson dissents based on *Sierra Club v. EPA*, 292 F.3d 895, 900 (D.C. Cir. 2002) ("Absent good cause shown . . . a litigant should not expect the court to" allow it to submit "post-argument affidavits further demonstrating [its] standing.").