



U.S. Department of Justice

Office of the Solicitor General

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Washington, D.C. 20530

April 23, 2026

Honorable Scott S. Harris  
Clerk  
Supreme Court of the United States  
Washington, D.C. 20543

Re: United States, Petitioner v. Ali Danial Hemani, No. 24-1234

Dear Mr. Harris:

I write to inform the Court that, on April 22, 2026, the Acting Attorney General issued a final order concerning the scheduling of marijuana under the Controlled Substances Act, 21 U.S.C. 801 *et seq.* See Dep't of Justice, DEA, *Schedules of Controlled Substances: Rescheduling of Food and Drug Administration Approved Products Containing Marijuana and Products Containing Marijuana Subject to a Qualifying State-issued License From Schedule I to Schedule III; Corresponding Changes to Permit Requirements*, <https://www.justice.gov/opa/media/1437441/dl>. The order places "drug products containing marijuana that have been approved by the Food and Drug Administration (FDA)," as well as "marijuana in any form covered by a state medical marijuana license," in Schedule III, but otherwise maintains marijuana in Schedule I. *Id.* at 1, 14.

In the government's view, the final order does not affect the proper resolution of this case. Respondent's criminal liability depends on the law that was in effect at the time of the offense rather than the law in effect now. At the time of respondent's offense, marijuana was classified as a Schedule I controlled substance. See Gov't Br. 6. Even under the final order, moreover, respondent's marijuana would remain a Schedule I controlled substance because it was neither incorporated into an FDA-approved drug product nor covered by a state medical marijuana license. To the extent the Court wishes to avoid deciding the constitutionality of 18 U.S.C. 922(g)(3) as applied to medical marijuana, it could limit its decision in this case to Schedule I marijuana and could leave for a future case the statute's constitutionality as applied to Schedule III marijuana.

I would be grateful if you would circulate this letter to the Members of the Court.

Sincerely,

D. John Sauer  
Solicitor General

cc: See Attached Service List

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