

MMJ Seeks Emergency Injunction Against DEA Hearing

MMJ BioPharma Cultivation Moves to Block DEA Hearing, Citing Constitutional Crisis and Supreme Court Precedent

Washington, D.C., May 1, 2025 – MMJ BioPharma Cultivation, a Rhode Island-based company seeking DEA registration to legally cultivate cannabis for scientific research, announced plans to file an emergency motion for injunctive relief in federal court. The legal move follows a controversial DEA administrative law judge (ALJ) ruling that lifted a previously granted stay, allowing a hearing to proceed—one MMJ claims is fundamentally unconstitutional.

The company's emergency filing will be submitted to the U.S. District Court for the District of Rhode Island and is expected to challenge the DEA's internal hearing process on constitutional grounds. Specifically, MMJ contends that the agency's administrative tribunal violates the precedent established by the U.S. Supreme Court in *Axon Enterprise Inc. v. Federal Trade Commission*, a landmark case decided in 2023.

MMJ Claims DEA's Administrative Court Process Violates Supreme Court Ruling in Axon Case

In the **Axon** decision, the Supreme Court ruled that federal courts have jurisdiction to hear constitutional challenges to agency structures without requiring parties to first go through the agency's full administrative proceedings. MMJ argues that DEA administrative law judges are insulated from presidential removal and operate within a structure that violates this ruling. The company also cites a recent Department of Justice statement that cast doubt on the constitutionality of the DEA's current ALJ system.

MMJ had initially requested a DEA ALJ hearing after receiving a "show cause" order from the agency, which signaled the potential denial of its cultivation application. However, the company later reversed course and sought to bypass that process, filing litigation instead. Now, the company seeks an emergency injunction to stop the hearing altogether and is requesting a federal declaration that the DEA's tribunal setup fails constitutional muster.

Long Delays and Financial Harm Drive the Legal Action

MMJ's application to cultivate cannabis for research has been pending since 2018. Over the past several years, the company has received a Schedule I analytical license, undergone multiple DEA inspections, gained FDA orphan drug designation, and submitted investigational new drug (IND) applications to begin clinical trials for conditions like Huntington's disease and multiple sclerosis.

Despite meeting various federal requirements, MMJ's application remains unapproved more than 2,300 days after submission far beyond the 60-day decision timeline set by the Medical Marijuana and Cannabidiol

Research Expansion Act. The company claims this delay has resulted in significant financial losses and has hindered the development of critical treatments for patients.

MMJ's Emergency Motion Alleges Irreparable Harm From DEA Tribunal

In the forthcoming motion, MMJ will argue that moving forward with the DEA's administrative hearing would cause *irreparable harm*, including:

Immediate constitutional injury by subjecting the company to a tribunal that lacks lawful authority under the U.S. Constitution.

Loss of its right to a fair hearing in an independent Article III court.

Continued delays in launching potentially life-saving clinical trials for FDA-approved research.

Long-term financial damage from regulatory uncertainty and stalled operations.

MMJ will request both a preliminary and permanent injunction to halt the hearing process and to affirm its right to challenge the DEA in a constitutionally valid court setting.

Legal Action Seeks Accountability and Reform Beyond One Company

While the case stems from MMJ's own experience with the DEA's regulatory framework, the company's leadership emphasized that the issue has national implications. If successful, the lawsuit could have a broader impact on how federal agencies handle administrative adjudications and how businesses defend their rights against government overreach.

The emergency motion will be accompanied by a formal complaint that seeks:

A court declaration that the DEA's administrative law judge system is unconstitutional.

Immediate cessation of all DEA ALJ proceedings against MMJ.

Expedited review of the matter in accordance with the Supreme Court's guidance in **Axon**.

The company's legal counsel, Attorney Megan Sheehan, will represent MMJ in the federal case.

MMJ Demands Constitutional Compliance and Immediate Federal Review

As the cannabis industry continues to navigate a complex web of federal and state regulations, MMJ's case could become a defining moment for administrative law and marijuana research policy in the United States. The company argues that no business should be forced to choose between constitutional rights and regulatory compliance.

MMJ BioPharma Cultivation insists that this legal challenge is not just about the cannabis sector, but about upholding the Constitution and ensuring that federal agencies operate within lawful limits.

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