United States of America v. Michigan Department of Community Health, 2011 US Dist LEXIS 59445 (WD Mich, June 3, 2011) [Case No. 1:10-MC-109]

Issue: Can the DEA have documents turned over to them that involve marihuana illegal activities?

Holding: Yes, the court stated that the DEA is charged with investigating the possession, manufacture and disposition of marihuana and the subpoena issued for the documents pertained to the DEA's investigation.

The Court ordered the Michigan Department of Community Health to turn over the documents to the DEA.

The Court stated that "The subpoena was issued as part of an investigation for violations of the Controlled Substances Act. The DEA is a federal law enforcement agency. It is charged with, among other things, investigating the possession, manufacture and disposition of marihuana, a controlled substance, which are violations of federal law. The documents sought here include cards identifying persons who are presumably involved in possessing and distributing marihuana contrary to federal law.

The subpoena clearly seeks documents relevant to the investigation, the conduct of which is a lawful function of the DEA