

with a hearing to challenge the State's action at which he may ultimately prevail." *Kamal Tiwari, M.D.*, 76 FR 71604, 71606, (2011); see also *Bourne Pharmacy, Inc.*, 72 FR 18273, 18274 (2007); *Anne Lazar Thorn*, 62 FR 12847 (1997). Additionally, Agency precedent has established that the existence of other proceedings in which the Respondent is involved is not a basis upon which to justify a stay of DEA administrative enforcement proceedings. *Grider Drug #1 & Grider Drug #2*, 77 FR 44069, 44104 n.97 (2012).

Congress does not intend for administrative agencies to perform meaningless tasks. See *Philip E. Kirk, M.D.*, 48 FR 32887 (1983), *aff'd sub nom. Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984); see also *Puerto Rico Aqueduct & Sewer Auth. v. EPA*, 35 F.3d 600, 605 (1st Cir. 1994); *NLRB v. Int'l Assoc. of Bridge, Structural & Ornamental Ironworkers, AFL-CIO*, 549 F.2d 634 (9th Cir. 1977); *United States v. Consol. Mines & Smelting Co.*, 455 F.2d 432, 453 (9th Cir. 1971). Thus, it is well-settled that, where no genuine question of fact is involved, or when the material facts are agreed upon, a plenary, adversarial administrative proceeding is not required. See *Jesus R. Juarez, M.D.*, 62 FR 14945 (1997); *Dominick A. Ricci, M.D.*, 58 FR 51104 (1993). Here, the supplied IDFP Order establishes, and the Respondent does not contest, that the Respondent is currently without authorization to handle controlled substances in Illinois, the jurisdiction where the Respondent holds the DEA COR that is the subject of this litigation.

Summary disposition of an administrative case is warranted where, as here, "there is no factual dispute of substance." See *Veg-Mix, Inc.*, 832 F.2d 601, 607 (D.C. Cir. 1987) ("an agency may ordinarily dispense with a hearing when no genuine dispute exists").⁴ At this juncture, no genuine dispute exists over the fact that the Respondent lacks state authority to handle controlled substances in the state of Illinois. Because the Respondent lacks such state authority, both the plain language of applicable federal statutory provisions and Agency interpretive precedent dictate that the Respondent is not entitled to maintain his DEA

registration. Simply put, there is no contested factual matter adducible at a hearing that would provide DEA with the authority to allow the Respondent to continue to hold his COR.

Accordingly, I hereby **GRANT** the Government's Motion for Summary Disposition; and further **DENY** the Respondent's Request for Stay; and further **RECOMMEND** that the Respondent's DEA registration be **REVOKED** forthwith and any pending applications for renewal be **DENIED**.

Dated: March 20, 2015.
JOHN J. MULROONEY, II,
Chief Administrative Law Judge.
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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 12-49]

AIM Pharmacy & Surgical S. Corp. Order

On May 8, 2015, the Administrator of the Drug Enforcement Administration, noting that the expiration date of Respondent's registration was June 30, 2014, ordered the parties to address whether the case is now moot. The Administrator's Order was served on Respondent's counsel at his address of record.

The Government filed a timely response and served a copy of its response on Respondent's counsel at his address of record. Govt. Response to Administrator's May 8, 2015 Order, at 1. Respondent has not filed a response.¹

In its Response, the Government advises that Respondent neither submitted a renewal application prior to the expiration of its registration nor an application for a new registration. *Id.* The Government therefore acknowledges that this case is now moot. *Id.*; see *Ronald J. Riegel*, 63 FR 67132, 67133 (1998). Accordingly, I dismiss the Order to Show Cause. It is so ordered.

Date: July 27, 2015.
Chuck Rosenberg,
Acting Administrator.
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pending in the state courts. *Michael G. Dolin, M.D.*, 65 FR 5661, 5662 (2000).

¹ After both the Administrator's Order and the Government's Response were returned to the Agency as undelivered following efforts to serve both of Respondent's counsels, the Government determined through the New York State Unified Court System's database that each attorney had a

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-392]

Manufacturer of Controlled Substances Registration: National Center for Natural Products Research (NIDA MPROJECT), Inc.

ACTION: Notice of registration.

SUMMARY: National Center for Natural Products Research (NIDA MPROJECT), Inc. applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants National Center for Natural Products Research (NIDA MPROJECT), Inc. registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated April 14, 2015, and published in the *Federal Register* on April 22, 2015, 80 FR 22559, National Center for Natural Products Research (NIDA MPROJECT), Inc., University of Mississippi, 135 Coy Waller Complex, University, Mississippi 38677-1848 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of National Center for Natural Products Research (NIDA MPROJECT), Inc. to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the basic classes of controlled substances:

different address than that listed in the record. Notice of Recent Order and Government's Response II, at 1-2. The Government represents that on June 30, 2015, it served both the Administrator's Order and its Response on each of Respondent's attorneys by mailing them to the addresses of Respondent's attorneys as listed in the New York Unified Court System's database. *Id.* at 2.

⁴ Even assuming, *arguendo*, the possibility that the Respondent's state controlled substances privileges could be reinstated, summary disposition would still be warranted because "revocation is also appropriate when a state license has been suspended, but with the possibility of future reinstatement," *Rodriguez*, 70 FR at 33207 (citations omitted), and even where there is a judicial challenge to the state medical board action actively