

OFFICE OF THE SECRETARY

P.O. Box 942883
Sacramento, CA 94283-0001



December 9, 2010

Ms. Ruth Dixon
Department of Health and Human Services
Food and Drug Administration

Dear Ms. Dixon:

Since 1993, California law has authorized capital punishment by lethal injection pursuant to Penal Code Section 3604. The law states the punishment of death shall be inflicted by the administration of an intravenous injection of substances in a lethal quantity sufficient to cause death. On May 1, 2009, the California Department of Corrections and Rehabilitation (CDCR) promulgated regulations setting forth the requirements for administering capital punishment by lethal injection pursuant to Administrative Procedure Act. Those regulations became effective on August 29, 2010. The regulations provide for the use of three chemicals; sodium thiopental, pancuronium bromide, and potassium chloride.

There is a national shortage of sodium thiopental. California, like many other states, has been actively seeking supplies of the sodium thiopental for future executions. California's supply of sodium thiopental expired on October 1, 2010. On November 22, 2010, CDCR notified the United States District Court for the Northern District of California that it had ordered (b) (4)

CDCR expected to receive the sodium thiopental during the week of November 29, 2010. Although CDCR followed all proper procedures and the Drug Enforcement Agency and United States Customs has approved the shipment, this shipment is currently be held by your office.

Per your conversation with John McAuliffe, we are asking for the immediate release and shipment of the (b) (4) of sodium thiopental. If you have any questions, concerns or any changes arise, please contact me at (916) 323-6001 or Mr. McAuliffe at (707) 480-6766.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben T Rice".

BENJAMIN T. RICE
General Counsel

cc: John McAuliffe

From: Dixon, Ruth P
Sent: Thursday, December 09, 2010 2:24 PM
To: (b) (7)(C)
Cc: Halpenny, Susan M
Subject: FW: Letter to Ms. Dixon

Attachments: Letter to Ms. Dixon0001.pdf
Good day (b) (7)(C),

Before I had the opportunity to return the call to the Undersecretary I received this message with the enclosed letter. (b) (7)(C) also followed up with a phone call...they will be trying to call the Commissioner's office and you via the general phone numbers since they are receiving significant pressure from the Governor's office.

Ruth P. Dixon
Supervisory Investigator
New Orleans District
Import Operations

From: (b) (7)(C)
Sent: Thursday, December 09, 2010 2:03 PM
To: Dixon, Ruth P
Cc: (b) (7)(C)
Subject: FW: Letter to Ms. Dixon

Ms. Dixon,

Thank you for working with (b) (7)(C) on obtaining FDA approval for the delivery of Sodium thiopental to (b) (4). Please find attached a letter detailing our legal procurement of the drug and our urgent interest in obtaining the shipment as soon as possible. Your immediate attention to this matter is greatly appreciated.

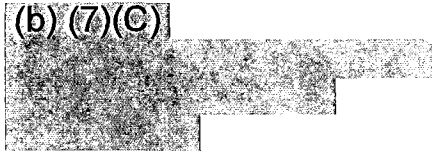
Please feel free to contact me should you have any questions. (b) (7)(C).

Sincerely,

(b) (7)(C)
(b) (4)

From: (b) (7)(C)
Sent: Thursday, December 09, 2010 11:58 AM
To: (b) (7)(C)
Subject: Letter to Ms. Dixon

Ruth.Dixon@FDA.HHS.gov

(b) (7)(C)
A large rectangular area of the document is redacted with a heavy black stippled pattern. The redaction covers approximately three lines of text.

From: (b) (7)(C)
Sent: Monday, December 20, 2010 12:44 PM
To: Dixon, Ruth P
Cc: (b) (7)(C)
Subject: FW: Letter to Ms. Dixon

Attachments: Letter to Ms. Dixon0001.pdf

Ms. Dixon

Could you please update us on the approval of delivery of the Sodium Thiopental to the (b) (4)
Thank you in advance.

(b) (7)(C)

From: (b) (7)(C)
Sent: Thursday, December 09, 2010 12:10 PM
To: (b) (7)(C)
Subject: FW: Letter to Ms. Dixon

FYI

From: (b) (7)(C)
Sent: Thursday, December 09, 2010 12:03 PM
To: Ruth.Dixon@FDA.HHS.gov
Cc: (b) (7)(C)
Subject: FW: Letter to Ms. Dixon

Ms. Dixon,

Thank you for working with (b) (7)(C) on obtaining FDA approval for the delivery of Sodium thiopental to (b) (4). Please find attached a letter detailing our legal procurement of the drug and our urgent interest in obtaining the shipment as soon as possible. Your immediate attention to this matter is greatly appreciated.

Please feel free to contact me should you have any questions. (b) (4)

Sincerely,

(b) (7)(C)
(b) (4)

From: (b) (7)(C)
Sent: Thursday, December 09, 2010 11:58 AM
To: (b) (7)(C)
Subject: Letter to Ms. Dixon

Ruth.Dixon@FDA.HHS.gov

(b) (7)(C)
(b) (4)

(b) (4)