

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Mark Allen, D.D.S.; Correction to Rescission of Final Agency Action and Withdrawal of Order To Show Cause

The Drug Enforcement Administration (DEA) published a document in the **Federal Register** on September 8, 2026, concerning the rescission of a final agency action regarding Mark Allen, D.D.S. That document contained a citation error corrected herein.

I hereby *rescind* the Decision and Order published on July 10, 2026, at 91 FR 42757 (2026). Additionally, I *withdraw* the Order to Show Cause issued to Mark Allen, D.D.S., of Edmond, Oklahoma on November 24, 2025.

It is so ordered.

Signing Authority

This document of the Drug Enforcement Administration was signed on September 29, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

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Arenbii Pharmacy LLC; Decision and Order

On September 17, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause and Immediate Suspension of Registration (OSC/ISO) to Arenbii Pharmacy LLC of Missouri City, Texas (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 11. The OSC/ISO informed Registrant of the immediate suspension of its DEA Certificate of Registration, No. FA3529849, pursuant to 21 U.S.C. 824(d), alleging that Registrant's

continued registration constitutes “an imminent danger to the public health or safety.” *Id.* at 1 (quoting 21 U.S.C. 824(d)). The OSC/ISO also proposed the revocation of Registrant's DEA Certificate of Registration, alleging that Registrant's continued registration is inconsistent with the public interest. *Id.* (citing 21 U.S.C. 823(g)(1); 824(a)(4)).¹ Specifically, the OSC/ISO alleged that as recently as May 12, 2025, Registrant violated federal and Texas state law by continuously filling Schedule II controlled substance prescriptions despite obvious red flags of abuse and/or diversion and without addressing or resolving those red flags.² RFAAX 1, at 1–2.

On February 5, 2026, the Government submitted an RFAA requesting that the Agency issue a default final order revoking Registrant's registration. RFAA, at 1–3. After carefully reviewing the entire record and conducting the analysis as set forth in more detail below, the Agency grants the Government's RFAA and revokes Registrant's registration.

I. Default Determination

Under 21 CFR 1301.43, a registrant entitled to a hearing who fails to file a timely hearing request “within 30 days after the date of receipt of the [OSC/ISO] . . . shall be deemed to have waived their right to a hearing and to be in default” unless “good cause” is established for the failure. 21 CFR 1301.43(a) & (c)(1). In the absence of a demonstration of good cause, a registrant who fails to timely file an answer also is “deemed to have waived their right to a hearing and to be in default.” 21 CFR 1301.43(c)(2). Unless excused, a default is deemed to constitute “an admission of the factual allegations of the [OSC/ISO].” 21 CFR 1301.43(e).

Here, the OSC/ISO notified Registrant of its right to file a written request for hearing, and that if it failed to file such a request, it would be deemed to have waived its right to a hearing and be in default. RFAAX 1, at 10 (citing 21 CFR 1301.43). According to the Government's RFAA, Registrant failed to request a hearing. RFAA, at 2. Thus,

¹ Based on the Government's submissions in its RFAA dated February 5, 2026, the Agency finds that service of the OSC/ISO on Registrant was adequate. Specifically, the Declaration from a DEA Diversion Investigator (DI) indicates that on September 22, 2025, the OSC/ISO was personally served on Registrant at its registered address. RFAAX 2, at 1.

² The OSC/ISO also alleges that Registrant partially filled prescriptions in violation of federal law. RFAAX 1, at 2, 6–7. However, the OSC/ISO does not allege sufficient facts to support this allegation in a default final order.

the Agency finds that Registrant is in default and therefore has admitted to the factual allegations in the OSC/ISO. 21 CFR 1301.43(e).

II. Public Interest

A. Applicable Law

As the Supreme Court stated in *Gonzales v. Raich*, 545 U.S. 1 (2005), “the main objectives of the [Controlled Substances Act (CSA)] were to conquer drug abuse and control the legitimate and illegitimate traffic in controlled substances.” 545 U.S. at 12. *Gonzales* explained that:

Congress was particularly concerned with the need to prevent the diversion of drugs from legitimate to illicit channels. To effectuate these goals, Congress devised a closed regulatory system making it unlawful to manufacture, distribute, dispense, or possess any controlled substance except in a manner authorized by the CSA. . . . The CSA and its implementing regulations set forth strict requirements regarding registration, labeling and packaging, production quotas, drug security, and recordkeeping.

Id. at 12–14.

The OSC/ISO's allegations concern the CSA's “statutory and regulatory provisions . . . mandating . . . compliance with . . . security controls to guard against diversion, recordkeeping and reporting obligations, and prescription requirements” and, therefore, go to the heart of the CSA's “closed regulatory system” specifically designed “to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances,” and “to prevent the diversion of drugs from legitimate to illicit channels.” *Id.* at 12–14, 27.

Allegation That Registrant Filled Prescriptions Without Addressing or Resolving Red Flags of Abuse and/or Diversion

According to the CSA's implementing regulations, a lawful prescription for a controlled substance is one that is “issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.” 21 CFR 1306.04(a); RFAAX 1, at 2. Although “[t]he responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner . . . a corresponding responsibility rests with the pharmacist who fills the prescription.” *Id.* Pursuant to the CSA's implementing regulations, only a pharmacist “acting in the usual course of his [or her] professional practice” may fill a prescription for a controlled substance. 21 CFR 1306.06; RFAAX 1, at 2.