

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

Case No: 3:22-cv-00022

Turtle Mountain Band of Chippewa )  
Indians, Spirit Lake Tribe, Wesley Davis, )  
Zachary S. King, and Collette Brown. )

Plaintiffs, )

v. )

Michael Howe, in his official capacity as )  
Secretary of State of North Dakota. )

Defendant )

**NOTICE OF APPEAL BY NORTH  
DAKOTA LEGISLATIVE ASSEMBLY**

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The North Dakota Legislative Assembly, hereby gives notice of its appeal of the District Court's January 8, 2024 Order (Doc. 164) denying its motion for extension of time to adopt a remedial plan to protect its sovereign legislative interest in establishing legislative districts under the North Dakota Constitution as recognized by the United States Supreme Court and ordering the Plaintiffs' proposed plan 2 be adopted and implemented as the remedial map to correct the Section 2 violation.

The appeal is taken to the United States Court of Appeals for the Eighth Circuit pursuant to 28 U.S.C. §§ 1291, 1292 and Rules 3 and 4(a) of the Federal Rules of Appellate Procedure.

Dated this 26th day of January, 2024.

SMITH PORSBORG SCHWEIGERT  
ARMSTRONG MOLDENHAUER & SMITH

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 26th day of January, 2024, a true and correct copy of the foregoing **NOTICE OF APPEAL BY NORTH DAKOTA LEGISLATIVE ASSEMBLY** was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

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