

United States Court of Appeals  
for the Eighth Circuit

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

Plaintiff-Appellees,

v.

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

Defendant-Appellant.

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APPEAL FROM DECISION OF THE UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF NORTH DAKOTA  
(No. 3:22-cv-00022)

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**APPELLANT’S STATEMENT OF THE ISSUES ON APPEAL**

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Pursuant to Federal Rule of Appellate Procedure 30(b), Defendant-Appellant Michael Howe, in his official capacity as Secretary of State of North Dakota, submits this statement of the issues on appeal.

- 1) Whether the district court erred in finding 42 U.S.C. § 1983 provides a private right of action to allege violations of Section 2 of the Voting Rights Act.
- 2) Whether the district court erred in finding that North Dakota’s 2021 legislative

redistricting plan violates Section 2 of the Voting Rights Act.

Dated this 20th day of December, 2023.

State of North Dakota  
Drew H. Wrigley  
Attorney General

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capacity as Secretary of State of North Dakota

**CERTIFICATE OF SERVICE**

I hereby certify that on December 20, 2023, I electronically submitted the foregoing to the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system and that ECF will send a Notice of Electronic Filing (NEF) to all participants who are registered CM/ECF users.

*/s/ David R. Phillips*

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David R. Phillips