

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS,  
*et al.*

*Plaintiffs-Appellees,*

v.

MICHAEL HOWE, in his official capacity as North Dakota  
Secretary of State,

*Defendant-Appellant.*

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On Appeal from Decision of the United States District Court  
for the District of North Dakota, Case No. 3:22-cv-00022

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**APPELLEES' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
BRIEF**

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Pursuant to the Court's local rules, Appellees Turtle Mountain Band of Chippewa Indians, et al., respectfully request that the Court extend the time for Appellees to file their brief by two weeks, from February 29, 2024, to March 14, 2024. Appellant is unopposed to this motion.

Counsel for Appellees have numerous litigation responsibilities in their other cases and additional time will aid Appellees in preparing their brief in this matter. This case raises the important question of whether private litigants can enforce Section 2 of the Voting Rights Act pursuant to 42 U.S.C. § 1983 and Appellees must respond to arguments from both Appellant and the amici States supporting Appellants. Given the weighty and important issues and the press of other cases, Appellees respectfully request the two-week extension to best focus their arguments on appeal, and not for the purpose of delay.

February 20, 2024

/s/ Michael S. Carter

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## CERTIFICATE OF COMPLIANCE

This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5)(A) as it uses the proportionally spaced typeface of Times New Roman in 14-point font.

This motion complies with the type-volume limitation of Fed. R. App. 27(d)(2)(A). This motion contains 142 words.

The electronic version of the foregoing motion submitted to the Court pursuant to Eighth Circuit Local Rule 28(A)(d) was scanned for viruses and that the scan showed the electronic version of the foregoing is virus free.

Dated this 20th day of February, 2024.

/s/ Mark P. Gaber  
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*Counsel for Appellees*

## CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2024, I electronically submitted the foregoing motion to the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit for review 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.

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