

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

No. 23-3655

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

Plaintiffs - Appellees

v.

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

Defendant - Appellant

North Dakota Legislative Assembly; William R. Devlin, Representative also known as Bill
Devlin; Senator Ray Holmberg, Representative; Senator Richard Wardner, Representative;
Senator Nicole Poolman, Representative; Michael Nathe, Representative; Terry Jones,
Representative; Claire Ness, Senior Counsel at the North Dakota Legislative Council

Movants

State of Alabama; State of Florida; State of Georgia; State of Iowa; State of Kansas; State of
Louisiana; State of Mississippi; State of Missouri; State of Montana; State of Nebraska; State of
South Carolina; State of South Dakota; State of Texas; State of Utah; State of West Virginia

Amici on Behalf of Appellant(s)

National Congress of American Indians; Lawyers' Committee for Civil Rights Under Law;
United States of America; NAACP Legal Defense and Educational Fund, Inc.; State of
Minnesota; State of California; State of Colorado; State of Connecticut; State of Delaware;
District of Columbia; State of Hawaii; State of Illinois; State of Maine; State of Maryland; State
of Massachusetts; State of Michigan; State of Nevada; State of New Jersey; State of New
Mexico; State of New York; State of Oregon; State of Vermont; State of Washington; Voting
Rights Historians; Former Department of Justice Attorneys; Arkansas State Conference NAACP;
Arkansas Public Policy Panel

Amici on Behalf of Appellee(s)

Appeal from U.S. District Court for the District of North Dakota - Eastern
(3:22-cv-00022-PDW)

JUDGMENT

Before COLLOTON, Chief Judge, GRUENDER and KOBES, Circuit Judges.

This case is on remand from the Supreme Court for further consideration in light of *Louisiana v. Callais*, 146 S. Ct. 1131 (2026). The district court, applying the framework of *Thornburg v. Gingles*, 478 U.S. 30 (1986), ruled that a redistricting map adopted by the State of North Dakota in 2021 violated the rights of Native American plaintiffs under § 2 of the Voting Rights Act. In *Callais*, the Court “updated” the *Gingles* framework. The district court ruled before *Callais* was decided, and the court thus applied what is now an incorrect legal framework. Accordingly, we vacate the district court’s judgment of November 17, 2023, and remand the case for further proceedings in light of *Callais*.

Mandate shall issue forthwith.

July 07, 2026

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler