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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

William Arocha, Jr.,

Petitioner,

Case No. 22-CV-115-GF-BMM

v.

Blackfeet Nation's Response to
William Arocha Jr.'s Amended
Petition for Writ of Habeas Corpus

Blackfeet Tribe

Respondent.

Respondent, Blackfeet Tribe ("Blackfeet Nation"), by and through its legal counsel Dawn Gray, and in accordance with the Court's Order dated October 17, 2023, hereby submits its Response to Plaintiff William Arocha Jr.'s (Arocha) Amended Petition for Writ of Habeas Corpus ("Petition"), as follows:

INTRODUCTION

Blackfeet Tribal Court Judge Carl Pepion sentenced Chippewa Cree Tribal Member William Arocha Jr. to one (1) year and nine (9) months of incarceration for one count of assault and one count of criminal endangerment

1 for the gruesome murder of Blackfeet Tribal Member, Shane LaPlante, in East
2 Glacier, Montana. Acting Chief Judge, Carl Pepion, is licensed to practice law
3 in the Blackfeet Nation and has received sufficient legal training to preside over
4 criminal proceedings during his 20-year+ career as a judge. His sentences of
5 Arocha for horrific acts of violence within the exterior boundaries of the
6 Blackfeet Reservation are proper under 25 U.S.C. § 1302(c)(3).
7

8 During Arocha’s criminal proceeding in Blackfeet Tribal Court, two (2)
9 experienced Montana attorneys – Thane Johnson and David Gordon – appeared
10 before Judge Pepion on behalf of Arocha and zealously advocated his interests.
11 Attorney Johnson was present during trial and Attorney Gordon was present at
12 the second sentencing hearing for the sentence now at issue. The record
13 demonstrates Arocha opted to hire experienced criminal defense lawyers,
14 instead of receiving legal services from a public defender, as offered by the
15 Blackfeet Nation. Arocha’s complaints about the legal services rendered by the
16 attorneys he hired, and their “meaningful involvement” are not “significant” to
17 make his sentence unreliable or fundamentally unfair under ICRA. Thus,
18 Arocha was not denied *the right* to effective assistance of counsel under 25
19 U.S.C. § 1302(c)(1). In fact, he elected to hire counsel of his choosing.
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24 The record demonstrates that Arocha was afforded the right to effective
25 counsel before a judge licensed to practice in the jurisdiction of the Blackfeet

1 Nation, and who has received sufficient legal training in criminal proceedings.
2 Arocha was treated the same as every other defendant in the face of his unique
3 circumstances of intentionally stabbing a person 17-times with a knife to ensure
4 death. Arocha has failed to provide any evidence that he is in a “class of one”
5 giving rise to an equal protection or due process claim.
6

7 As the following demonstrates, all four (4) Counts in Arocha’s
8 Amended Petition for Writ of Habeas Corpus (“Petition”) fail, and he should
9 remain incarcerated.
10

11 **BACKGROUND**

12 Petitioner, William Alberto Arocha Jr., is a tribal inmate who was originally
13 incarcerated at the Dewey County Jail in Taloga, Oklahoma and now held at held
14 at the Rocky Mountain Regional Detention Facility in Hardin, Montana. Doc. 10 at
15 10; Doc. 29 at 3. Following a jury trial, Arocha was found guilty of Assault C-
16 Serious Bodily Injury and Negligent Endangerment on October 24, 2017, in the
17 Blackfeet Tribal Court. Doc. 10 at 11-12 ¶¶ 13-14. Arocha was represented at
18 trial by his licensed Montana lawyer, Thane Johnson. *Id.* at 11 ¶ 14.
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21 The instant habeas Petition was filed by Arocha while an inmate at the
22 Kay County Detention Center in Newkirk, Oklahoma. Doc. 5 at 1. Arocha was
23 transferred to tribal custody after completing his federal prison sentence of 56
24 months on August 31, 2022. Doc. 10 at 9. He is currently serving two tribal
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1 sentences totaling 21 months arising out of the same conduct as his prior federal
2 sentence. The tribal sentences were initially imposed on November 8, 2017,
3 and reimposed on November 17, 2022 after notice and a hearing with Arocha
4 and his Montana criminal defense attorney, David Gordon, present, with 78
5 days credit for time served in county jail. *Id.* at 12, 16. The tribal sentences run
6 consecutively, and were the maximum sentences allowed under Blackfeet law.
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8 *Id.* at 8, 16

9
10 Arocha filed his Petition pursuant to 28 U.S.C. § 2241(c)(3), and 25
11 U.S.C. § 1303, challenging the legality of his tribal sentences, claiming four (4)
12 grounds for relief. Doc. 10 at 7, 14-19.

13
14 The Blackfeet Nation filed a Motion for Judgment on the Pleadings for
15 failure to exhaust tribal court remedies, among other reasons. Doc. 24. The
16 Court denied the Blackfeet Nation's motion concluding that Arocha alleged
17 sufficient material facts to demonstrate that he has exhausted tribal remedies
18 before filing his Petition. Doc. 33 at 9. The Court further found it has
19 jurisdiction over the Petition, which named the proper Respondent Blackfeet
20 Nation, as Arocha is being held on the authority of the Blackfeet Tribal Court
21 and Blackfeet Nation. *Id.* at 7; *see also* Doc. 35 at 6. Thus, the Blackfeet
22 Nation now responds to the merits of Arocha's Petition and demonstrates that
23 all four of Arocha's claims fail and he should remain incarcerated.
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ARGUMENT

1. Arocha was provided the right to effective assistance of counsel under ICRA in Blackfeet Tribal Court.

The record demonstrates that Arocha was represented during his criminal proceedings in Blackfeet Tribal Court by two licensed Montana attorneys – Thane Johnson and David Gordon. Doc. 10 at 2 ¶2, 16 ¶24. Attorneys Johnson and Gordon routinely represent criminal defendants in Blackfeet Tribal Court, and both have presided as Judges over criminal proceedings in the Blackfeet Tribal Court. *Affidavit of Carl Pepion (Pepion Aff.)*, ¶ 9.

ICRA provides that in a criminal proceeding in which an Indian Tribe imposes a total term of imprisonment of more than one (1) year on a defendant, it shall (1) provide to the defendant the right to effective assistance of counsel at least equal to that guaranteed by the United States Constitution; and (2) at the expense of the tribal government, provide an indigent defendant the assistance of a defense attorney licensed to practice law by any jurisdiction in the United States that applies appropriate professional licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys. 25 U.S.C. § 1302(c)(1)(2).

Here, Arocha declined a public defender from the Blackfeet Nation and instead hired his own legal counsel. Attorneys Gordon and Johnson provided Arocha with effective legal advocacy guaranteed under ICRA, as Arocha failed

1 to demonstrate any evidence whatsoever of ineffective assistance of counsel by
2 either Attorney Johnson or Attorney Gordon. Arocha also failed to provide any
3 evidence that Johnson or Gordon were not able to meaningfully participate in
4 the trial or the sentence that was ultimately imposed after notice and a hearing.

5 While it is true that Arocha and his attorney were not present during the first
6 sentencing hearing, that error was corrected when Judge Pepion held a second
7 sentencing hearing with both Arocha and his attorney present before Arocha's
8 tribal sentence began to run. Doc. 10 at 16 ¶ 24.

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11 In order to show a denial of effective assistance of counsel, Arocha must
12 demonstrate that (a) counsel's performance fell below a standard of reasonable
13 professional competence; and (b) there was a reasonable probability that, but
14 for legal counsel's errors, the outcome would have been different. *Strickland v.*
15 *Washington*, 466 U.S. 668, 687 (1984).

16
17 Writing for the Court in *Strickland*, Justice O'Connor commented that
18 when making the determination on whether counsel's performance fell below a
19 standard of reasonableness – “[p]revailing norms of practice as reflected in
20 American Bar Association standards and the like, e.g., ABA Standards for
21 Criminal Justice 4- 1.1 to 4-8.6 (2d ed. 1980) (“The Defense Function”), are
22 guides to determining what is reasonable, but they are only guides.” *Id.* at 688.
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1 And in making such determination on what is “reasonable,” courts must apply,
2 “a heavy measure of deference to counsel’s judgments.” *Id.* at 690-91.

3 With regards to the prejudice prong of the *Strickland* test for non-capital
4 cases, the burden is high. For example, in *Durrive v. U.S.*, the defendant,
5 Durrive, was convicted of various drug offenses. *Durrive v. U.S.*, 4 F.3d 548
6 (7th Cir. 1993) *overruled on other grounds by Glover v. United States*, 531 U.S.
7 198 (2001). Durrive complained that the sentencing judge erred in calculating
8 the quantity of drugs involved in the crime, which under the Federal Sentencing
9 Guidelines resulted in a sentence approximately one year greater than what
10 Durrive believed was correct. Since Durrive’s attorney failed to object to the
11 sentence, Durrive brought an ineffective assistance of counsel claim in a *habeas*
12 *corpus* petition. *Durrive*, F.3d. at 549. But the Seventh Circuit Court of
13 Appeals affirmed the sentence, holding that, even if Durrive’s calculation were
14 correct, the difference was not sufficiently “significant” to make his sentence
15 unreliable or fundamentally unfair under the prejudice prong of *Strickland*. *Id.*
16 at 551. Indeed, “*Strickland* defines prejudice as a probable effect on the
17 outcome.” *Id.* at 550 (citation omitted, internal quotations omitted).

18 Here, Arocha’s complaints about legal services rendered by Attorneys
19 Johnson and Gordon, and their alleged inability to “meaningfully participate” in
20 the sentencing hearing, are not “significant” to make Arocha’s sentence
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1 unreliable or fundamentally unfair. *See id.* Arocha’s criminal conduct speaks
2 for itself – he received the maximum sentence for each count of assault and
3 criminal endangerment for his deplorable violent conduct. *See* Blackfeet Law
4 and Order Code, Chapter 5, Part II, Section 4; *see also* Doc. 10 at 8 ¶ 1.

5
6 Whatever Arocha’s attorneys could say, could not negate that fact that Arocha
7 ran down Shane LaPlante from behind and cowardly stabbed him seventeen
8 (17) times until he died from the attack, which deservingly resulted in the
9 maximum sentence for assault and criminal endangerment under Blackfeet law.
10
11 Thus, whatever Arocha describes as “meaningful participation” at the
12 sentencing hearing would not have had a probable effect on the outcome of
13 sentencing for the deplorable crimes he committed.

14
15 While Arocha claims that (1) Attorney Gordon was badgered by the
16 Tribal Court, (2) was not recognized as his attorney, and (3) that Gordon was
17 not able to get the recordings of the proceedings because one or more members
18 of the staff processing the request are related to Shane LaPlante (Doc. 5 at 8),
19 Arocha makes these assertions without any evidentiary support whatsoever.
20
21 Arocha’s mere speculation, without more, is not enough to overturn a
22 conviction, particularly since Arocha does not contend there were issues with
23 his lawyers at any other stage of trial. *See Shah v. United States*, 878 F.2d
24 1156, 1161 (9th Cir. 1989) (stating vague or unsupported conclusory
25

1 allegations do not state a claim because it is the movant who bears the burden
2 of proof); *see also Baumann v. United States*, 692 F.2d 565, 571 (9th Cir.
3 1982) (stating mere conclusory statements does not justify a habeas
4 hearing).

5
6 The bottom line is Arocha hired two separate attorneys who are (1)
7 licensed to practice law in the State of Montana, (2) routinely represent criminal
8 defendants in Blackfeet Tribal Court, and (3) previously served as judges for
9 the Blackfeet Tribal Court and presided over criminal proceedings. *Pepion Aff.*,
10 ¶ 9. They provided sound reasonable advocacy to Arocha during his criminal
11 proceeding in Blackfeet Tribal Court and “a heavy measure of deference”
12 should be given to Attorney Johnson and Gordon’s judgments on behalf of
13 Arocha. In fact, Arocha would have been hard pressed to find more
14 experienced defense counsel within the Tribe’s jurisdiction. Although Arocha
15 and his counsel were not present when the sentences were first imposed, to
16 correct any error caused by the *in absentia* hearing, Arocha was resentenced at a
17 time when both he and his law-licensed counsel were present. Doc. 10 at 16.
18 Arocha was provided with the right to effective assistance of counsel under 25
19 U.S.C. 1302(c)(1)(2).
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24 **2. The Tribal Sentences are Proper as Judge Pepion is properly**
25 **qualified to properly qualified under 25 U.S.C. § 1302(c)(3) to**
impose a sentence of more than one year

1 Judge Pepion was licensed to practice law within the Blackfeet Nation,
2 having passed the Blackfeet Nation’s bar exam prior to the time of Arocha’s trial
3 and sentencing. *Pepion Aff.*, ¶ 3, Exhibit 1. Moreover, in addition, he has
4 received sufficient legal training over the course of his 20-plus year career. *Id.* at
5 Exhibit 2-20. Judge Pepion’s qualifications comply with 25 U.S.C. § 1302(c)(3).
6

7 Under 25 U.S.C. § 1302(c)(3) the judge presiding over a criminal
8 proceeding must (A) have sufficient legal training to preside over criminal
9 proceedings; and (B) is licensed to practice law by any jurisdiction in the United
10 States.
11

12 *Licensing Standard*

13 The Senate Committee on Indian Affairs issued a report indicating that so
14 long as the tribal judge meets the tribal, state, or federal judicial licensing standard,
15 the licensing requirement is met. S. Rep. No. 111-93 at 17 n. 57 (2009). Indeed,
16 whether the standard employed is a state, federal, or tribal standard will be a
17 decision for the tribal government. *Id.* Thus, “given the Senate Committee
18 Report’s language it is clear that so long as the tribal judge meets the tribe’s
19 licensing standards then of the qualification prongs is met.” *Tompkins, Jill*
20 *Elizabeth (2015) “Defining the Indian Civil Rights Act’s “Sufficiently Trained”*
21 *Tribal Court Judge,” American Indian Law Journal: Vol. 4: Iss. 1, Article 5 at 67.*
22 *Available at: <https://digitalcommons.law.seattleu.edu/ailj/vol4/iss1/5>.*
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1 A Blackfeet judge is sufficiently licensed for purposes of ICRA if they meet
2 the criteria set forth under Chapter 1, Section 2 of the Blackfeet Tribal Law and
3 Order Code. Judge Pepion is a licensed member of the Blackfeet Bar Association
4 and is licensed to practice law in the Blackfeet Nation – which is a jurisdiction
5 within the United States. *Pepion Aff.* ¶ 3, Exhibit 1.
6

7 Arocha’s only argument regarding Pepion’s licensing is that “[a]t this stage
8 of this litigation, there is no evidence that has been produced to established that
9 Pepion actually holds a license to practice law issued by the Blackfeet Tribe or any
10 other jurisdiction.” Doc. 30 at 12. However, upon invitation by Arocha, that
11 evidentiary proof of licensing has been produced. *Pepion Aff.* ¶ 3, Exhibit 1. As
12 an appointed judge on the Blackfeet Court with a Blackfeet bar license, Judge
13 Pepion meets the Blackfeet tribal licensing standard, and meets the licensing
14 standard under 25 U.S.C. § 1302(c)(3) to render a sentence for more than one-year.
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17 *Sufficiently Trained Standard.*

18 ICRA requires that Judges who impose total sentences for more than one (1)
19 year have “sufficient legal training,” which is much more ambiguous than the
20 licensure prong of 25 U.S.C. § 1302(c)(3). In May 2012, the Justice Department
21 circulated a “framing paper” seeking input on a variety of questions, one of which
22 was:
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25 *How should the Justice Department evaluate whether a judge’s legal training is sufficient to preside over criminal proceedings?*

1 See, Tompkins, Jill Elizabeth (2015) “*Defining the Indian Civil Rights Act's*
2 “*Sufficiently Trained*” *Tribal Court Judge*,” *American Indian Law Journal*: Vol. 4:
3 Iss. 1, Article 5 at 68 (citation omitted). Available at:
4 <https://digitalcommons.law.seattleu.edu/ailj/vol4/iss1/5>.

5
6 The National American Indian Court Judges Association answered the
7 Justice Department’s question, in part:

8 *A certification by a nationally respected tribal judicial education*
9 *organization awarded to a tribal judge after completing a course of*
10 *classroom and experiential study, could be developed that could serve*
11 *as prima facia [sic] evidence of sufficient legal training. In lieu of*
12 *that, the Department should use a flexible tribal self-certification*
13 *approach in which the tribe articulates what legal education and*
experience the judge who will be exercising the SDVCJ jurisdiction
possesses.

14 *Id.* at 68-69 (citation omitted).

15 Therefore, if a tribal judge can produce a certification by a nationally
16 respective tribal judicial education organization, it should be considered *prima*
17 *facie* evidence of sufficient legal training.

18
19 Here, Judge Pepion has attended the National Judicial College, which is a
20 national tribal judicial education organization. He has received numerous
21 certificates from the Board of Trustees of the National Judicial College, including
22 the following:

- 23
24 • Special Court Jurisdiction. *Pepion Aff.*, ¶ 12, Exhibit 2.
25 • Essential Skills for Tribal Court Judges. Exhibit 3.

- 1 • Writing for Tribal Judges. Exhibit 4.
- 2 • Decision Making. Exhibit 5.
- 3 • Appellate Skills for Tribal Judges. Exhibit 6.
- 4 • Effective Case Flow Management. Exhibit 7.
- 5 • Dispute Resolution Skills. Exhibit 8.
- 6 • Judicial Development Tribal Judicial Skills. Exhibit 9.
- 7 • Handling Domestic Violence Cases in Tribal Court. Exhibit 10.
- 8 • Court Management for Tribal Judges and Personnel (2009). Exhibit 11.
- 9 • Court Management for Tribal Judges and Personnel (2012). Exhibit 12.
- 10 • Addiction in Indian Country Symposium. Exhibit 13.
- 11 • Dividing Waters. Exhibit 14.
- 12 • Writing for Tribal Court Judges. Exhibit 15.

13 Judge Pepion has also received various trainings and certificates of
14 achievement as a member of the Blackfeet judiciary, some of which are set forth as
15 follows:
16

17 • Certificate of training from the Council Lodge Institute, Inc. in Criminal,
18 Civil, Child Protection & Juvenile Delinquency Court Procedures I & II. Exhibit
19 16.

20 • Certificate of Achievement from the National Indian Justice Center for
21 “Criminal Law and Procedure in Indian County.” Exhibit 17.
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1 • Certificate of Achievement by the National Council of Juvenile and Family
2 Court Judges, in Enhancing Judicial Skills in Domestic Violence Cases. Exhibit 19.

3 • Recognition of outstanding effort put forth in college success skills,
4 outstanding portfolio performance, by the Blackfeet Community College, among
5 other academic accomplishments. Exhibit 18.
6

7 What is more, Arocha’s criminal defense lawyer, Thane Johnson, wrote a
8 letter “to provide the absolute highest recommendation for Carl Pepion for the
9 position of Associate Tribal Court Judge for the Blackfeet Tribal Court.” Exhibit
10 20. Attorney Johnson noted that Judge Pepion “**has a vast amount of legal**
11 **training** and understands the position like none other.” *Id.* (emphasis added). Thus,
12 even Arocha’s experienced criminal defense attorney acknowledged that Judge
13 Pepion has sufficient legal training to serve as a judge.
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16 Finally, Judge Pepion has sufficient legal training through his extensive
17 experience as a tribal prosecutor, defender, and law enforcement officer. *Id.* at ¶
18 11. Based on the above, and in consideration of the attached affidavit, Judge Carl
19 Pepion has met the threshold of having “sufficient legal training” to impose a total
20 sentence of more than 1 year. *See* 25 U.S.C. § 1302(c)(3).
21

22 **3. Arocha was provided with his right to due process and equal**
23 **protection during his criminal proceeding in Blackfeet Tribal**
24 **Court.**

25 ICRA prohibits an Indian tribe in the exercise of its powers of self-

1 governance from “deny[ing] to any person within its jurisdiction the equal
2 protection of its laws or deprive any person of liberty or property without due
3 process of law.” 25 U.S.C. § 1302(a)(8). However, ICRA did not serve to
4 extend constitutional requirements to tribal governments “in wholesale fashion”
5 but “selectively incorporated and in some instances modified the safeguards of
6 the Bill of Rights to fit the unique political, cultural, and economic needs of
7 tribal governments.” *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 62 (1978)
8 (citing legislative history).
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11 Evidence demonstrates the Blackfeet Nation met ICRA’s requirements by
12 providing due process and equal protection to Arocha during his jury trial for
13 assault and criminal endangerment, and further at the second sentencing hearing,
14 before his tribal sentence began to run. There is no evidence that demonstrates
15 Arocha was treated any differently than another criminal defendant in similar
16 circumstances who chased down a young man from behind a stabbed him
17 seventeen (17) times to ensure his death.
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20 Arocha contends he was denied equal protection and due process as
21 guaranteed by 25 U.S.C. § 1302(a)(8), largely due to his allegations about
22 Judge Pepion’s qualifications and the attorney sentencing problems already
23 discussed at length, which need no additional discussion here. (Doc. 10 at 24-
24 25).
25

1 The equal protection argument stems from Petitioner’s assertion that the
2 Blackfeet Nation’s criminal proceedings were “marred by numerous
3 irregularities.” *Id.* However, Arocha provides no evidence that his experience
4 is unusual for Blackfeet criminal defendants. Judge Pepion, whose
5 qualifications he disputes, has presided over innumerable criminal cases and
6 Arocha has not provided any information to suggest that his experience has
7 varied from any other similar case.
8

9 Furthermore, there was nothing irregular about the resentencing hearing,
10 which again, corrected any errors in the first sentencing. The judge, clerk,
11 petitioner, petitioner’s counsel, tribal prosecutor, and tribal attorney were all
12 present, and a reasonable and lawful sentence was imposed. Doc. 10 at 16.
13

14 Moreover, it is undisputed that the sentencing judge ran the tribal
15 sentences consecutive to each other. *Id.* at 8. All available evidence and
16 authority demonstrates Judge Pepion ran the sentences consecutive to the
17 federal sentence, since he did not explicitly state the sentences would run
18 concurrently, and the federal sentence had already been served at the time the
19 tribal sentences were reimposed. *Id.* at 9, 15. The tribal sentences totaled 21
20 months, and the federal sentence was 56 months. *Id.* at 8-9. If the sentences
21 ran concurrently, as Arocha claims, he would have completed the tribal
22 sentence while serving the federal one and would have been released upon
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1 completion of his federal sentence. Instead, the tribal court, with the same
2 judge presiding at both sentencing hearings, resentenced Petitioner after his
3 time in federal custody. *Id.* at 8, 9, 16. The new sentences were identical to the
4 original sentences, less credit for time served in county jail, with no credit for
5 time in federal prison. *Id.* at 8, 16. Judge Pepion intended the tribal sentences
6 to run consecutive to the federal sentence. Doc. 10-1 at 40, Amended Order.
7
8 Therefore, the sentences run consecutively, both to each other and to the
9 federal sentence.
10

11 Arocha has not provided any evidentiary support that he is a “class of
12 one” as set forth in the case of *Village of Willowbrook v. Olech*, 528 U.S. 562,
13 563 (2000) to justify an equal protection claim. The “class of one” theory is
14 based on spiteful, selective enforcement that is “irrational and wholly
15 arbitrary” where there is “no rational basis for the difference in treatment.”
16 *Village of Willowbrook*, 528 U.S. at 564 (citations omitted).
17

18 Here, Arocha presented no evidence demonstrating that the Blackfeet
19 Tribal Court was purposefully and intentionally singling out Arocha on a
20 discriminatory basis. The only evidence Arocha provided that is even
21 remotely related to the “class of one” theory, was that his attorney was not
22 present at his first sentencing hearing. Doc. 10 at 24-25. However, as set forth
23 above, that error was rendered moot when it was corrected by the second
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1 sentencing hearing where Arocha and his lawyer were present. Arocha is not
2 in a class of one, and was not denied his right to equal protection and due
3 process of law.

4 **CONCLUSION**

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6 Based on the foregoing, Respondent, Blackfeet Nation, respectfully requests
7 the Court deny Arocha's Amended Petition for Writ of Habeas Corpus, and that he
8 remain incarcerated.

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11 Dated this 31st day of October, 2023.

12 /s/Dawn Gray

13 Dawn Gray, Esq.
14 Attorney for the Blackfeet Nation
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1 **CERTIFICATE OF COMPLIANCE**

2 Pursuant to L.R. 7.1(d)(2), I hereby certify that this response brief is printed
3 with proportionately spaced Times New Roman text typeface of 14 point; is
4 double-spaced; and the word count, calculated by Microsoft Office Word, is not
5 more than 4,000 words, excluding the Caption, and the Certificate of Compliance
6 and Certificate of Service.
7

8 /s/ Dawn Gray
9

10 **CERTIFICATE OF SERVICE**
11

12 I, the undersigned, do hereby certify under the penalty of perjury that on the
13 31st day of October, 2023, a copy of the foregoing was served by electronic means
14 to the parties noted in the Court’s ECF transmission facilities.
15
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19 /s/ Dawn Gray
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