

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. OP _____

AGUSTIN RAMON,

Plaintiff and Appellant,

v.

ROBY BOWE, IN HIS INDIVIDUAL CAPACITY AND HIS OFFICIAL CAPACITY AS SHERIFF
OF LINCOLN COUNTY AND ADMINISTRATOR OF LINCOLN COUNTY DETENTION
CENTER,

Defendant and Appellee.

NOTICE OF APPEAL
EXPEDITED CONSIDERATION REQUESTED

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ATTORNEYS FOR PLAINTIFF AND APPELLANT

NOTICE is given that Agustin Ramon, the above-named and who is the Plaintiff in that cause of action filed in the Nineteenth Judicial District Court, in and for the County of Lincoln as Cause No. DV-18-218, by the through his counsel of record, hereby appeals to the Supreme Court of the State of Montana from the Order Denying Application for Temporary Restraining Order and Preliminary Injunction entered in such action on the 16th day of November, 2018.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is not subject to the mediation process required by Mont. R. App. P. 7.
2. That this appeal is not an appeal from an order certified as final under Mont. R. Civ. P. 54(b).
3. That no transcripts of proceedings are necessary for this appeal.
4. That included herewith is the filing fee prescribed by statute.

EXPEDITED CONSIDERATION REQUESTED

This is an appeal from an order denying Plaintiff's Application for a Temporary Restraining Order and Preliminary Injunction. Plaintiff Ramon is currently incarcerated in the Lincoln County Detention Center pursuant to a federal immigration detainer issued by U.S. Customs and Border Protection. Plaintiff

Ramon is currently scheduled to go to trial on criminal charges on January 3, 2019. Because there is the possibility that transfer of Plaintiff Ramon to federal custody will impact the justiciability of this appeal (see, e.g. *Valerio Gonzales v. Jarrett*, 2017 Mont. LEXIS 764, 390 Mont. 427, 410 P.3d 177), and furthermore because, but for the immigration detainer, Plaintiff Ramon would otherwise be released on bond pending trial, Plaintiffs respectfully request that the Court set an expedited briefing schedule.

Dated this 21st day of November, 2018.

Respectfully submitted,

/s/ Alex Rate

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Counsel for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript will be ordered, and each party not represented by an attorney in the above-referenced District Court action, as follows:

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Dated this 21st day of November, 2018.

/s/ Alex Rate
Alex Rate

CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 11-21-2018:

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