

JOSEPH H. HUNT  
*Assistant Attorney General*  
WILLIAM C. PEACHEY  
*Director*  
Office of Immigration Litigation  
District Court Section  
EREZ REUVENI  
*Assistant Director*  
LAUREN C. BINGHAM  
*Senior Litigation Counsel*  
FRANCESCA GENOVA  
*Trial Attorney*  
U.S. Department of Justice  
Civil Division  
Box 868, Ben Franklin Station  
Washington, D.C. 20044

KURT G. ALME  
*United States Attorney*  
CHAD C. SPRAKER  
*Assistant United States Attorney*

IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. DA 18-0661

---

AGUSTIN RAMON,

Plaintiff-Appellant,

v.

DARREN SHORT, in his Official Capacity  
as Sheriff of Lincoln County and Administrator  
of Lincoln County Detention Center,

Defendant-Appellee.

---

**MOTION TO APPORTION APPELLEE'S ORAL ARGUMENT TIME**

---

Defendant-Appellee Darren Short and amicus United States of America

respectfully request the Court to permit apportionment of 10 minutes of Appellee Short's 30 minutes oral argument time to the United States.

Amicus United States has been granted leave to submit a brief regarding the lawfulness of the Lincoln County Sheriff's cooperation with U.S. Customs and Border Protection detainers. Appellee Short and the Amicus United States of American submit that apportioning 10 minutes to the Amicus United States will benefit a full presentation of the matter before the Court. If leave is granted, the United States Department of Justice, Office of Immigration Litigation, Trial Attorney Francesca M. Genova will appear on behalf of United States pursuant to 28 U.S.C. § 517.

Counsel for Appellant Alex Rate has been contacted and does not object to the present motion. A proposed order is attached.

Dated: December 3, 2019

Respectfully Submitted,

/s/ Maureen H. Lennon

Maureen H. Lennon  
Counsel for Defendant-Appellee

KURT G. ALME  
*United States Attorney*

/s/ Chad C. Spraker  
CHAD C. SPRAKER  
*Assistant United States Attorney*  
901 Front Street, Suite 1100  
Helena, MT 59626  
Phone: (406) 457-5270  
Fax: (406) 457-5130  
Email: Chad.Spraker@usdoj.gov

JOSEPH H. HUNT  
*Assistant Attorney General*

WILLIAM C. PEACHEY  
*Director, Office of Immigration Litigation*  
District Court Section

EREZ REUVENI  
*Assistant Director*

LAUREN C. BINGHAM  
*Senior Litigation Counsel*

FRANCESCA GENOVA  
*Trial Attorney*  
U.S. Department of Justice, Civil Division  
Box 868, Ben Franklin Station  
Washington, D.C. 20044  
Phone: (202) 305-1062  
Fax: (202) 305-7000  
Email: Francesca.M.Genova@usdoj.gov  
*Counsel for the United States of America*

### **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing notice contains 58 words, excluding caption, signatures, and certificate of compliance.

Dated: December 3, 2019

/s/ Chad C. Spraker  
CHAD C. SPRAKER  
*Assistant U.S. Attorney*

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 3, 2019, a true copy of this motion was e-filed with the Court and the following service methods were used: eService to Attorneys Lennon, Ehret, Rate, Stephens, and Goetz; conventional service to Attorneys Wofsy, Amdur, Jadwal, Galindo, Haque, and Evans as set forth in the Court's C-Track EFiling system on the attached page.

/s/ Chad C. Spraker  
CHAD C. SPRAKER  
Assistant U.S. Attorney

## ELECTRONIC SERVICE RECIPIENTS (PARTIES ON CASE)

Name	Role	Representing	Address	Service Method
Lennon, Maureen H.	Attorney	Short, Darren (Appellee)	mlennon@mtcounties.org	eService <input checked="" type="checkbox"/> X
Ehret, Elizabeth K.	Attorney	Ramon, Agustin (Appellant)	ehrete@aclumontana.org	eService <input type="checkbox"/>
Rale, Alexander H.	Attorney	Ramon, Agustin (Appellant)	ratea@aclumontana.org	eService <input type="checkbox"/>
Stephens, Colin M.	Attorney	Montana Association of Criminal Defense Lawyers (Amicus Curiae)	colin@smithstephens.com	eService <input type="checkbox"/>
Goetz, James H.	Attorney	Scholars (Amicus Curiae)	jim@goetzlawfirm.com	eService <input type="checkbox"/>

## CONVENTIONAL SERVICE RECIPIENTS (PARTIES ON CASE)

Name	Role	Representing	Address	Service Method
Wofsy, Cody	Attorney	Ramon, Agustin (Appellant)	39 Drumm Street San Francisco 94111	Conventional <input type="checkbox"/>
Amdur, Spencer	Attorney	Ramon, Agustin (Appellant)	39 Drumm Street San Francisco 94111	Conventional <input type="checkbox"/>
Jadwat, Omar C.	Attorney	Ramon, Agustin (Appellant)	125 Broad Street, 18th Floor New York 10004	Conventional <input type="checkbox"/>
Galindo, Daniel Antonio	Attorney	Ramon, Agustin (Appellant)	125 Broad Street, 18th Floor New York 10004	Conventional <input type="checkbox"/>
Haque, Shahid	Attorney	Ramon, Agustin (Appellant)	618 Highland St. Helena 59601	Conventional <input type="checkbox"/>
Alme, Kurt G.	Attorney	United States of America (Amicus Curiae)	U.S. Dept of Justice 2601 Second Ave N, Box 3200 Billings 59101	Conventional <input type="checkbox"/>
Evans, Katherine L.	Attorney	Ramon, Agustin (Appellant)	875 Perimeter Dr., MS 2322 Moscow 83844	Conventional <input type="checkbox"/>

## OTHER RECIPIENTS

Name	Role	Address	Service Method
No records were found.			

[Add Other Recipients](#)

## **CERTIFICATE OF SERVICE**

I, Chad Clarken Spraker, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed - Other to the following on 12-03-2019:

Maureen H. Lennon (Attorney)  
2717 Skyway Dr., Ste. F  
Helena MT 59602  
Representing: Darren Short  
Service Method: eService

Elizabeth K. Ehret (Attorney)  
P.O. Box 1968  
Missoula MT 59806  
Representing: Agustin Ramon  
Service Method: eService

Alexander H. Rate (Attorney)  
P.O. Box 1387  
Livingston MT 59047  
Representing: Agustin Ramon  
Service Method: eService

Colin M. Stephens (Attorney)  
315 W. Pine  
Missoula MT 59802  
Representing: Montana Association of Criminal Defense Lawyers  
Service Method: eService

James H. Goetz (Attorney)  
PO Box 6580  
Bozeman MT 59771-6580  
Representing: Scholars  
Service Method: eService

Cody Wofsy (Attorney)  
39 Drumm Street  
San Francisco CA 94111  
Representing: Agustin Ramon  
Service Method: Conventional

Spencer Amdur (Attorney)  
39 Drumm Street  
San Francisco CA 94111  
Representing: Agustin Ramon  
Service Method: Conventional

Omar C. Jadwat (Attorney)  
125 Broad Street, 18th Floor  
New York NY 10004  
Representing: Agustin Ramon  
Service Method: Conventional

Daniel Antonio Galindo (Attorney)  
125 Broad Street, 18th Floor  
New York NY 10004  
Representing: Agustin Ramon  
Service Method: Conventional

Shahid Haque (Attorney)  
618 Highland St.  
Helena MT 59601  
Representing: Agustin Ramon  
Service Method: Conventional

Kurt G. Alme (Attorney)  
U.S. Dept of Justice  
2601 Second Ave N, Box 3200  
Billings MT 59101  
Representing: United States of America  
Service Method: Conventional

Katherine L. Evans (Attorney)  
875 Perimeter Dr., MS 2322  
Moscow ID 83844  
Representing: Agustin Ramon  
Service Method: Conventional

Electronically Signed By: Chad Clarken Spraker  
Dated: 12-03-2019