

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

June 30, 2024

Christopher M. Wolpert
Clerk of Court

STATE OF ALASKA, et al.,

Plaintiffs - Appellees,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, et al.,

Defendants - Appellants.

No. 24-3089
(D.C. No. 6:24-CV-01057-DDC-ADM)
(D. Kan.)

ORDER

Before **TYMKOVICH, EBEL,** and **McHUGH,** Circuit Judges.

This matter is before the court on Appellants' emergency motion for a stay pending appeal. To decide the motion, the court considers four factors: (1) whether Appellants have made a strong showing that they will likely succeed on the merits; (2) whether they will suffer irreparable injury absent a stay; (3) whether a stay will substantially injure other interested parties; and (4) where the public interest lies. *See Nken v. Holder*, 556 U.S. 418, 434 (2009). Appellants have the burden to show that the circumstances justify a stay. *See id.* at 433–34.

Having considered the parties' materials, the court grants Appellants' motion for a stay pending appeal. The district court's preliminary injunction is stayed pending this appeal. Appellees' motion to exceed the word limit is granted.

Judge Tymkovich would deny the emergency motion for a stay pending appeal.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', with a long horizontal flourish extending to the right.

CHRISTOPHER M. WOLPERT, Clerk