

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

YIFAN SHEN, ZHIMING XU, et al.,

Plaintiffs,

v.

Case No. 4:23-cv-208-AW-MAF

**WILTON SIMPSON, in his official
capacity as Florida Commissioner of
Agriculture, MEREDITH IVEY, in her
official capacity as Acting Florida
Secretary of Economic Opportunity, et
al.,**

Defendants.

ORDER DENYING MOTION FOR INJUNCTION PENDING APPEAL

The court denied Plaintiffs’ motion for preliminary injunction, ECF No. 69, and Plaintiffs appealed, ECF No. 70. Plaintiffs now seek an injunction pending appeal. ECF No. 71.

“An injunction pending appeal is an extraordinary remedy.” *State of Florida v. Dep’t of Health & Human Servs.*, 19 F.4th 1271, 1279 (11th Cir. 2021) (marks omitted) (quoting *Touchston v. McDermott*, 234 F.3d 1130, 1132 (11th Cir. 2000) (en banc)). To obtain this extraordinary remedy, Plaintiffs must establish—among other things—“a substantial likelihood that [they] will prevail on the merits of the appeal.” *Id.* In denying preliminary injunctive relief, I concluded Plaintiffs have not shown a substantial likelihood that they will succeed here. ECF No. 69. And in their

current motion, Plaintiffs have not presented anything showing otherwise. Indeed, “Plaintiffs recognize . . . that this Court is unlikely to grant [an injunction pending appeal], given that the four-factor test governing Plaintiffs’ entitlement to an injunction pending appeal is essentially the same test that this Court applied in denying Plaintiffs’ motion for a preliminary injunction.” ECF No. 71 at 2.

Plaintiffs have not shown entitlement to an injunction pending appeal. Accordingly, the motion (ECF No. 71) is DENIED.

SO ORDERED on August 23, 2023.

s/ Allen Winsor

United States District Judge