

FILED
United States Court of Appeals
Tenth Circuit

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. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk