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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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STATE OF NEVADA ex rel. NEVADA  
GAMING CONTROL BOARD,

Plaintiff,

v.

BLOCKRATIZE INC., *et al.*,

Defendants.

Case No. 3:26-cv-00089-MMD-CLB

ORDER

**I. SUMMARY**

This is a state enforcement action brought by Plaintiff State of Nevada ex rel. Nevada Gaming Control Board (“the Board”) against Blockratize Inc. d/b/a Polymarket QCX LLC d/b/a Polymarket US and Adventure One QSS Inc. d/b/a Polymarket (collectively, “Polymarket”) for alleged violations of Nevada state gaming laws. (ECF No. 1-3.) Polymarket removed to this Court (ECF No. 1) and the Board moved to remand (ECF No. 7). The Court subsequently granted the motion to remand and remanded this case to the First Judicial Court of Nevada, Carson City. (ECF No. 41 (“Remand Order”).)<sup>1</sup> Polymarket then filed a motion for stay pending appeal. (ECF No. 46 (“Motion”).)<sup>2</sup> The Court granted the parties’ request to recall the Remand Order to resume jurisdiction while it considered Polymarket’s Motion. (ECF No. 48.) Because the *Nken* factors do not favor granting a stay, the Court will deny the Motion.

<sup>1</sup>Polymarket has appealed the Court’s Remand Order. (ECF No. 45.)

<sup>2</sup>The Court granted the parties’ stipulation and proposed order to administratively stay the execution of the Remand Order up to and including April 6, 2026, and to adopt a shortened briefing schedule. (ECF Nos. 44, 47) The parties further stipulated to extend the state court issued-*ex parte* temporary restraining order to April 6, 2026. (*Id.*) The Board responded (ECF No. 50 (“Response”)) and Polymarket replied (ECF No. 52 (“Reply”)).

1 **II. DISCUSSION**

2 Polymarket argues that the Court should stay the Remand Order because (1) Rule  
3 62(a)'s 30-day automatic stay applies to the Remand Order, and (2) the *Nken* factors  
4 weigh in favor of granting a stay until the Ninth Circuit decides whether the action was  
5 properly removed. (ECF No. 46 at 7.) The Court will address each argument in turn.

6 **A. Rule 62(a)**

7 Polymarket initially sought an automatic 30-day stay under Federal Rule of Civil  
8 Procedure 62(a). (ECF No. 46 at 7-8.) However, in its Reply, Polymarket clarifies that it  
9 no longer requires this relief because the "Court has already granted the relief  
10 [Polymarket] sought under Rule 62(a)," referring to the Court's order granting the parties'  
11 stipulation to an administrative stay of the Court's Remand Order (ECF No. 47). (ECF No.  
12 52 at 4.) Accordingly, the Court need not address Polymarket's request for an automatic  
13 stay under Rule 62(a).<sup>3</sup>

14 **B. *Nken* Factors**

15 "A stay is an intrusion into the ordinary processes of administration and judicial  
16 review, and accordingly is not a matter of right, even if irreparable injury might otherwise  
17 result to the appellant. *Nken v. Holder*, 556 U.S. 418, 427 (2009) (internal quotation marks  
18 and citations omitted). In deciding whether to grant a stay, the Court must consider four  
19 factors:

20 (1) whether the stay applicant has made a strong showing that he is likely  
21 to succeed on the merits; (2) whether the applicant will be irreparably injured  
22 absent a stay; (3) whether issuance of the stay will substantially injure the  
23 other parties interested in the proceeding; and (4) where the public interest  
24 lies.

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25 <sup>3</sup>Though the Court need not consider the parties' arguments as to Rule 62(a), the  
26 Court finds that the Rule does not apply. Rule 62(a) provides, in pertinent part, "execution  
27 on a judgment . . . [is] stayed for 30 days after its entry, unless the Court rules otherwise."  
28 Fed. R. Civ. P. 62(a). But the Court has not entered judgment on the merits of this case.  
In issuing the Remand Order, the Court narrowly considered the parties' arguments as to  
the Court's jurisdiction under the federal officer removal statute and federal question  
jurisdiction. Accordingly, Polymarket may only seek a stay pending appeal under the  
*Nken* factors.

1 *Id.* at 434. The first two factors are the most critical, and once a stay applicant satisfied  
2 these factors, the Court assesses the final two factors, which “merge when the  
3 Government is the opposing party.” *Id.* at 434-35. Stays pending appeal are discretionary  
4 and are an “extraordinary remedy.” See *California ex rel. Harrison v. Express Scripts,*  
5 *Inc.*, 139 F.4th 763, 768-69 (9th Cir. 2025) (citation modified) *cert. denied sub nom.*  
6 *Express Scripts, Inc. v. California*, 2026 WL 79931 (U.S. Jan. 12, 2026).

7 Polymarket contends that it has raised serious legal questions that go to the scope  
8 of the federal officer removal statute and federal question jurisdiction. (ECF No. 46 at 8-  
9 13.) The Board counters that Polymarket is not likely to succeed on appeal, because the  
10 Court considered and rejected these grounds for removal. (ECF No. 50 at 8-12.) The  
11 Court agrees with the Board. Polymarket repeats the same arguments the Court  
12 previously rejected in the Remand Order. (ECF No. 41.) The Court incorporates by  
13 reference the pertinent portions of the Remand Order here and rejects Polymarket’s  
14 arguments that it is likely to prevail on the merits for the reasons discussed therein. This  
15 *Nken* factor counsels against granting a stay.

16 Next, Polymarket asserts that a stay is necessary to prevent irreparable injury,  
17 because without a stay they would be “forced to engage in parallel litigation by  
18 simultaneously briefing jurisdictional issues in the Ninth Circuit and merits issues in the  
19 Nevada state court.” (ECF No. 46 at 13.) But litigating in state court is not a harm, let  
20 alone an irreparable harm. Indeed, if a defendant were entitled to a stay merely because  
21 it would have to litigate in state court and appeal the remand order in the court of appeal  
22 at the same time, a defendant challenging remand under the federal officer removal  
23 statute would automatically be entitled to a stay pending appeal. The Ninth Circuit recently  
24 rejected this argument. See *Express Scripts*, 139 F.4th 763 (finding automatic stay does  
25 not apply to appeal district court’s order remanding a case removed under the federal  
26 officer removal statute and that the discretionary stay factors under *Nken* still govern the  
27 court’s discretion.)  
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1 In their Reply, Polymarket argues that it will suffer irreparable injury because  
2 removal rights under Section 1442 are especially important to the federal government,  
3 and allowing the case to proceed in state court would risk defeating the purpose of an  
4 appeal. (ECF No. 52 at 8-9.) But this too does not cause irreparable harm. As discussed  
5 above, Polymarket is unlikely to prevail on the merits on its federal officer removal  
6 argument. Moreover, state and federal courts “each provide forums for litigation with  
7 roughly similar levels of efficiency, expense, and comprehensive discovery mechanism,”  
8 and “permitting early state litigation in state court would not preclude a defendant from  
9 returning to federal court post-appeal.” *Express Scripts*, 139 F.4th at 770, 771. The Court  
10 finds that any harm that may result does not rise to the level of irreparable harm that  
11 would tip in the balance in favor of a stay.

12 Having found that the critical two factors in granting a stay have not been satisfied,  
13 the Court will turn briefly to the remaining factor. Polymarket claims that the public interest  
14 is served by concentrating resources on litigation in the proper forum and that a stay  
15 would not harm the Board. (ECF No. 46 at 14-15.) The Board counters that a stay would  
16 harm it, pointing to the State’s interest in enforcing its statutes and to Chief Judge  
17 Gordon’s recent analysis of irreparable harm in a case raising similar issues, *KalshiEX,*  
18 *LLC v. Hendrick*, No. 2:25-cv-00575-APG-BNW, 2025 WL 3286282 (D. Nev. Nov. 24,  
19 2025). (ECF No. 50 at 15.) The Court agrees with the Board and finds that the final *Nken*  
20 factor does not favor granting a stay.

21 In sum, the Court finds that Polymarket has not made a showing as to the relevant  
22 *Nken* factors that would warrant such “an intrusion into the ordinary processes of  
23 administrative and judicial review.” *Nken*, 556 U.S. at 427 (internal quotation marks and  
24 citations omitted). The Court thus denies Polymarket’s Motion.

### 25 **III. CONCLUSION**

26 The Court notes that the parties made several arguments and cited to several  
27 cases not discussed above. The Court has reviewed these arguments and cases and  
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1 determines that they do not warrant discussion as they do not affect the outcome of the  
2 motion before the Court.

3 It is therefore ordered that Polymarket's motion for stay pending appeal (ECF No.  
4 46) is denied.

5 It is further ordered that this case is remanded to the First Judicial Court of Nevada,  
6 Carson City. However, the Clerk of Court is directed not to mail this order to the First  
7 Judicial Court of Nevada, Carson City until April 6, 2026 in light of the Court's order  
8 granting the parties' stipulation. (ECF No. 47 at 4.)

9 The Clerk of Court is directed to close this case.

10 DATED THIS 12<sup>th</sup> Day of March 2026.

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13 MIRANDA M. DU  
14 UNITED STATES DISTRICT JUDGE  
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