

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

April 12, 2018

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

WILLIAM SEMPLE, individually;
THE COALITION FOR COLORADO
UNIVERSAL HEALTHCARE,
a/k/a COOPERATE COLORADO,
a not-for-profit corporation;
COLORADOCAREYES, a Colorado
not-for-profit corporation; DANIEL
HAYES, individually,

Plaintiffs - Appellees,

v.

WAYNE W. WILLIAMS, in his official
capacity as Secretary of State of Colorado,

Defendant - Appellant.

No. 18-1123
(D.C. No. 1:17-CV-01007-WJM)
(D. Colo.)

ORDER

Before **McHUGH** and **MORITZ**, Circuit Judges.

The Colorado Secretary of State (Secretary) seeks a stay pending appeal of a judgment of the United States District Court for the District of Colorado permanently enjoining the State of Colorado, its officers, agents, servants, employees, attorneys, and any other person or entity in active concert and participation with any of them, from enforcing Colo. Const. art. V, § 1(2.5). In considering whether to grant a stay pending appeal, this court evaluates the following factors: the basis for its jurisdiction; the movant’s likelihood of success on the merits; the threat of irreparable harm if relief is not

granted; the absence of harm to opposing parties if relief is granted; and the risk of harm to the public interest. *See* 10th Cir. R. 8.1.

Having considered the motion for stay, the appellees' opposition, the reply, and the relevant orders of the district court in light of the governing standards, this court grants the Secretary's motion. The injunction entered by the District of Colorado in its Final Judgment of March 27, 2018, is stayed during the pendency of this appeal.

Entered for the Court

A handwritten signature in cursive script that reads "Elisabeth A. Shumaker". The signature is written in black ink and includes a long, sweeping horizontal flourish at the end.

ELISABETH A. SHUMAKER, Clerk