

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

December 28, 2022

Christopher M. Wolpert
Clerk of Court

VOTER REFERENCE FOUNDATION,
LLC; HOLLY STEINBERG,

Plaintiffs - Appellees,

v.

HECTOR BALDERAS, in his official
capacity as New Mexico Attorney General;
MAGGIE TOULOUSE OLIVER, in her
official capacity as New Mexico Secretary
of State,

Defendants - Appellants.

No. 22-2101
(D.C. No. 1:22-CV-00222-JB-KK)
(D. N.M.)

ORDER

Before **BACHARACH** and **BRISCOE**, Circuit Judges.

Appellants have filed a motion to stay the district court’s preliminary injunction pending appeal. Appellee has responded.

In deciding whether to grant a stay pending appeal, we consider the traditional factors: “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Nken v. Holder*, 556 U.S. 418, 434 (2009) (internal quotation marks omitted).

We conclude that appellants have satisfied their burden as to each of these factors. We therefore grant their motion and stay the district court's July 27, 2022, injunction pending the disposition of this appeal on the merits, or until further order of this court.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. Wolpert', written over a horizontal line.

CHRISTOPHER M. WOLPERT, Clerk

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