

**In the United States Court of Appeals
For the Eighth Circuit**

CONGRESSMAN ROBERT “BOB” ONDER, *et al.*,

Plaintiffs-Appellees / Cross-Appellants,

v.

STATE OF MISSOURI, and DENNY HOSKINS, *in his official capacity as
Missouri Secretary of State,*

Defendants,

RICHARD VON GLAHN, and PEOPLE NOT POLITICIANS,

Intervenors-Appellants / Cross-Appellees.

Appeal from the U.S. District Court for the Eastern District of Missouri
(4:26-cv-01424-SRC)

**OPPOSITION TO APPELLANTS’ MOTION TO RECALL THE
COURT’S MANDATE AND TO STAY THE PERMANENT
INJUNCTION**

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The Court should deny Appellants’ motion to recall the Court’s mandate and to stay the District Court’s permanent injunction, which the District Court entered at the direction of this Court. The Court should deny Appellants’ motion for at least two reasons.

First, as Judge Stras explained, Appellants lack standing to appeal. *See* Op. at 35–40, *Onder v. People Not Politicians*, Nos. 26-2797, 26-2827 (8th Cir., filed Sept. 21, 2026) (Stras, J., concurring in part, dissenting in part); *see also* State’s Br. in Opp. to Stay at 20–22, *People Not Politicians v. Onder*, No. 26A326 (U.S., filed Sept. 10, 2026) (explaining why Appellants “lack standing to appeal”).

Second, even if Appellants somehow have standing, they cannot succeed in satisfying the four stay factors articulated in *Nken v. Holder*, 556 U.S. 418, 433–34 (2009). Most notably, Appellants must make “a strong showing” that they are “likely to succeed on the merits.” *Id.* at 434. This Court’s opinion fully explains why Appellants are unlikely to succeed on the merits under Article I, Section 2. *See* Op. at 22–27, *Onder v. People Not Politicians*, Nos. 26-2797, 26-2827 (8th Cir., filed Sept. 21, 2026) (per curiam). The State’s brief also explains why Appellants are unlikely to succeed under the Elections Clause and the Equal Protection

Clause of the U.S. Constitution. *See* State's Br. at 35–41, 46–50, *Onder v. People Not Politicians*, Nos. 26-2797, 26-2827 (8th Cir., filed Sept. 15, 2026).

Thus, this Court should deny Appellants' motion to recall the Court's mandate and to stay the District Court's permanent injunction.

September 22, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that this response in opposition to Appellants' motion complies with the requirements of Fed. R. App. P. 27 and 32; that it is written in Century Schoolbook 14-point font; and that it contains 261 words as determined by the word-count feature in Microsoft Word.

/s/ Louis J. Capozzi, III

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2026, the foregoing was filed electronically via the Court's electronic filing system and was served by operation of the CM-ECF system on all counsel of record.

/s/ Louis J. Capozzi, III