

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 7, 2014

Elisabeth A. Shumaker
Clerk of Court

KAIL MARIE; MICHELLE L. BROWN;
KERRY WILKS, Ph.D.; DONNA
DITRANI,

Plaintiffs - Appellees,

v.

ROBERT MOSER, M.D., in his official
capacity as Secretary of the Kansas
Department of Health and Environment;
DOUGLAS A. HAMILTON, in his
official capacity as Clerk of the District
Court for the 7th Judicial District
(Douglas County); BERNIE
LUMBRERAS, in her official capacity as
Clerk of the District Court for the 18th
Judicial District (Sedgwick County),

Defendants - Appellants.

No. 14-3246
(D.C. No. 2:14-CV-02518-DDC-TJJ)
(D. Kan.)

ORDER

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

The district court granted preliminary injunctive relief to plaintiffs on November 4, enjoining defendants from enforcing or applying Kansas constitutional and statutory provisions that prohibit issuance of marriage licenses to same-sex couples. The district court then stayed its injunctive order until 5:00 p.m. on November 11. Defendants immediately appealed the preliminary injunction ruling

and also filed an emergency motion pursuant to 10th Cir. R. 8.1, asking this court to stay the district court's injunctive order pending their appeal of the ruling.

We conclude that defendants have failed to make the showings necessary to obtain a stay, and we deny the emergency motion for a stay pending appeal. We note that the district court's temporary stay of its own preliminary injunction order remains in effect until 5:00 p.m. CST on November 11, 2014.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", written over a horizontal dotted line.

ELISABETH A. SHUMAKER, Clerk