

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

August 29, 2023

Christopher M. Wolpert
Clerk of Court

ROCKY MOUNTAIN GUN OWNERS;
TATE MOSGROVE; ADRIAN PINEDA,

Plaintiffs - Appellees,

v.

JARED POLIS, in his official capacity as
Governor of the State of Colorado,

Defendant - Appellant.

No. 23-1251
(D.C. No. 1:23-CV-01077-PAB-NRN)
(D. Colo.)

ORDER

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

Colorado Governor Jared Polis seeks an emergency stay pending appeal of the district court’s order preliminarily enjoining the enforcement of Colorado SB23-169. SB23-169 modified the Colorado statutes to prohibit firearm purchases by, and sales to, persons under 21 years of age.

To receive a stay pending appeal, a movant “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Warner v. Gross*, 776 F.3d 721, 728 (10th Cir.) (internal quotation marks omitted), *aff’d sub nom. Glossip v. Gross*, 576 U.S. 863 (2015); *see also* 10th Cir. R. 8.1 (enumerating stay factors); *Nken v. Holder*, 556 U.S. 418, 434 (2009). Upon

consideration, the Governor has failed to show his entitlement to a stay under these factors. Accordingly, we deny his emergency motion for a stay pending appeal.

Entered for the Court

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

CHRISTOPHER M. WOLPERT, Clerk