

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

April 28, 2025

Christopher M. Wolpert
Clerk of Court

KRISTEN CROOKSHANKS, as parent
and next of friend of a minor on behalf
of C.C.; MINDY SMITH, as parent and
next of friend of a minor on behalf of E.S.;
NAACP-COLORADO-MONTANA-
WYOMING STATE AREA
CONFERENCES; THE AUTHORS
GUILD,

Plaintiffs - Appellees,

v.

ELIZABETH SCHOOL DISTRICT,

Defendant - Appellant.

No. 25-1105
(D.C. No. 1:24-CV-03512-CNS-STV)
(D. Colo.)

ORDER

Before **HOLMES**, Chief Judge, and **MORITZ**, Circuit Judge.

Appellant has filed a motion for a stay pending appeal of the district court's preliminary injunction. Appellees have filed a response in opposition, and Appellant has filed a reply. This court entered a temporary stay to facilitate consideration of the motion.

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). “A stay is not a matter of right, . . . [but] is instead an exercise of judicial discretion, and the propriety of its issue is dependent upon the circumstances of the particular case.” *Id.* at 433 (internal quotation marks and brackets omitted). “The party requesting a stay bears the burden of showing that the circumstances justify an exercise of [the court’s] discretion.” *Id.* at 433–34.

Having carefully considered the parties’ arguments, we find Appellant has not carried its burden to show the circumstances justify a stay. We therefore lift the temporary stay and deny Appellant’s motion. We also deny, without prejudice, Appellant’s request to stay the district court proceedings, and we deny Appellant’s request for expedited briefing.

Entered for the Court

A handwritten signature in black ink, appearing to read 'Christopher M. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk