

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2014 SEP 3 AM 9 04

AMERICAN WILD HORSE
PRESERVATION CAMPAIGN, *et al.*,

Petitioners,

vs.

SALLY JEWELL, *et al.*,

Respondents.

STEPHAN HARRIS, CLERK
CHEYENNE

Case No: 14-CV-0152

ORDER VACATING ORDER TO GRANT EMERGENCY STAY

This matter is before the Court on the Federal Respondent's Emergency Motion to Reconsider and Vacate the Magistrate's Order Granting Injunctive Relief (Doc. 46); the State of Wyoming's Request for Reconsideration of Magistrate Judge's Order Enjoining Wild Horse Roundup (Doc. 42); and Rock Springs Grazing Association's (RSGA) Request for Reconsideration and Motion to Vacate the Magistrate's Order Granting Petitioners' Emergency Motion for an Injunction (Doc. 45). The Court held an emergency hearing on these motions on September 2, 2014.

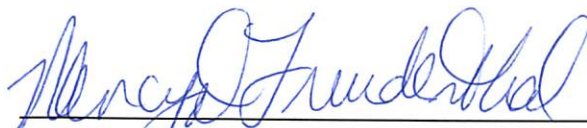
A party seeking a stay on appeal must show four factors: (1) likelihood of success on the merits; (2) the applicant will be irreparably injured absent a stay; (3) issuance of the stay will not substantially injure the other parties interested in the proceeding; and (4) the stay is in the public interest. See *Nken v. Holder*, 556 U.S. 418, 425-426 (2009)(citing *Hinton v. Braunskill*, 481 U.S. 770, 776 (1987)). "The first two factors of the traditional

standards are the most critical.” *Nken*, 556 U.S. at 1760. The moving party bears the burden of establishing these factors in order to show “that the circumstances justify an exercise of the court's discretion.” *Id.*

At the hearing, the Government stated it would voluntarily hold off on round-up activities until September 12, 2014, to allow the Tenth Circuit a meaningful opportunity for review. Given the Government's voluntary agreement to hold off on conducting round-up activities, the Court finds Petitioners cannot meet the irreparable injury requirement. As such the Court will VACATE the Magistrate's August 28, 2014 Order Granting Petitioners' Emergency Stay (Doc. 41).

IT IS ORDERED that Federal Respondent's Emergency Motion to Reconsider and Vacate the Magistrate's Order Granting Injunctive Relief (Doc. 46); the State of Wyoming's Request for Reconsideration of Magistrate Judge's Order Enjoining Wild Horse Roundup (Doc. 42); and Rock Springs Grazing Association's (RSGA) Request for Reconsideration and Motion to Vacate the Magistrate's Order Granting Petitioners' Emergency Motion for an Injunction (Doc. 45) are GRANTED. The Magistrate's August 28, 2014 Order Granting Petitioners' Emergency Stay is VACATED (Doc. 41).

Dated this 3 day of September, 2014.



NANCY D. FREUDENTHAL
CHIEF UNITED STATES DISTRICT JUDGE