

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

August 24, 2015

FOR THE TENTH CIRCUIT

**Elisabeth A. Shumaker
Clerk of Court**

STATE OF OKLAHOMA EX REL.
E. SCOTT PRUITT, in his official capacity
as Attorney General of Oklahoma;
OKLAHOMA DEPARTMENT OF
ENVIRONMENTAL QUALITY,

Plaintiffs - Appellants,

v.

GINA MCCARTHY, in her official
capacity as Administrator of the U.S.
Environmental Protection Agency;
U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Defendants - Appellees.

No. 15-5066
(D.C. No. 4:15-CV-00369-CVE-FHM)
(N.D. Okla.)

ORDER

Before **BRISCOE**, Chief Judge, and **LUCERO**, Circuit Judge.

The State of Oklahoma ex rel. E. Scott Pruitt and the Oklahoma Department of Environmental Quality (“Oklahoma”) seek injunctive relief pending their appeal of the district court’s dismissal of their action for lack of subject matter jurisdiction. Oklahoma must demonstrate “that [it] is likely to succeed on the merits, that [it] is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [its] favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def.*

Council, Inc., 555 U.S. 7, 20 (2008); *see also* 10th Cir. R. 8.1. Because Oklahoma has failed to satisfy these factors, we deny its Motion for Injunction Pending Appeal.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal flourish.

ELISABETH A. SHUMAKER, Clerk