

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2012 OCT 25 PM 3 34

IN THE UNITED STATES DISTRICT COURT, CLERK
CASPER
FOR THE DISTRICT OF WYOMING

FREE SPEECH,

Plaintiff,

vs.

FEDERAL ELECTION COMMISSION,

Defendant.

Case No. 12-CV-127-S

ORDER DENYING MOTION FOR INJUNCTION PENDING APPEAL

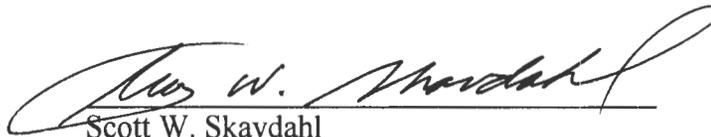
This matter comes before the Court on Plaintiff's Motion for Injunction Pending Appeal [Doc. 46]. The Court having reviewed the Motion and the FEC's Opposition thereto, and considering itself otherwise fully advised in the premises, hereby **DENIES** Plaintiff's motion.

Federal Rule of Civil Procedure 62(c) governs an injunction pending an appeal "from an interlocutory order . . . that . . . denies an injunction." Fed. R. Civ. P. 62(c). To obtain such an injunction, the Plaintiff must show: (i) a strong position on the merits of the appeal; (ii) irreparable injury if a injunction pending appeal is denied; (iii) that an injunction would not substantially harm the Defendant; and (iv) that an injunction is not adverse to the public interest. *See SIPC v. Blinder, Robinson & Co.*, 962 F.2d 960, 968 (10th Cir.1992). As provided in this Court's oral ruling denying Plaintiff's motion for preliminary injunction, which is hereby incorporated by reference, the Court

determined that Plaintiff has failed to demonstrate a likelihood of success on the merits. For the same reasons set forth on the record, therefore, the Court likewise finds that Plaintiff fails to meet the requirements for an injunction pending appeal pursuant to Fed. R. Civ. P. 62(c). Plaintiff's Motion for Injunction Pending Appeal [Doc. 46] is therefore **DENIED**.

IT IS SO ORDERED.

Dated this 25th day of October, 2012.

A handwritten signature in black ink, appearing to read "Scott W. Skavdahl", written over a horizontal line.

Scott W. Skavdahl
United States District Judge