

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

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**August 24, 2015**

**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.)

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**ORDER**

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

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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 that reads "Elisabeth A. Shumaker". The signature is written in black ink and includes a long, sweeping horizontal flourish at the end.

ELISABETH A. SHUMAKER, Clerk