



A party may seek a stay of a district court order or judgment must in the district court. Fed. R. App. P. 8(a)(1). In determining whether to stay a judgment or order pending appeal, a district court considers “(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.” *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987). The movant need only have presented “a substantial case on the merits when a serious legal question is involved and show that the balance of the equities weighs heavily in favor of granting the stay.” *Ruiz v. Estelle*, 650 F.2d 555, 565 (5th Cir. 1981). However, if the balance of equities—consideration of the other three factors—does not weigh heavily in favor of granting the stay, then the movant must show a more substantial likelihood of success on the merits to obtain a stay pending appeal. *Id.* at 565-66.

Having reviewed the motion, response, its order and judgment, and the applicable law, the Court will deny Defendants’ motion. The Court does not find that the balance of equities weighs heavily in favor of granting Defendants a stay of this Court’s order and judgment, nor have Defendants shown a substantial likelihood of success on the merits.

**IT IS THEREFORE ORDERED** that Defendants’ Opposed Motion for Stay of Judgment Pending Appeal (Clerk’s Document 364) is **DENIED**.

SIGNED this 19th day of May, 2009.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE