

No. 15-5880

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

APRIL MILLER, et al., )  
 )  
 Plaintiffs-Appellees, )  
 )  
 v. )  
 )  
 KIM DAVIS, in her individual and official capacity )  
 as Rowan County Clerk, )  
 )  
 Defendant-Appellant, )  
 )  
 v. )  
 )  
 STEVEN L. BESHEAR, in his official capacity as )  
 Governor of Ky.; WAYNE ONKST, in his official )  
 capacity as State Librarian and Commissioner, )  
 Kentucky Department of Libraries and Archives, )  
 )  
 Third Party Defendants-Appellees. )  
 )

**FILED**  
 Sep 17, 2015  
 DEBORAH S. HUNT, Clerk

ORDER

Before: KEITH, ROGERS, and DONALD, Circuit Judges.

Defendant Kim Davis is before this court seeking review of a preliminary injunction entered on August 12, 2015, enjoining her, in her official capacity, “from applying her ‘no marriage licenses’ policy to future marriage license requests submitted by the Plaintiffs.” She also appeals the September 3, 2015 order modifying the preliminary injunction to enjoin her from applying her no-marriage-license policy to future marriage license requests submitted by individuals who are eligible to marry in Kentucky. On August 28, 2015, we denied Davis’s

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motion for a stay of the August 12 preliminary injunction pending appeal. She now moves for a stay pending appeal of the September 3 preliminary injunction. The plaintiffs and the third-party defendants oppose the motion for a stay.

Davis has not sought a stay pending appeal in the district court as required by Federal Rule of Appellate Procedure 8(a)(1). Davis argues that it would be impracticable to seek a stay pending appeal because of the “extraordinary doggedness of the district court to expand the Injunction, without jurisdiction or fair notice and opportunity to be heard.” This is not valid reason to excuse moving the district court for a stay pending appeal in the context of this case.

Davis’s motion for a stay of the September 3 preliminary injunction pending appeal is **DENIED** for failure to comply with Rule 8(a)(1).

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written over a horizontal line.

Deborah S. Hunt, Clerk