

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

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

**January 30, 2024**

**Christopher M. Wolpert**  
**Clerk of Court**

BLAINE FRANKLIN SHAW, individually and on behalf of a class; SAMUEL JAMES SHAW, individually and on behalf of a class; JOSHUA BOSIRE, individually and on behalf of a class; MARK ERICH; SHAWNA MALONEY, individually and as the mother and natural guardian of minor D. M. minor M. M.,

Plaintiffs - Appellees,

v.

ERIK SMITH, in his official capacity as the Superintendent of the Kansas Highway Patrol,

Defendant - Appellant,

and

DOUG SCHULTE, Master Trooper, in his individual capacity; BRANDON MCMILLAN, Technical Trooper, in his individual capacity,

Defendants.

No. 23-3264  
(D.C. No. 6:19-CV-01343-KHV)  
(D. Kan.)

MARK ERICH; SHAWNA MALONEY,

Plaintiffs - Appellees,

v.

ERIK SMITH, in his official capacity as the Superintendent of the Kansas Highway

No. 23-3267  
(D.C. No. 6:20-CV-01067-KHV-GEB)  
(D. Kan.)

Patrol,  
Defendant - Appellant.

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**ORDER**

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Before **HOLMES**, Chief Judge, and **PHILLIPS**, Circuit Judge.

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This matter is before the court on a motion for stay pending appeal. We entered an order on January 29, 2024, requiring a response from appellees to the stay motion by February 1, 2024, at 7:00 a.m. (MST). We hereby vacate that order.

Appellees must file a response to the motion for stay pending appeal by 8:00 a.m. (MST) on February 6, 2024. In addition, in order to facilitate the court's consideration of the motion and response, we enter a temporary stay of the district court's injunctive order that will be in effect until further order of this court.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk