

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 8, 2026

Christopher M. Wolpert
Clerk of Court

KALSHIEX LLC,

Plaintiff - Appellant,

v.

SPENCER J. COX, in his official capacity
as Governor of Utah, et al.,

Defendants - Appellees.

No. 26-4100
(D.C. No. 2:26-CV-00151-RJS)
(D. Utah)

ORDER

Before **HARTZ** and **KELLY**, Circuit Judges.

Plaintiff-Appellant KalshiEX LLC (“Kalshi”) filed an emergency motion for an injunction pending appeal. Defendant-Appellees are Utah state officials (collectively, “the State”), and they filed a response in opposition. Kalshi filed a reply in support of its motion. The State also filed a letter pursuant to Federal Rule of Appellate Procedure 28(j) advising the court of supplemental authority in support of its opposition to Kalshi’s motion. And Kalshi filed a response to the State’s Rule 28(j) letter.

When seeking an injunction pending appeal, a movant must show: (a) “the likelihood of success on appeal”; (b) “the threat of irreparable harm if the . . . injunction is not granted”; (c) “the absence of harm to opposing parties if the . . . injunction is

granted”; and (d) “any risk of harm to the public interest.” 10th Cir. R. 8.1. Kalshi has not shown these factors weigh in its favor. Accordingly, we deny its motion.

Entered for the Court

Per Curiam