

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

February 1, 2018

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

AUDUBON SOCIETY OF GREATER
DENVER,

Petitioner - Appellant,

v.

UNITED STATES ARMY CORPS OF
ENGINEERS,

Respondent - Appellee,

and

CASTLE PINES METROPOLITAN
DISTRICT; CASTLE PINES NORTH
METROPOLITAN DISTRICT;
CENTENNIAL WATER AND
SANITATION DISTRICT; CENTER OF
COLORADO WATER CONSERVANCY
DISTRICT; CENTRAL COLORADO
WATER CONSERVANCY DISTRICT;
TOWN OF CASTLE ROCK;
COLORADO DEPARTMENT OF
NATURAL RESOURCES,

Intervenors Respondents - Appellees.

No. 18-1004
(D.C. No. 1:14-CV-02749-PAB)
(D. Colo.)

ORDER

Before **TYMKOVICH**, Chief Judge, and **McHUGH**, Circuit Judge.

This matter comes before the court on the motion of appellant Audubon Society of Greater Denver for an injunction pending appeal. The Society seeks an injunction to halt

all construction, including the removal of vegetation, at Chatfield State Park in Colorado. “[I]njunctive relief [is] an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. NRDC, Inc.*, 555 U.S. 7, 22 (2008). To qualify for an injunction pending appeal, the Society must show that it is likely to succeed on the merits of its appeal, that it will suffer irreparable harm if an injunction is not granted, that its threatened harm outweighs any harm the opposing parties will suffer if an injunction is granted, and that an injunction will not adversely affect the public interest. *See McDonnell v. City & Cty. of Denver*, 878 F.3d 1247, 1252 (10th Cir. 2018) (discussing standards for preliminary injunction).

Upon review, we conclude that the Society has not made an adequate showing to obtain injunctive relief pending appeal. Accordingly, Appellant’s Motion for Injunction Pending Appeal is denied.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk