

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2014 OCT 21 AM 9 59
STEPHAN HARRIS, CLERK
CASPER

ANNE MARIE GUZZO and BONNIE ROBINSON;
IVAN WILLIAMS and CHARLES KILLION;
BRIE BARTH and SHELLY MONTGOMERY;
CARL OLESON and ROB JOHNSTON; and
WYOMING EQUALITY;

Plaintiffs,

vs.

MATTHEW H. MEAD, in his official capacity as the
Governor of Wyoming; DEAN FAUSSET, in his official
capacity as Director of the Wyoming Department of
Administration and Information; DAVE URQUIDEZ, in his
official capacity as Administrator of the State of Wyoming
Human Resources Division; and DEBRA K. LATHROP, in
her official capacity as Laramie County Clerk;

Defendants.

Case No. 14-CV-200-SWS

ORDER LIFTING TEMPORARY STAY

This matter comes before the Court upon the Defendants' notices of non-appeal. (Docs. 45, 46.) In its Order Granting Preliminary Injunction and Temporary Stay, the Court temporarily stayed enforcement of the preliminary injunction to provide State Defendants the opportunity to seek *en banc* review in the Tenth Circuit Court of Appeals. (Doc. 44.) However, all Defendants have now filed notice that they will not seek review in the Tenth Circuit, and the reason for the temporary stay no longer exists.

IT IS THEREFORE ORDERED that the temporary stay is hereby lifted and the preliminary injunction granted on October 17, 2014 (Doc. 44) is given immediate force and

effect. Defendants are immediately enjoined from enforcing or applying Wyoming Statute § 20-1-101, or any other state law, policy, or practice, as a basis to deny marriage to same-sex couples or to deny recognition of otherwise valid same-sex marriages entered into elsewhere, and marriage licenses may not be denied on the basis that the applicants are a same-sex couple. *See Swift & Co. v. Wickham*, 382 U.S. 111, 117 (1965) (“*Ex parte Young*, 209 U.S. 123, 28 S. Ct. 441, 52 L.Ed. 714 [1908], established firmly the corollary that inferior federal courts could enjoin state officials from enforcing such unconstitutional state law.”); *Buchwald v. Univ. of N.M. School of Medicine*, 159 F.3d 487, 495 (10th Cir. 1998) (“*Ex parte Young* recognizes an exception to Eleventh Amendment immunity under which a state officer may be enjoined from taking steps toward the enforcement of an unconstitutional enactment, to the injury of complainant.”) (internal citation and quotation marks omitted).

DATED this 21ST day of October, 2014.



Scott W. Skavdahl
United States District Judge