

No. 19-2185

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MELISSA BUCK, et al.,)
)
 Plaintiffs-Appellees,)
)
 v.)
)
 ROBERT GORDON, in his official capacity as)
 Director of the Michigan Department of Health and)
 Human Services, et al.,)
)
 Defendants-Appellants,)
)
 ALEX M. AZAR, II, in his official capacity as the)
 Secretary of the United States Department of Health)
 and Human Services, et al.,)
)
 Defendants.)

FILED
 Nov 19, 2019
 DEBORAH S. HUNT, Clerk

ORDER

Before: SUHRHEINRICH, COOK, and BUSH, Circuit Judges.

The Michigan State Defendants (“the State”) appeal the district court’s September 26, 2019 order granting a preliminary injunction to plaintiff St. Vincent Catholic Charities (“St. Vincent”). The injunction prohibits the State from terminating, suspending, or failing to renew its contracts for adoption and foster placement services with St. Vincent or taking any other action alleged to interfere with St. Vincent’s free exercise of its religious beliefs. The State moves to stay the order pending resolution of its appeal and asks for an emergency ruling on its motion. The district court has denied a similar motion. Plaintiffs oppose a stay. Non-parties Kristy Dumont and Dana

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Dumont have tendered a response in support of a stay, which we accept solely for the purposes of this motion.

We consider four factors in deciding whether to issue a stay: (1) whether the movant “has made a strong showing that [it] is likely to succeed on the merits”; (2) whether it “will be irreparably injured absent a stay”; (3) “whether issuance of the stay will substantially injure the other parties interested in the proceeding”; and (4) “where the public interest lies.” *Nken v. Holder*, 556 U.S. 418, 434 (2009) (quoting *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987)). “The first two factors . . . are the most critical.” *Id.* The four factors “are not prerequisites that must be met, but are interrelated considerations that must be balanced together.” *Mich. Coal. of Radioactive Material Users, Inc. v. Griepentrog*, 945 F.2d 150, 153 (6th Cir. 1991); see *Ohio State Conference of N.A.A.C.P. v. Husted*, 769 F.3d 385, 387 (6th Cir. 2014) (order).

We “begin by considering the likelihood that the district court’s preliminary injunction order will be upheld on appeal.” *Serv. Emps. Int’l Union Local 1 v. Husted*, 698 F.3d 341, 343 (6th Cir. 2012) (per curiam) (internal quotation marks omitted). The State argues that the district court made numerous factual and legal errors. But the facts are largely uncontested; the State objects to the district court’s interpretation of those facts, which led to its conclusion that plaintiffs had a likelihood of success on the merits. In the absence of a factual or legal error, “the district judge’s weighing and balancing of the equities should be disturbed on appeal only in the rarest of cases.” *Preterm-Cleveland v. Himes*, 940 F.3d 318, 321 (6th Cir. 2019) (quotation omitted). The district court’s findings support the conclusion that a preliminary injunction in this case would merely preserve the status quo and ensure that St. Vincent may continue to operate as it has for the past seventy years. See *id.* at 325. We conclude that the relevant factors weigh in favor of denying a stay.

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The State's motion for a stay is **DENIED**.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written in a cursive style.

Deborah S. Hunt, Clerk