

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

January 26, 2023

Lyle W. Cayce  
Clerk

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No. 22-51124

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KEVIN CLARKE; TREVOR BOECKMANN; HARRY CRANE; CORWIN  
SMIDT; ARISTOTLE INTERNATIONAL, INCORPORATED; PREDICT  
IT, INCORPORATED; MICHAEL BEELER; MARK BORGHI;  
RICHARD HANANIA; JAMES D. MILLER; JOSIAH NEELEY;  
GRANT SCHNEIDER; WES SHEPHERD,

*Plaintiffs—Appellants,*

*versus*

COMMODITY FUTURES TRADING COMMISSION,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:22-CV-909

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ORDER:

IT IS ORDERED that Appellants' opposed motion for an injunction pending appeal is GRANTED.

IT IS FURTHER ORDERED that Appellants' alternative request for mandamus relief is DENIED AS MOOT.

No. 22-51124

LYLE W. CAYCE, CLERK  
United States Court of Appeals  
for the Fifth Circuit  
/s/ Lyle W. Cayce

ENTERED AT THE DIRECTION OF THE COURT

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

January 26, 2023

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 22-51124 Clarke v. CFTR  
USDC No. 1:22-CV-909

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

*Christina Rachal*

By: \_\_\_\_\_  
Christina C. Rachal, Deputy Clerk  
504-310-7651

Mr. Philip Devlin  
Mr. Kyle Druding  
Mr. Michael J. Edney  
Ms. Anne Whitford Stukes