

January 31, 2011

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

FOR THE TENTH CIRCUIT

U.S. COMMODITY FUTURES
TRADING COMMISSION;
OKLAHOMA DEPARTMENT OF
SECURITIES ex rel. IRVING L.
FAUGHT,

Plaintiffs-Appellees,

v.

KENNETH WAYNE LEE, an
individual;

Defendant-Appellant,

and

DARREN LEE, an individual;
SHEILA M. LEE, an individual;
DAVID A. LEE, an individual,

Relief Defendants-
Appellants

and

PRESTIGE VENTURES CORP., a
Panamanian corporation;
FEDERATED MANAGEMENT
GROUP, INC., a Texas corporation;
SIMON YANG, an individual, a/k/a
Xiao Yang, a/k/a Simon Chen,

Defendants,

No. 10-6276
(D.C. No. 5:09-CV-01284-R)
(W.D. Okla.)

STEPHEN J. MORIARTY,

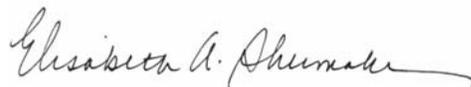
Receiver.

ORDER

Before **MURPHY** and **EBEL**, Circuit Judges.

Defendant Kenneth Wayne Lee and relief defendants Darren Lee, Sheila M. Lee, and David A. Lee, have filed a motion to stay the district court's judgment pending appeal. In determining whether to grant a stay pending appeal, the moving party must address four factors: "(1) the likelihood of success on appeal; (2) the threat of irreparable harm if the stay or injunction is not granted; (3) the absence of harm to opposing parties if the stay or injunction is granted; and (4) any risk of harm to the public interest." *FTC v. Mainstream Mktg. Servs., Inc.*, 345 F.3d 850, 852 (10th Cir. 2003) (per curiam); *see also* 10th Cir. R. 8.1. Having considered the motion, we conclude that movants have failed to make the requisite showing, and we DENY their motion for a stay pending appeal.

Entered for the Court,



ELISABETH A. SHUMAKER, Clerk