

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

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January 17, 2023

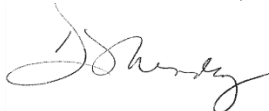
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

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



By: \_\_\_\_\_  
Donna L. Mendez, Deputy Clerk  
504-310-7677

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

P.S. An expedited briefing scheduled will be issued under separate cover.

United States Court of Appeals  
for the Fifth Circuit

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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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UNPUBLISHED ORDER

Before ELROD, GRAVES, and HO, *Circuit Judges*.

PER CURIAM:

Appellee's motion to dismiss for lack of jurisdiction is DENIED.  
*Carson v. Am. Brands, Inc.*, 450 U.S. 79, 84–85 (1981).

Appellants' opposed motion for an injunction pending appeal is carried with the case. Appellants' request in the alternative for mandamus

relief is also carried with the case. This appeal shall be expedited forthwith to the next available merits panel.