

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**November 13, 2023**

**Christopher M. Wolpert**  
**Clerk of Court**

WYOMING GUN OWNERS, a Wyoming  
nonprofit corporation, a/k/a WyGO,

Plaintiff - Appellee - Cross  
Appellant,

v.

CHARLES GRAY, in his official capacity  
as Wyoming Secretary of State; BRIDGET  
HILL, in her official capacity as Wyoming  
Attorney General; KAI SCHON,  
individually and in his official capacity as  
Wyoming Secretary of State Election  
Division Director; KAREN WHEELER,  
individually and in her official capacity as  
Wyoming Deputy Secretary of State,

Defendants - Appellants - Cross  
Appellees.

Nos. 22-8019 & 22-8021  
(D.C. No. 2:21-CV-00108-SWS)  
(D. Wyo.)

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CAMPAIGN LEGAL CENTER,

Amicus Curiae.

**ORDER**

Before **HOLMES**, Chief Judge, **TYMKOVICH**, and **CARSON**, Circuit Judges.

These matters are before the court on plaintiff-appellee/cross-appellant Wyoming  
Gun Owners (WyGO)'s *Motion for Fees on Appeal*, in which it: (1) requests that this

court award WyGO its attorney fees, expenses, and costs pursuant to 42 U.S.C. § 1988, 28 U.S.C. § 1920, and Tenth Circuit Rule 39.2 for this appeal “as well as for the litigation of this motion and any future litigation concerning this fee award;” and (2) remand to the district court for the calculation of those fees, expenses, and costs.

Appellants/cross-appellees (the “State Officials”) filed a response to WyGO’s motion, in which they do not dispute that WyGO is entitled to reasonable attorney fees under § 1988, but reserve their right to dispute the reasonableness of those fees on remand and object to any award of fees for “future litigation” as premature.

Upon consideration, the court holds that an award of appellate attorney fees is warranted in this case and, accordingly, grants WyGO’s motion in part, awarding WyGO its attorney fees, expenses, and costs for this appeal, but denying its request for an award of fees for “future litigation” as premature. *See* § 1988; *Love v. Mayor, City of Cheyenne, Wyo.*, 620 F.2d 235 (10th Cir. 1980) (citing *Hutto v. Finney*, 437 U.S. 678, 693-700 (1978)). The court remands to the district court to determine the appropriate amount of the award. *See Hoyt v. Robson Cos., Inc.*, 11 F.3d 983, 985 (10th Cir. 1993) (“Should we decide that it is appropriate to award . . . fees, we may then remand to the district court to determine an award of reasonable fees.”).

A copy of this order shall stand as a supplement to the mandate the court issued on November 2, 2023.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk