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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HARMEET SINGH KHAMBA
aka Gurjit Singh,

Petitioner,

v.

SERGIO ALBARRAN *et al.*,

Respondents.

CASE NO. 1:25-CV-01227-JLT-SKO

GOVERNMENT’S SUPPLEMENTAL BRIEF RE
APPLICABILITY OF LAKEN RILEY ACT

On October 2, 2025, the Court issued a minute order continuing the hearing on Petitioner’s motion for a temporary restraining order. The minute order also instructed the parties to submit supplemental briefing on whether the Laken Riley Act, 8 U.S.C. § 1226 (c)(1)(E)(i) and (ii), 139 Stat 3 (“LRA”), applies to this case because the Petitioner was charged several years ago with a violation of Penal Code section 148(a)(1). *See* Dkt. 12.

The government does not believe that the LRA applies because it does not include an expressed effective date and therefore is not retroactive. Congressional enactments are presumptively prospective only, *Vartelas v. Holder*, 566 U.S. 257, 273 (2012), and “will not be construed to have retroactive effect unless their language requires this result,” *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988). Here, Congress has not “unambiguously instructed retroactivity.” *Vartelas*, 566 U.S. at 266 (*citing Landgraf v. USI Film Products*, 511 U.S. 244, 263 (1994)); *see also* LRA. “[W]hen a statute has no effective date,” as is true of the LRA, “absent a clear direction by Congress to the contrary, [it] takes

1 effect on the date of its enactment.” *Johnson v. United States*, 529 U.S. 694, 702 (2000) (quoting
2 *Gozlon-Peretz v. United States*, 498 U.S. 395, 404 (1991)). The LRA then should not impact the
3 outcome of this case.

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5 Dated: October 9, 2025

ERIC GRANT
United States Attorney

6 By: /s/ Joseph Barton
7 Joseph Barton
8 Assistant United States Attorney
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