

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MOHAN KARKI,

Petitioner,

Case No. 25-cv-13186

Hon. Stephen J. Murphy III

Magistrate Judge Kimberly G. Altman

Kevin RAYCRAFT, et al.,

Respondents.

**PETITIONER'S RESPONSE TO RESPONDENTS' EMERGENCY
MOTION TO VACATE**

Respondents sought the very order that they are now seeking to vacate.

Respondents attempt to moot Mr. Karki's constitutional claims, yet Mr. Karki is entitled to his day in Court to testify regarding the constitutional violations he experienced by Respondents. Mr. Karki is not contesting his removability in this forum. He is simply requesting that this Court maintain jurisdiction to hear his habeas petition and allow him to attend his December 3, 2025, hearing.

Labeling Mr. Karki's constitutional due process claims as merely "technical" in nature speaks volumes to Respondents' current view of the U.S. constitution and their required compliance with the INA and accompanying regulations. Respondents' arguments that the December 3, 2025, hearing will "have little meaning" to Mr. Karki is based on convenient conjecture. Mr. Karki has been awaiting this Court's adjudication of his habeas petition since October 8,

2025, when he filed his petition. Mr. Karki needing an interpreter does not mean he will not understand the proceedings or will not be able to answer any questions this Court may have regarding the factual circumstances surrounding his detention and lack of custody review. Moreover, Petitioner's counsel, no matter how competent, will not be able to provide the testimony this Court will need to adjudicate Mr. Karki's due process claims.

Respondents rely on *Enazeh v. Davis*, 107 F. App'x 489, 491 (6th Cir. 2004), yet that case involved a Jordanian national who entered the U.S. on a tourist visa, overstayed his visa, and refused to voluntarily depart even after he agreed to do so. The Sixth Circuit in *Enazeh*, held that petitioner's habeas due process claims were moot because he had already been removed. Mr. Karki's due process claims are not moot and are still alive and in controversy and should be adjudicated by this Court.

Respondents' reliance on *Hamama v. Adducci*, 912 F.3d 869 (6th Cir. 2018) is equally not applicable. *Hamama* involved a class of Iraqi nationals who sought to stop their deportations through class wide habeas relief and sought to require that government to provide them with a bond hearing. Mr. Karki seeks neither.

Mr. Karki is a stateless refugee, not a citizen of Nepal or Bhutan or any country, who since 2014, when he was released on an order of supervision by Respondents, has complied with everything that the government asked of him. Mr.

Karki will continue to comply, even when Respondents do not abide by the laws and regulations that govern their conduct.

This Court should reject Respondents attempts to continue to deprive Mr. Karki of his due process rights and allow Mr. Karki to appear at his scheduled December 3, 2025, hearing.

Dated: November 30, 2025,

Respectfully submitted,

/s/ Diana E. Marin

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United States District Court
Eastern District of Michigan

Mohan Karki,

Petitioner,

Civil No. 25-13186

v.

Honorable Stephen J. Murphy III
Mag. Judge Kimberly G. Altman

Kevin Raycraft, Field Office Director
of Enforcement and Removal
Operations, Detroit Field Office,
Immigration and Customs
Enforcement; et al.,

Respondents.

**Respondents' Reply Brief in Support of Their Emergency Motion to
Vacate the Court's Order Requiring Petitioner's Personal
Attendance at an Upcoming Hearing**

Issue Presented

Should the Court vacate its order requiring petitioner's personal attendance at the upcoming hearing when petitioner will likely be removed from the United States before the hearing, which will render this case and the hearing moot?