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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

YAMRAJ KHADKA,

Petitioner,

v.

MARKWAYNE MULLIN ET AL.,

Respondents.

CASE NO. 1:26-CV-05225-JLT-CDB

MOTION TO MODIFY JUDGMENT[1]

Respondents ask the Court to modify or dissolve the order preventing the Respondents from transferring or removing Petitioner from the United States or out of the Eastern District of California. Dkt. No. 4. Federal Rule of Civil Procedure 60(b)(5) allows Courts to "modify an injunction when applying it prospectively is no longer equitable." *California by & through Becerra v. U.S. Env't Prot. Agency*, 978 F.3d 708, 713 (9th Cir. 2020) (citation modified). These changes may include "a significant change either in factual conditions or in law [that] renders continued enforcement detrimental to the public interest." *Horne v. Flores*, 557 U.S. 433, 447 (2009) (citation modified).

In this case, the Court issued an order preventing transfer or removal on July 7, 2026. Dkt. No. 4. After the order, Respondents confirmed that Petitioner has been accepted for removal to the Central African Republic at the end of July. *Thurman Karan* Dec. at 2.

[1] Respondents will file the response to the Order to Show Cause by July 20, 2026.

Now, Respondents ask the Court to dissolve or modify the order so that it may execute the removal order. Other than this Court's order preventing removal, Respondents are unaware of any obstacles to Petitioner's removal. *Id.* As the Supreme Court has recognized, "there is always a public interest in prompt execution of removal orders: The continued presence of an alien lawfully deemed removable undermines the streamlined removal proceedings IIRIRA established, and permits and prolongs a continuing violation of United States law." *Nken v. Holder*, 556 U.S. 418, 436 (2009) (citation modified). Nor can Petitioner show he will suffer an irreparable injury if he is removed because, "Aliens who are removed may continue to pursue their petitions for review, and those who prevail can be afforded effective relief by facilitation of their return, along with restoration of the immigration status they had upon removal." *Id.* at 435. Therefore, because continued enforcement of the do not transfer or remove order is detrimental to the public interest it should be modified or dissolved to allow Respondents to remove Petitioner from the United States.

Dated: July 15, 2026

Eric Grant
United States Attorney

By: /s/ JONATHAN WILLIAMS
JONATHAN WILLIAMS
Special Assistant United States Attorney