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**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

JANUARY WALKER,

Plaintiff,

v.

CHRIS WRIGHT, Secretary of Energy,

in his official capacity;

UNITED STATES DEPARTMENT OF ENERGY;

PETE HEGSETH, Secretary of Defense,

in his official capacity;

UNITED STATES DEPARTMENT OF DEFENSE;

VALAR ATOMICS LLC;

ISIAAH TAYLOR, Chief Executive Officer,

Valar Atomics LLC,

Defendants.

Civil Action No. _____

**PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

22 Plaintiff January Walker, proceeding pro se, respectfully moves this Court
23 pursuant to Federal Rule of Civil Procedure 65 and DUCivR 65-1 for a temporary
24 restraining order and preliminary injunction against Defendants Chris Wright,
25 Secretary of Energy; United States Department of Energy; Pete Hegseth,
26 Secretary of Defense; United States Department of Defense; Valar Atomics LLC;
27 and Isaiah Taylor, halting all fuel insertion activities and all actions directed
28 toward nuclear criticality in the Ward 250 nuclear reactor at the Utah San Rafael
29 Energy Lab in Orangeville, Emery County, Utah, pending completion of the
30 environmental review and federal licensing processes that federal law requires.

31

32 **GROUNDS FOR THIS MOTION**

33

34 This motion is supported by the Complaint, the Memorandum of Law in
35 Support, the Declaration of January Walker, and the proposed Temporary
36 Restraining Order filed contemporaneously herewith. Each of the four Winter
37 factors is satisfied independently and on multiple grounds. *Winter v. Natural*
38 *Resources Defense Council*, 555 U.S. 7, 20 (2008).

39

40 1. Plaintiff is likely to succeed on the merits of eight independent statutory
41 counts. This case does not ask this Court to conduct technical review of
42 nuclear safety judgments. It presents pure questions of statutory

43 compliance on an undisputed documentary record. Under *Loper Bright*
44 *Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), this Court exercises
45 independent judgment in determining what the applicable statutes
46 require. No deference is owed to executive characterizations of statutory
47 obligations.

48
49 The undisputed record establishes eight completed statutory violations. The
50 Ward 250 was deployed without an NRC construction permit and without an
51 NRC operating license in violation of 42 U.S.C. § 2133. DOE issued a categorical
52 exclusion eliminating all NEPA environmental review in violation of 42 U.S.C. §
53 4332. DOE eliminated the ALARA radiation protection standard, the cognizant
54 system engineer requirement, and groundwater discharge protections from its
55 nuclear safety orders without public notice or comment in violation of 5 U.S.C. §
56 553. No Section 7 ESA consultation was conducted in violation of 16 U.S.C. §
57 1536. No Section 401 Clean Water Act certification was obtained in violation of 33
58 U.S.C. § 1341. No Section 106 NHPA consultation was conducted in violation of
59 54 U.S.C. § 306108. DOE failed to document consideration of the extraordinary
60 circumstances exception before applying its categorical exclusion in violation of
61 10 CFR Part 1021 Appendix B. DOE's characterization of the Ward 250 as limited
62 research while simultaneously contractually requiring a multi-site commercial
63 fleet deployment plan as a condition of federal funding is arbitrary and

64 capricious under 5 U.S.C. § 706(2)(A). *Motor Vehicle Manufacturers Ass’n v.*
65 *State Farm*, 463 U.S. 29, 43 (1983).

66
67 The government cannot invoke *Seven County Infrastructure Coalition v. Eagle*
68 *County*, 605 U.S. ____ (2025), to shield the Ward 250 from NEPA review. Seven
69 County addressed the scope of an EIS an agency had actually prepared. Here
70 DOE prepared no EIS at all and applied a categorical exclusion without
71 documenting consideration of the extraordinary circumstances exception that
72 DOE’s own regulations require at 10 CFR Part 1021 Appendix B. Seven County’s
73 deference to agency discretion in conducting environmental review cannot shield
74 an agency from review when it has elected to conduct no review whatsoever.

75 The question before this Court is not how much analysis NEPA requires. It is
76 whether DOE followed the specific procedural gates of its own regulations
77 before bypassing NEPA entirely. That is a question of law this Court decides *de*
78 *novo*.

79
80 DOE cannot substitute executive order authority for a congressional licensing
81 requirement. The Supremacy Clause establishes that federal statutes enacted by
82 Congress constitute the supreme law of the land. U.S. Const. art. VI, cl. 2. An
83 executive order that purports to authorize operation of a civilian nuclear reactor
84 without the NRC license Congress requires at 42 U.S.C. § 2133 is without legal

85 effect to the extent it conflicts with that statute. *Youngstown Sheet & Tube Co. v.*
86 *Sawyer*, 343 U.S. 579 (1952).

87

88 2. Plaintiff will suffer irreparable harm in the absence of relief on three
89 independent grounds, each legally sufficient on its own. *Heideman v.*
90 *South Salt Lake City*, 348 F.3d 1182, 1189 (10th Cir. 2003) (harm is
91 irreparable when it cannot be remedied through money damages after the
92 fact).

93

94 First, fuel insertion is imminent and the insertion date has not been publicly
95 disclosed. Once TRISO fuel enters the Ward 250 reactor vessel, enriched uranium
96 exists in the Colorado River watershed serving 35 to 40 million people across
97 seven states. No court order issued after that point can reverse that physical fact.
98 The irreversibility of fuel insertion is not a policy argument. It is a physical and
99 legal reality. *Amoco Production Co. v. Village of Gambell*, 480 U.S. 531, 545
100 (1987) (“environmental injury, by its nature, can seldom be adequately remedied
101 by money damages and is often permanent or at least of long duration, i.e.,
102 irreparable”).

103

104 Second, the Ward 250 DOE authorization baseline will be incorporated into the
105 Pioneer Units 1 and 2 commercial licensing proceeding in NRC Docket Nos. 50-

106 616 and 50-617 through DOE-NRC MOU Addendum No. 9 and the April 2, 2026
107 proposed NRC rule under Docket NRC-2025-1503 before Plaintiff's formal
108 adjudicatory petition can be adjudicated. Plaintiff is an active participant in that
109 proceeding with a petition pending before the April 28, 2026 deadline. A
110 deficient safety baseline established in violation of eight federal statutes will
111 permanently corrupt a federal proceeding in which Plaintiff has documented
112 legal participation rights. *Forest Guardians v. Babbitt*, 174 F.3d 1178, 1197 (10th
113 Cir. 1999) (deprivation of procedural rights established by Congress constitutes
114 irreparable harm).

115
116 Third, the thermodynamic consequences of nuclear deployment in the Great Salt
117 Lake terminal basin—the primary water supply for 80 percent of Utah's
118 population and the watershed in which Plaintiff's family has resided for eight
119 generations—have never been analyzed by any federal or state agency. Utah
120 DEQ formally stated in writing that no such analysis exists on record. Plaintiff
121 produced the only existing analysis. The government was asked. The
122 government declined to answer. No subsequent court order restores the public's
123 right to participate in a decision that has already been made without the
124 information Congress required DOE to produce. *Federal Election Commission v.*
125 *Akins*, 524 U.S. 11, 20-21 (1998).

126

127 3. The balance of equities tips decisively in Plaintiff's favor. Defendants face
128 quantifiable and compensable commercial delay. Commercial delay is a
129 financial harm. Financial harms are by definition compensable by money
130 damages and therefore do not constitute irreparable harm. *Rolo v. City*
131 *Investing Co. Liquidating Trust*, 155 F.3d 644, 657 (3d Cir. 1998). National
132 energy security cannot be asserted as a countervailing harm at the Ward
133 250 scale. A 100-kilowatt thermal microreactor in rural Utah is not a
134 material contributor to national energy security on any timeline relevant
135 to this motion. Plaintiff faces permanent physical harm from radiological
136 conditions in the Colorado River watershed, permanent regulatory harm
137 from a corrupted commercial licensing baseline, and permanent
138 deprivation of the procedural rights Congress enacted. The government
139 can delay a commercial timeline. No court can un-insert nuclear fuel, un-
140 establish a regulatory baseline, or restore the public's right to participate
141 in a decision that is already irreversible.

142
143 4. The public interest strongly favors the injunction. In cases against the
144 government the public interest inquiry merges with the balance of
145 equities. *Diné Citizens Against Ruining Our Environment v. Jewell*, 839
146 F.3d 1276, 1282 (10th Cir. 2016). There is generally no public interest in the

147 perpetuation of unlawful agency action. League of Women Voters of
148 United States v. Newby, 838 F.3d 1, 12 (D.C. Cir. 2016). The public interest
149 in this specific case is documented through institutional actors whose
150 credibility this Court can assess directly. Twelve state attorneys general
151 formally challenged the DOE categorical exclusion as illegal before the
152 March 4, 2026 comment deadline. The former chair of the Nuclear
153 Regulatory Commission publicly stated the regulator is no longer
154 independent and the safety culture is under threat. Three independent
155 NRC officials separately described the erosion of the agency's safety
156 culture. Greater Yellowstone Coalition v. Flowers, 321 F.3d 1250, 1267-68
157 (10th Cir. 2003) (public interest in enforcement of environmental statutes
158 weighs in favor of injunction). The public interest in requiring federal
159 agencies to follow the procedures Congress enacted before deploying
160 nuclear technology in a watershed serving 35 to 40 million people is
161 substantial, documented, and institutionally supported.

162

163 5. The TRO should issue without notice pursuant to Federal Rule of Civil
164 Procedure 65(b)(1). The fuel insertion date has not been publicly disclosed
165 by Valar Atomics or DOE. Plaintiff has no means of determining how
166 many days remain before the first irreversible threshold is crossed. Fuel

167 insertion may occur within days of this filing. Plaintiff provided formal
168 pre-litigation notice to Defendants Valar Atomics LLC and Isaiah Taylor—
169 the parties with direct operational control over fuel insertion—on April 3,
170 2026 with a same-day response deadline pursuant to Federal Rule of Civil
171 Procedure 65(b). No confirmation of halt was received. Notice to the
172 federal defendants before this Court has an opportunity to act creates a
173 substantial risk that the fuel insertion schedule will be accelerated into the
174 window between notice and hearing, rendering the emergency threshold
175 irreversible before relief can issue. Specific facts shown in the Declaration
176 of January Walker filed herewith establish that immediate and irreparable
177 injury will result before Defendants can be heard in opposition.

178
179 6. The Court should waive or set a nominal bond under Federal Rule of Civil
180 Procedure 65(c). This action enforces procedural requirements enacted by
181 Congress to protect the public from the consequences of nuclear
182 deployment without environmental review. The public interest nature of
183 this action, the pro se status of Plaintiff, the strength of the legal claims on
184 the undisputed documentary record, and the fact that the primary relief
185 sought is process compliance rather than financial compensation each
186 independently support a nominal or zero bond. Greater Yellowstone

187 Coalition, 321 F.3d at 1256 (courts have discretion to set security at
188 nominal amount in public interest environmental cases); *Forest*
189 *Guardians*, 174 F.3d at 1197 (same).

190

191 **RELIEF REQUESTED**

192

193 Plaintiff respectfully requests that this Court:

194

195 A. Issue a Temporary Restraining Order immediately upon filing pursuant to
196 Federal Rule of Civil Procedure 65(b)(1) ordering all Defendants to
197 immediately halt all fuel insertion activities and all actions directed
198 toward nuclear criticality in the Ward 250 reactor;

199 B. Order Defendants Valar Atomic LLC, Isaiah Taylor, and the United States
200 Department of Energy to disclose the planned fuel insertion date
201 within seventy-two hours of service of this motion;

202 C. Set an expedited hearing on Plaintiff's Motion for Preliminary Injunction
203 within fourteen days of entry of the Temporary Restraining Order;

204 D. Order expedited briefing with Defendants' opposition due within seven
205 days of service and Plaintiff's reply due within three days thereafter;

206 E. Order all Defendants to immediately preserve all documents, records,
207 communications, and data relating to the Ward 250 deployment, the
208 DOE Nuclear Reactor Pilot Program, the DOE categorical exclusion,
209 the Ward 250 Preliminary Documented Safety Analysis, and all
210 communications with the State of Utah regarding Operation Gigawatt
211 pending further order of this Court;

212 F. Issue a Preliminary Injunction following hearing continuing the halt on fuel
213 insertion and nuclear criticality activities until each of the following
214 statutory processes has been fully completed and the results made
215 available for public review: (i) NRC construction permit and operating
216 license pursuant to 42 U.S.C. § 2133; (ii) Environmental Impact
217 Statement pursuant to 42 U.S.C. § 4332; (iii) Section 7 ESA consultation
218 pursuant to 16 U.S.C. § 1536; (iv) Section 401 Clean Water Act
219 certification pursuant to 33 U.S.C. § 1341; (v) Section 106 NHPA
220 consultation pursuant to 54 U.S.C. § 306108; (vi) reinstatement of
221 ALARA, the cognizant system engineer requirement, and
222 groundwater discharge protections with lawful public notice and
223 comment pursuant to 5 U.S.C. § 553;

224 G. Waive or set a nominal security bond pursuant to Federal Rule of Civil
225 Procedure 65(c) given the public interest nature of this action and
226 Plaintiff's pro se status;

227 H. Grant such other and further relief as this Court deems just and proper.

228

229 **SUPPORTING PAPERS**

230

231 This motion is supported by the following papers filed contemporaneously
232 herewith:

233

234 1. Complaint for Declaratory and Injunctive Relief;

235 2. Motion for Emergency Consideration;

236 3. Memorandum of Law in Support of Plaintiff's Motion for Temporary
237 Restraining Order and Preliminary Injunction;

238 4. Declaration of January Walker in Support of Plaintiff's Motion for
239 Temporary Restraining Order and Preliminary Injunction;

240 5. Proposed Temporary Restraining Order.

241

242 **CERTIFICATION OF GOOD FAITH EFFORTS**

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244 Pursuant to DUCivR 7-1(a)(1), Plaintiff certifies that she has made good faith
245 efforts to resolve this matter before filing. On April 3, 2026, Plaintiff provided
246 formal pre-litigation notice to Defendants Valar Atomics LLC and Isaiah Taylor
247 by email to isaiah@valaratomics.com, muhammad@valaratomics.com,
248 mark@valaratomics.com, and max@valaratomics.com pursuant to Federal Rule
249 of Civil Procedure 65(b) demanding halt of all fuel insertion activities with a
250 same-day response deadline. No confirmation of halt was received. On April 3,
251 2026, Plaintiff submitted a formal nine-contradiction reconciliation demand to
252 the DOE Office of Nuclear Energy. DOE did not respond substantively. Plaintiff
253 has exhausted all available pre-filing remedies and contacted chambers upon
254 filing pursuant to the Court's Emergency Motion Procedures Order.

255
256 Respectfully submitted,

257
258  /s/
259 _____

260 January Walker
261 Planetary Information Security Officer
262 Plaintiff Pro Se
263 Salt Lake City, Utah
264 April 7, 2026
265 ORCID: 0009-0000-6843-2051

