

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

ABRAHIM BUSH ABRAHIM MANAGO,

*Petitioner,*

v.

CRYSTAL CARTER, et al,

*Respondents.*

Case No. 5:25-cv-03183-JWL

MOTION FOR AWARD OF  
ATTORNEY'S FEES AND COSTS  
PURSUANT TO THE EQUAL ACCESS  
TO JUSTICE ACT

INTRODUCTION

Pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, Petitioner Abraham Bush Abraham Manago (“Mr. Manago”) moves for an award of attorney’s fees and costs incurred in challenging the constitutionality of his prolonged detention of more than six months following a final order of removal in his immigration case under *Zadvydas v. Davis*, 533 U.S. 678 (2001). Respondents include U.S. government officials and the warden of FCI Leavenworth in Leavenworth, Kansas.

This Court granted Mr. Manago’s petition for writ of habeas corpus on October 7, 2025, ordering his release from custody within ten days. *Manago v. Carter*, No. 5:25-cv-03183-JWL, Dkt. 14, 2025 WL 2841209 (D. Kan. Oct. 7, 2025). The Court entered a final judgment that same day. Dkt. 15. Mr. Manago is thus a prevailing party entitled to attorney’s fees and expenses. In addition, he meets EAJA’s net worth limitation, the government’s position was not substantially justified, and there are not special circumstances that make an award unjust. 28 U.S.C. § 2412(d)(1)(A).

Mr. Manago moves this Court for an award of \$1,861.15, representing \$1,813.25 in fees and \$47.90 in costs. Pursuant to D. Kan. Local R. 54.2, Petitioner certifies that twice, on November

4, 2025, and November 25, 2025, counsel for Petitioner attempted to consult with counsel for Respondents by email in an attempt to resolve this matter by mutual agreement, but received responses stating that Respondents were unwilling or unable to agree to an award of fees and costs in this matter. *See* Ex. B, Declaration of James D. Jenkins at ¶ 9.

**SUMMARY OF FACTUAL AND PROCEDURAL BACKGROUND**

The full factual background for Mr. Manago's claim is laid out in the Verified Petition for Writ of Habeas Corpus filed on September 3, 2025 (Dkt. 1). Relevant portions of the factual and procedural history are summarized here.

Mr. Manago, [REDACTED]

[REDACTED]

[REDACTED] He subsequently fled to this country and sought protection from an immigration court. At a hearing before an immigration judge on January 28, 2025, Mr. Manago was granted withholding of removal to Sudan. No appeal of that determination was filed, and it became final 30 days later, on February 27, 2025. Following Mr. Manago's grant of withholding of removal, Respondents continued to jail him in conditions indistinguishable from criminal incarceration at FCI Leavenworth.

Mr. Manago filed his habeas petition in this Court on September 3, 2025. Dkt. 1. He also filed a motion for temporary restraining order (Dkt. 3-4), which the Court denied and for which EAJA fees are not being sought. The Court issued an Order to Show Cause (Dkt. 5), ordering Respondents to respond by October 1, 2025, and granting Petitioner until October 29, 2025 to file a reply. On October 1, 2025, Respondents filed their response to the habeas petition, along with a declaration from Bradley W. McNary, a deportation officer with ICE. Dkt. 12. The declaration contained only a vague statement that Respondents had attempted to remove Petitioner to four

countries, with no details of when these attempts were made, or what the attempts consisted of, or what response (if any) was received from those countries. Dkt. 12-1 at ¶ 18. The declarant further stated that “ICE will continue its efforts to identify alternative countries to which Petitioner can be removed.” *Id.* at ¶ 19. Petitioner filed a reply the following day, October 2, 2025. Dkt. 13.

On October 7, 2025, the Court entered an order granting the petition for writ of habeas corpus, finding that “Respondents have not been able to provide evidence or even point to any specific fact that creates a significant likelihood that, even though officials have failed in their attempts to remove petitioner to a third country, and even though they have seemingly made no additional efforts regarding other countries, petitioner will nonetheless be removed to a third country in the reasonably foreseeable future.” Dkt. 14 at 5. The Court ordered Petitioner released by October 17, 2025. The Court entered final judgment in Petitioner’s favor on October 7, 2025. Dkt. 15.

### **LEGAL STANDARD**

Under 28 U.S.C. § 2412(d)(1)(A)-(B), a court “shall” award fees and other expenses to the eligible prevailing party in an action against the United States when that party files a timely and complete application for fees, the government’s position was not substantially justified, and no special circumstances exist that would make an award unjust. *See* 28 U.S.C. § 2412(d)(1)(A)-(B); *Al-Maleki v. Holder*, 558 F.3d 1200, 1204 (10th Cir. 2009). Additionally, the petitioner must have a net worth of less than two million dollars. *See* 28 U.S.C. § 2412(d)(2)(B)(i).

### **ARGUMENT**

Mr. Manago is entitled to fees and other expenses under EAJA because he meets each of the statute’s requirements: (1) his motion is timely; (2) he is an eligible and prevailing party; (3) the government’s position was not substantially justified; and (4) no special circumstances exist to

make an award of fees unjust. In sum, Mr. Manago is entitled to reasonable attorneys' fees and costs amounting to **\$1,861.15**.

**A. The Fee Application is Timely**

An EAJA application for fees and other expenses must be filed “within thirty days of final judgment in the action.” 28 U.S.C. § 2412(d)(1)(B). The thirty-day EAJA clock does not begin to run until after the time to appeal an effective final judgment has expired. *Melkonyan v. Sullivan*, 501 U.S. 89, 96 (1991). In district court cases in which the United States is a party, a party has 60 days after the judgment or order is entered by the district court to file an appeal. Fed. R. App. P. 4(a)(1)(B). Thus, an EAJA fee application must be filed within 30 days after the expiration of the 60-day appeal period. *See also Birnell v. Apfel*, 76 F. Supp. 2d 1195, 1196 (D. Kan. 1999) (Lungstrum, J.) (noting that the 30-day EAJA clock begins to run after the time to appeal has expired). This Court entered its final judgment on October 7, 2025, the 60-day appeal period expires on December 8, 2025, and 30 days after that date is January 7, 2026. This fee application is timely.

**B. Mr. Manago is Eligible to Receive EAJA Fees and is the Prevailing Party**

Mr. Manago is eligible to receive EAJA fees and is the prevailing party in the habeas corpus litigation he filed.

1. Mr. Manago's net worth does not exceed the statutory limit.

Mr. Manago is eligible for EAJA fees because he is “an individual whose net worth did not exceed \$2,000,000 at the time the civil action was filed.” *See* 28 U.S.C. § 2412(d)(2)(B)(i). Undersigned counsel represented Mr. Manago on a pro bono basis because he could not afford to pay for legal counsel. Without the offer of free legal services, Mr. Manago would not have had the opportunity to challenge his unconstitutional confinement. In support of his eligibility, Mr. Manago

is submitting a declaration with this motion confirming that his net worth is below the statutory threshold. *See* Ex. A, Declaration of Abraham Bush Abraham Manago.

2. This case was a “civil action” for EAJA purposes.

EAJA provides for a fee award in “any civil action.” 28 U.S.C. § 2412(d)(1)(A). The Tenth Circuit recently confirmed that immigration habeas cases like this one are civil actions for the purposes of EAJA. *Daley v. Ceja*, -- F.4th --, 2025 WL 3058588 (10th Cir. Nov. 3, 2025), at \*1.

3. The Court ruled in Mr. Manago’s favor, and he is the prevailing party.

A petitioner is a “prevailing party” when the suit results in a “judicially sanctioned change in the legal relationship of the parties,” *Buckhannon Bd. and Care Home, Inc. v. W. Va. Dep’t of Health and Human Resources*, 532 U.S. 598, 604-05 (2001), such that the petitioner “could obtain a court order to enforce the merits of some portion of the claim it made in its suit.” *Biodiversity Conservation Alliance v. Stem*, 519 F.3d 1226, 1230 (10th Cir. 2008); *see also Iqbal v. Holder*, 693 F.3d 1189, 1193-94 (10th Cir. 2012) (applying *Buckhannon* to EAJA).

Mr. Manago is a prevailing party: he obtained the relief he initially sought, namely his release from unconstitutional confinement. In its October 7, 2025 Order, this Court ordered that “Respondents shall release petitioner from custody, subject to an appropriate order of supervision, by October 17, 2025, and shall provide notice to this Court when that release is effected.” Dkt. 14 at 6. Respondents provided notice that Petitioner had been released from custody on October 14, 2025. Dkt. 17. Thus, this Court’s Order and Judgment conferred prevailing party status on Mr. Manago for EAJA purposes. *See, e.g., Arias v. Choate*, 2023 WL 4488890 (D. Colo. July 12, 2023), at \*6 (“Petitioner was awarded relief from the Court when her writ of habeas corpus was granted[,] making her a prevailing party”); *Daley v. Choate*, 2024 WL 989397 (D. Colo. March 7, 2024), at \*1.

**C. Respondents' Pre-Litigation and Litigation Positions Were Not Substantially Justified.**

As a prevailing party, Mr. Manago is entitled to attorneys' fees because Respondents cannot show that "the position of the United States was substantially justified." 28 U.S.C. § 2412(d)(1)(A). "Substantially justified" means that the government must show that its position had a "reasonable basis both in law and fact." *Pierce v. Underwood*, 487 U.S. 552, 565 (1988). But "to be substantially justified means, of course, more than merely undeserving of sanctions for frivolousness." *Id.* at 566 (internal quote marks omitted).

In the context of an EAJA attorney's fee award, the government "bears the burden of establishing its position was justified to a degree that could satisfy a reasonable person." *Al-Maleki*, 558 F.3d at 1207 (internal quotation marks omitted). For purposes of EAJA, "the position of the United States" includes the government's litigation position and the agency's pre-litigation actions, both of which must be substantially justified, or "reasonable in fact and law." *Id.* at 1206-07. In other words, as relevant to this case, both ICE's pre-litigation decision to confine Mr. Manago for 188 days after he won withholding of removal, despite the fact that Respondents were apparently making no serious effort to deport him, as well as Respondents' positions taken during the course of this litigation, must be substantially justified. *See id.* at 1207.

**1. Respondents' pre-litigation position was not substantially justified.**

At the time this litigation commenced, Respondents had held Mr. Manago for 188 days after his removal order became final and continued to do so even after this suit was filed. Respondents' pre-litigation position was not substantially justified, given that the Supreme Court made clear a quarter-century ago that, once the initial 90-day removal period expires, "continued detention is no longer authorized" if "removal is no longer reasonably foreseeable." *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001). Thus, at the end of the statutory 90-day removal period in this

case, Mr. Manago should have been released, since, given that Respondents were taking no action toward his removal, it cannot be said that his removal was at any point reasonably foreseeable. As the Court found, Respondents were not “able to provide evidence or even point to any specific fact” showing a significant likelihood of his removal. Dkt. 14 at 5. With no evidence or facts to support Respondents’ position, it cannot be said to be “substantially justified” or “reasonable in fact and law.”

2. Respondents’ litigation position was not substantially justified.

By the time Respondents filed their response to the Court’s order to show cause on October 1, 2025, this Court had already granted habeas relief in a very similar case, *Vargas v. Noem*, 25-cv-3155, 2025 WL 2770679 (D. Kan. Sept. 29, 2025). But rather than concede that the result in this case was controlled by *Zadvydas* and *Vargas*, Respondents continued to oppose Mr. Manago’s habeas petition and sought to prolong his unconstitutional incarceration. But, despite Respondents’ argument that “ICE has worked diligently to effectuate Petitioner’s removal,” (Dkt. 12 at 4), the Court found that Respondents failed to rebut Mr. Manago’s showing that his detention had become unreasonably indefinite, noting that Respondents could not identify “any additional country that has been investigated or considered, or identified any country to which removal might be possible” and that Respondents had not “offered any evidence explaining why officials have not been able to undertake any additional efforts in petitioner’s case.” Dkt. 14 at 5. The Court rejected Respondents’ contention that they had been diligent, noting that “officials have failed in their attempts to remove petitioner to a third country” and “have seemingly made no additional efforts regarding other countries.” *Id.* Even with the attempts Respondents had supposedly made, the Court found Respondents’ showing insufficient, noting that Respondents did “not describe those attempts at all. Thus, it is not clear whether requests were actually sent to those other countries,

and if so, what responses were received. Nor does the declarant state when those ‘attempts’ were made, and thus respondents have not shown that any efforts have been made in the recent past.” *Id.* In short, the Court found Respondents’ response to the Order to Show Cause wholly lacking in justification.

Although Respondents’ position was not so frivolous as to be sanctionable, this is not the standard under EAJA: the Government’s position must be “substantially justified.” Here, where the Government could offer no evidence or point to any fact that showed they had taken any meaningful step toward Mr. Manago’s removal during the seven months of his detention, nor that they had even identified a single country to which he might be removed, its opposition to his release was not substantially justified.

**D. No Special Circumstances Exist That Would Make An Award of EAJA Fees Unjust.**

Finally, Mr. Manago’s case does not present “special circumstances” that would render an EAJA award “unjust.” *See* 28 U.S.C. § 2412(d)(1)(A). The burden of proving the special circumstances exception to the mandatory award of fees under EAJA rests with the government. *See, e.g., Abela v. Gustafson*, 888 F.2d 1258, 1266 (9th Cir. 1989); *Dougherty v. Lehman*, 711 F.2d 555, 561 (3d Cir. 1983). “The ‘special circumstances’ exception to the mandatory award of attorney fees ... was developed to ensure that the government is not deterred from advancing good faith but novel legal arguments.” *Abela*, 888 F.2d at 1266. However, here, as in *Abela*, “[t]he government advanced no novel legal arguments” and “no equitable considerations preclude an award of attorney fees.” *Id.*

**E. The Amount of Attorney’s Fees and Expenses is Reasonable.**

Because Mr. Manago has satisfied EAJA’s statutory requirements, he is entitled to “reasonable attorney fees.” 28 U.S.C. § 2412(d)(2)(A).

In the course of this case, counsel kept contemporaneous records of time spent working on this case, including litigation of the habeas petition as well as the preparation of this EAJA motion, all of which is reimbursable. Ex. B (Declaration of James D. Jenkins, with attachments). Mr. Manago will seek additional fees if Respondents oppose this motion and counsel must draft a reply.

In total, Mr. Manago seeks an award of \$1,813.25 in fees, representing 7.2 hours of attorney time. The time spent by counsel on this matter was reasonable and necessary to provide an effective presentation of Mr. Manago's case.

Specifically, Mr. Manago seeks an award for the work of his attorneys at the following rates and amounts:

<u>Name</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
James D. Jenkins (2004 law graduate)	\$251.84 <sup>1</sup>	7.2	\$1,813.25

Mr. Manago's attorney seeks compensation that accounts for the increased cost of living, which is greater than the statutory rate reflected under EAJA, given that Congress has not adjusted the rate since 1996. *See* 28 U.S.C. § 2412(d)(2)(A); *see also* *Greenhill v. United States*, 96 Fed. Cl. 771, 783 (Fed. Cl. 2011) ("Except in unusual circumstances, a COLA should be freely given to plaintiffs applying for attorneys' fees under EAJA."). Mr. Manago proposes that the national consumer price index be used for this adjustment. *See* *Greenhill*, 96 Fed. Cl. at 784 (applying national index); *Thangaraja*, 428 F.3d 870 at 876-77 (same); *see also* *Harris v. Railroad Retirement Bd.*, 990 F.2d 519, 521 & n.1 (10th Cir. 1993) (granting cost-of-living increase based

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<sup>1</sup> This is the Ninth Circuit's statutory maximum rate under EAJA for 2024 (which has not been updated for 2025), adjusted from the statutory rate of \$125 to account for increases in the cost of living. *See* Statutory Maximum Rates Under the Equal Access to Justice Act, available at: <https://www.ca9.uscourts.gov/attorneys/statutory-maximum-rates/> (accessed November 29, 2025). The rate is based on the cost-of-living adjustment formula set out in *Thangaraja v. Gonzales*, 428 F.3d 870, 876-77 (9th Cir. 2005).

on consumer price index, with no reference to regional index).

Undersigned counsel's declaration and time accounting is attached, which describe counsel's qualifications and experience, the work performed during the litigation of the habeas case and the present EAJA motion, and provide a detailed accounting of the time spent on litigation. *See* Ex. B and attachments thereto. The amount of the fee award is considerably smaller than awards in other immigration habeas cases in district courts in the Tenth Circuit of which Petitioner is aware. *See, e.g., Arias*, 2023 WL 4488890 at \*8 (award of \$22,601.32 in fees); *Daley*, 2024 WL 989397 at \*3 (\$18,553.92).

In addition to an award of attorney's fees, Petitioner seeks recovery of the following costs, receipts for which are included with the exhibits filed as an attachment to Ex. B:

- \$42.90 for service of process via Certified Mail pursuant to Fed. R. Civ. P. 4(i). *See, e.g., Arnao v. Comm'r of Social Security Admin.*, 2024 WL 710410 (S.D.N.Y. Feb. 21, 2024) (concluding "expenses of serving the summons and [C]omplaint by certified mail ... are reasonable and recoverable"); *Barbour v. Colvin*, 993 F. Supp. 2d 284, 292-93 (E.D.N.Y. 2014) ("Reasonable out-of-pocket expenses are generally reimbursed as a matter of right in connection with an award of attorney's fees."). Petitioner acknowledges the decision in *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986), which holds that "postage" is not recoverable under EAJA; however, here, where the cost was not an ordinary postage expense but rather the cost of service of process, Petitioner respectfully suggests that reimbursement should be allowed.
- \$5.00 for the filing fee. 28 U.S.C. § 1920(1) (allowing costs for "Fees of the clerk").

In total, Petitioner requests an award of \$1,861.15, representing \$1,813.25 in fees and \$47.90 in costs.

**CONCLUSION**

For the foregoing reasons, the Court should award reasonable fees and costs in the total amount of \$1,861.15, plus fees for any time spent preparing a reply brief if Respondents oppose this motion.

Dated: December 9, 2025

Respectfully submitted,

/s/ James D. Jenkins  
James D. Jenkins (KSD #78125, MO #57258)  
P.O. Box 6373  
Richmond, VA 23230  
Tel.: (804) 873-8528  
jjenkins@valancourtbooks.com

*Counsel for Petitioner*

**EXHIBITS**

Declaration of Abraham Manago ..... Exh. A

Declaration of James D. Jenkins ..... Exh. B

**CERTIFICATE OF SERVICE**

I, James D. Jenkins, hereby certify that on December 9, 2025, I filed the foregoing with the Clerk of Court using the CM/ECF system, which sent notice of filing to all parties receiving electronic notice.

/s/ James D. Jenkins  
*Attorney for Petitioner*

IN THE UNITED STATES DISTRICT COURT  
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Case No. 5:25-cv-03183-JWL

**DECLARATION OF ABRAHIM BUSH ABRAHIM MANAGO**

Pursuant to 28 U.S.C. § 1746, I, Abraham Bush Abraham Manago, make this Declaration.

1. I am the petitioner in this case.
2. My net worth at the time of filing was less than \$2,000,000.

I declare under penalty of perjury that the foregoing is true and correct.

Date: November 12, 2025

/s/ Abraham Bush Abraham Manago  
Abraham Bush Abraham Manago

IN THE UNITED STATES DISTRICT COURT  
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ABRAHIM BUSH ABRAHIM MANAGO,

*Petitioner,*

v.

CRYSTAL CARTER, et al,

*Respondents.*

Case No. 5:25-cv-03183-JWL

DECLARATION OF JAMES D.  
JENKINS IN SUPPORT OF MOTION  
FOR AWARD OF ATTORNEY'S FEES  
UNDER EAJA

Pursuant to 28 U.S.C. § 1746 and D. Kan. L.R. 54.2, I, James D. Jenkins, make this declaration in support of the Motion for Award of Attorneys' Fees and Costs Pursuant to the Equal Access to Justice Act.

1. I am an attorney and counsel in the above-captioned case. I make this declaration in support of Petitioner's Motion for Award of Attorney's Fees related to the petition for writ of habeas corpus filed on behalf of Abraham Bush Abraham Manago. This declaration is based upon my personal knowledge of the facts set forth below, and if called upon to testify, I could and would testify competently thereto.

2. I am General Counsel to Valancourt Books, LLC in Richmond, Virginia and also maintain a solo private practice in which I perform hundreds of hours of pro bono legal work each year, mostly in the areas of appellate law, immigration litigation, veterans' disability, and civil liberties and civil rights litigation. Previously I was a Staff Attorney at Legal Aid of Western Missouri in Kansas City, Missouri from 2008 to 2012.

3. I am an active member in good standing admitted to practice in Missouri, Virginia, and Washington, and I am also admitted to practice before twenty-four U.S. District Courts (Western District of Missouri; District of Kansas; District of Colorado; District of Nebraska;

Eastern and Western Districts of Wisconsin; Eastern and Western Districts of Virginia; Eastern and Southern Districts of Texas; Northern and Central Districts of Illinois; Northern and Western Districts of New York; Eastern and Western Districts of Washington; Northern and Southern Districts of Indiana, Eastern District of Michigan, District of Maryland, Western District of Pennsylvania, Northern District of Ohio, District of New Mexico, Western District of Oklahoma), eight U.S. Courts of Appeals (Third, Fourth, Fifth, Seventh, Eighth, Ninth, Tenth, D.C. and Federal Circuits), the U.S. Court of Appeals for Veterans' Claims, and the U.S. Supreme Court.

4. I am a 2004 graduate of the University of Minnesota. My immigration practice includes representation of noncitizen clients like Mr. Manago both in appellate matters before the Board of Immigration Appeals and the Circuit Courts of Appeals and in habeas cases like this one before U.S. District Courts. Before the Board of Immigration Appeals, I have represented eight noncitizens in appeals of removal decisions and have won all eight cases. I am also counsel on two petitions for review in immigration cases currently pending in the appellate courts, *Martinez v. Bondi*, 25-9556 (10th Cir.) and *Culajay-Sequen v. Bondi*, 25-3313 (3d Cir.). With regard specifically to immigration habeas matters, I have been counsel on eleven cases in which habeas petitions were granted. *See Gonzalez Gutierrez v. Carter*, -- F. Supp. 3d --, [2025 WL 3454295](#) (D. Kan. Dec. 2, 2025); *Mairena-Munguia v. Arnott*, — F. Supp. 3d —, [2025 WL 3229132](#) (W.D. Mo. Nov. 19, 2025); *Batz Barreno v. Baltazar*, [2025 WL 3190936](#) (D. Colo. Nov. 14, 2025); *Delgado v. Crowley*, — F. Supp. 3d —, [2025 WL 3171175](#) (S.D. Ind. Nov. 13, 2025); *Gomez Rodriguez v. Figueroa*, 25-cv-3879 (D. Ariz. Oct. 28, 2025); *Zhuzhiashvili v. Carter*, — F. Supp. 3d —, [2025 WL 2837716](#) (D. Kan. 2025); *Manago v. Carter*, [2025 WL 2841209](#) (D. Kan. Oct. 7, 2025); *Iakubov v. Figueroa*, [2025 WL 2731355](#) (D. Ariz. Sept. 25, 2025); *Misirbekov v. Venegas*, — F. Supp. 3d —, [2025 WL 2451030](#) (S.D. Tex. Aug. 25, 2025); *Sonko v. Bondi*,

2025 WL 1854729 (E.D. Va. July 2, 2025); *Martinez v. Ceja*, 760 F. Supp. 3d 1188 (D. Colo. 2024).

5. Throughout this litigation I kept contemporaneous records of the time I spent working on this case. I reviewed these records and exercised billing judgment in compiling the itemized statement of my time, which is included in Petitioner's Application for Attorneys' Fees Pursuant to the Equal Access to Justice Act. Specifically, I have removed entries for work that may have been duplicative or which was not compensable under EAJA, such as clerical acts like copying and serving the petition.

6. The total amount of time that I am claiming for work on this case is 7.2 hours, as reflected in the attached timesheet.

7. I am also claiming reimbursement for out-of-pocket expenses, including the filing fee and costs for service of process, as detailed on the attached receipts.

8. Because of Mr. Manago's indigency and the importance of the constitutional rights at issue in this case, I represented him pro bono in this matter on a referral from the nonprofit Rocky Mountain Immigrant Advocacy Network (RMIAN).

9. As detailed in the accompanying motion, I attempted on two occasions to consult with counsel for Respondents in an attempt to settle the matter of fees or costs without need to have recourse to the Court, but without success.

10. The rate I request is based on the \$125 hourly rate under the Equal Access to Justice Act (EAJA), adjusted for inflation. In calculating the hourly rate adjusted for cost-of-living increases, I referenced the Ninth Circuit's statutory maximum rate under the EAJA for the year 2024, the most recent year available. *See Statutory Maximum Rates Under the Equal Access to Justice Act, United States Courts for the Ninth Circuit,*

<https://www.ca9.uscourts.gov/attorneys/statutory-maximum-rates/> (last visited November 29, 2025). The rate is based on the following national cost-of-living adjustment formula:

Appropriate cost-of-living increases are calculated by multiplying the \$125 statutory rate by the annual average consumer price index figure for all urban consumers (“CPI-U”) for the year in which counsels’ work was performed, and then dividing by the CPI-U figure for March 1996, the effective date of EAJA’s \$125 statutory rate. *Thangaraja v. Gonzales*, 428 F.3d 870, 876–77 (9th Cir. 2005).

Applying this formula, the statutory maximum rate for EAJA awards for 2025 is \$251.84 per hour of work performed. See *Statutory Maximum Rates Under the Equal Access to Justice Act*, United States Courts for the Ninth Circuit, <https://www.ca9.uscourts.gov/attorneys/statutory-maximum-rates/> (last visited October 7, 2025).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 9, 2025

/s/ James D. Jenkins  
Attorney for Petitioner

**ATTACHMENT TO EXHIBIT B**

## Timekeeping Summary for James D. Jenkins

<b>Date</b>	<b>Description of Services</b>	<b>Time Spent</b>
08/30/25	Westlaw research on D. Kan. habeas cases; check PACER for docket reports and local procedures	0.6
08/31/25	Review client's immigration documents and begin drafting petition	1.2
09/02/25	Phone with immigration attorney Sha Morales re: facts for petition	0.2
09/03/25	Finish drafting petition, reread and revise	1.1
09/03/25	Email draft petition to Sha Morales to verify facts	0.1
09/03/25	Draft and edit TRO motion and memo	1.5 [NO CHARGE]
09/03/25	Prepare civil cover sheet and exhibit for filing	0.1
09/03/25	Call and email to Topeka clerk re: filing	0.2
09/03/25	Prepare certificate of service for service of court's OSC	0.1
09/04/25	Letter to clerk re: filing fee	0.1 [NO CHARGE]
09/04/25	Review government TRO response, research and draft reply	1.3 [NO CHARGE]
09/15/25	Prepare notice of errata	0.1 [NO CHARGE]
10/1/25	Review detention documents sent by S. Morales	0.1
10/2/25	Review government response. Draft, edit, and file reply brief	2.2
10/7/25	Review court order; send court order to S. Morales for communication to client	0.2

10/29/25	Prepare EAJA declaration for client and email to him	0.1
11/29/25	Compile, review, and edit timekeeping entries. Draft EAJA declaration. Draft EAJA motion.	1.0
<b>TOTAL</b>		<b>7.2</b>