

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

G.F.F.,

Petitioner,

v.

LaDeon FRANCIS, et al.,
Respondents.

Case No. 25-CV-7368 (JGK)

PETITIONER'S MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR ATTORNEYS' FEES AND COSTS

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PRELIMINARY STATEMENT

Petitioner G.F.F. moves for attorneys' fees incurred in successfully challenging his unconstitutional detention by Respondents pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, 28 U.S.C. § 2412 (the "EAJA").

Under the EAJA, a court shall award to a "prevailing party" reasonable fees and expenses incurred in a "civil action" against the United States unless the court finds that "the position of the United States was substantially justified." 28 U.S.C. § 2412. "A party prevails if the court grants relief to the party based on 'an assessment of the merits' and thus 'unquestionably' and 'materially alter[s] the existing legal relationship between the parties.'" *Barco Mercado v. Francis*, 811 F. Supp. 3d 487, 505–06 (S.D.N.Y. 2025) (quoting *Vacchio v. Ashcroft*, 404 F.3d 663, 674 (2d Cir. 2005)). Habeas petitions "challenging immigration detentions" are "civil actions" within the meaning of the EAJA. *Id.*

This Court held that G.F.F.'s "prolonged detention plainly entitles him to a renewed bond hearing" and ordered Respondents to provide him with a new bond hearing or release him. *G.F.F. v. Francis*, No. 25-CV-7368 (JGK), 2025 WL 3141735, at *3 (S.D.N.Y. Nov. 10, 2025). After Respondents provided G.F.F. with a bond hearing on November 13, 2025 that did not comply with this Court's order, G.F.F. filed a motion to enforce this Court's November 10, 2025 Memorandum Opinion and Order. Pet'r Mot to Enforce (ECF No. 18). In deciding Petitioner's motion to enforce, this Court held that the "IJ [Immigration Judge] failed to comply with the conditions set forth in the Court's order - namely, the condition that the IJ meaningfully consider reasonable alternatives to detention. G.F.F.'s detention therefore remains unlawful"

and ordered release on conditions *G.F.F. v. Francis*, No. 25-CV-7368 (JGK), 2026 WL 924072, at *4 (S.D.N.Y. Apr. 4, 2026) G.F.F. is now entitled to fees and expenses in the amount of \$21,485.70, including for time spent litigating this fee application.

RELEVANT FACTS AND PROCEDURAL HISTORY

Petitioner G.F.F. is a 22-year-old young person who fled persecution in Venezuela on account of [REDACTED] and who is seeking asylum in the United States. Pet., ECF. 1, ¶¶ 1, 16. After G.F.F. was briefly detained by U.S. Customs and Border Protection (“CBP”) at the U.S. border, he released on his own recognizance, and he moved to Chicago. Petition for Writ of Habeas Corpus (“Pet.”) ¶20 (ECF No. 1); Declaration of Grace Carney Brown Supp. Pet. Writ of Habeas Corpus (“Carney Decl.”) (ECF No. 1-1).

After his release, G.F.F. participated in the Immigration and Customs Enforcement (“ICE”) Alternatives to Detention Program and had a nearly 90% compliance rate with electronic check-ins. ICE Bond Hr’g Evidence at 132 (ECF No. 19-6); G.F.F. Bond Hr’g Evidence, Tab B, G.F.F. Declaration (G.F.F. Dec.) ¶¶ 9–11 (ECF No. 19-11). G.F.F. informed ICE that he would be travelling to New York from Chicago. ICE Bond Hr’g Evidence at 133 (ECF No. 19-6). G.F.F. made efforts to reschedule an immigration court date that was to occur while he was in New York. GF.F. Bond Hr’g Evidence, Tab B, G.F.F. Decl. ¶ 8 (ECF No. 19-11).

In [REDACTED] ICE arrested G.F.F. at a party where they were executing a search warrant for other individuals and placed him in custody at the Orange County Correctional Facility, also known as the Orange County Jail (“OCJ”). Pet. ¶

26 (ECF No. 1). G.F.F. sought release from custody before the immigration court. *See id.* ¶ 30. At no point during the 16 months that Respondents detained G.F.F. did they provide him with a constitutionally adequate bond hearing. Instead at G.F.F.'s initial bond hearing on January 29, 2025, the IJ placed the burden of proof on G.F.F., refused to consider alternatives to detention, and denied G.F.F.'s request for release, finding that G.F.F. had not established eligibility for release on both flight risk and danger. *Id.* ¶¶ 31, 43, 50. In his danger analysis, the IJ relied upon evidence that he would later find in G.F.F.'s immigration case merits decision was insufficient to establish gang association. *Id.* ¶ 83 (ECF No. 1). G.F.F. appealed the IJ's bond ruling to the Board of Immigration Appeals ("BIA"), and on August 26, 2025, the BIA dismissed that appeal, stating that the IJ had both properly placed the burden of proof on G.F.F. and denied bond. *Id.* ¶¶ 57, 58 (ECF No. 1).

Challenging the constitutionality of his detention, G.F.F. filed a petition for a writ of habeas corpus with the U.S. District Court for the Southern District of New York on September 5, 2025. Pet. (ECF No. 1). Through that petition, G.F.F. claimed that: (1) Respondents violated his due process rights by failing to provide him with a constitutionally adequate bond hearing; and (2) G.F.F.'s prolonged detention without a constitutionally adequate bond hearing violated due process. *Id.* In his petition, G.F.F. also explained how the government had attempted to unlawfully summarily deport him to a notorious prison in El Salvador and how he had been facing egregious detention conditions in detention. *Id.* ¶¶ 79, 80, 82 (ECF No. 1).

On September 22, 2025, the Respondents submitted an opposition to G.F.F.'s habeas petition. Resp't Mem. of Law in Opp. to Pet. (ECF No. 10). Respondents maintained that G.F.F. was not entitled to a renewed bond hearing with constitutional safeguards despite clear caselaw from the Second Circuit to the contrary. *Id.*; see *Velasco Lopez v. Decker*, 978 F.3d 842 (2d Cir. 2020),

On November 10, 2025, this Court granted G.F.F.'s petition, finding that G.F.F.'s "prolonged detention plainly entitles him to a renewed bond hearing." *G.F.F. v. Francis*, 2025 WL 3141735, at *3. This Court ordered that the immigration court conduct a constitutionally adequate bond hearing where the government would bear the burden of proof to justify G.F.F.'s detention by clear and convincing evidence, and at which the immigration judge ("IJ") was required to meaningfully consider alternatives to detention. *Id.* at *7.

The hearing that G.F.F. received in immigration court on November 13, 2025 did not comply with this Court's order requiring a constitutionally adequate bond hearing where alternatives to detention are considered. See, *G.F.F. v. Francis*, 2026 WL 924072, at *3 (finding that the November 13, 2025 immigration court bond hearing failed did not comply with this Court's order). On January 7, 2026, G.F.F. filed a motion to enforce this Court's order, arguing that the IJ improperly shifted the burden of proof, failed to consider alternatives to detention, and that the evidence, as a matter of law, did not support the IJ's denial of bond. Memorandum of Law in Support of Motion to Enforce (ECF No. 19).

On January 8, 2026, this Court ordered a telephonic conference in connection to G.F.F.'s motion to enforce. January 8, 2026 Order (ECF No. 20). At that hearing, this Court asked the Petitioner to submit a supplemental memorandum of law regarding the issues of exhaustion and standards of review which counsel for Petitioner filed on January 15, 2026. Pet'r Supp. Memo of Law (ECF No. 22).

On February 3, 2026, Respondents filed their opposition to G.F.F.'s motion to enforce this Court's memorandum opinion and order. Resp't Opp. Br. to Mot to Enforce (ECF No. 25). In their opposition, Respondents conceded that the IJ failed to make explicit analysis and findings on the record with respect to monetary bond and available alternatives to detention but argued nonetheless that the November 13, 2025 bond hearing complied with this Court's order. *Id.* at 15, 16, 17, (ECF No. 25).

On March 23, 2026, this Court ordered the parties to appear for oral argument on March 30, 2026 and submit to the Court proposed conditions of release. *See* March 23, 2026 Order (ECF No. 29). On March 24, 2026, Respondents requested an adjournment of the March 30, 2026 hearing to March 31, 2026 which this Court granted. *See* March 24, 2026 Order Granting Letter Motion (ECF No. 31). On March 26, 2026, the parties jointly requested an extension of this Court's deadline to submit proposed conditions of release on March 30, 2026 in order to explore the possibility of a resolution of Petitioner's motion to enforce; this Court granted that extension request. *See* March 26, 2026 Order Granting Letter Motion (ECF No. 33). On March 30, 2026, the parties separately filed proposed conditions of release. Pet'r Proposed

Conditions of Release (ECF No. 34); Resp't Proposed Conditions of Release (ECF No. 35).

This Court held oral argument on March 31, 2026. At the conclusion of the hearing, this Court requested that the parties jointly propose amendments to the Court's proposed conditions of release; the parties jointly filed a letter proposing amendments to those conditions. *See* April 1, 2026 Joint Letter Proposing Amendments to Conditions of Release (ECF No. 36).

This Court issued a written Memorandum Opinion and Order finding that “[t]he IJ did not ... meaningfully consider whether there were reasonable alternatives to detention that would reasonably ensure G.F.F.’s continued presence. Indeed, except for geolocation monitoring, which the IJ dismissed as ineffective in cursory fashion because it was not effective in all cases, the IJ failed to consider expressly any alternatives to detention. That was error.” *G.F.F. v. Francis*, 2026 WL 924072, at *3. This Court also directed Respondents to release G.F.F. subject to an enumerated list of conditions. *Id.* at *4.

G.F.F. now presents his timely¹ application for attorneys’ fees and costs.

ARGUMENT

I. G.F.F. Is Entitled to Fees and Costs under EAJA.

¹ 28 U.S.C. § 2412(d)(1)(B) (providing 30-day deadline from date of *final* judgment for seeking an award of fees and other expenses); 5 U.S.C. § 504(a)(2) (same); Fed. R. App. P. 4(a)(1)(B) (noting 60-day appeal period if one of the parties is the United States). G.F.F. requested a two-month extension of the February 18, 2026 deadline which was granted on February 18, 2026. February 18, 2026 Order Granting Letter Motion (ECF No. 28).

G.F.F. is entitled to fees and costs incurred litigating his habeas petition because he is a prevailing party, the government's position was not substantially justified, and no special circumstances make the award of fees unjust. *See* 28 U.S.C. § 2412(d)(1)(A); *see also Gomez-Beleno v. Holder*, 644 F.3d 139, 144 (2d Cir. 2011). The Second Circuit has found that EAJA encompasses immigration habeas petitions. *Vacchio v. Ashcroft*, 404 F.3d 663, 668 (2d Cir. 2005). By directing that a court “*shall award*” such fees ‘unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust,’ EAJA “creates a presumption” that a prevailing party may recover fees. 33 Charles A. Wright and Arthur R. Miller, *Federal Practice & Procedure* § 8389 (2d ed.) (emphasis added). As described below, G.F.F. is entitled to reasonable fees here.

II. G.F.F. Is a Prevailing Party.

This Court granted G.F.F.’s petition for habeas corpus on November 10, 2026 and G.F.F.’s motion to enforce on April 4, 2026. As such, G.F.F. is clearly the prevailing party in this action. “A party prevails if the court grants relief to the party based on ‘an assessment of the merits’ and thus ‘unquestionably’ and ‘materially alter[s] the existing legal relationship between the parties.’” *Barco Mercado*, 811 F. Supp. 3d at 505–06 (quoting *Vacchio v. Ashcroft*, 404 F.3d 663, 674 (2d Cir. 2005)).

G.F.F. is a “party” because he is a private individual whose net worth has never exceeded 2 million dollars. *See* Ex. A, Decl. of G.F.F.; 28 U.S.C. § 2412(d)(2)(B) (defining a “party” as “an individual whose net worth did not exceed \$2,000,000 at the time the civil action was filed”).

G.F.F. is a “prevailing” party because he has achieved a “material alteration of the legal relationship of the parties” and that alteration was “judicially sanctioned” in light of the Court’s order for his release from Respondents’ detention. *Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep’t of Health & Human Res.*, 532 U.S. 598, 604–05 (2001).

A. The Government Respondents’ Position Was Not Substantially Justified.

An award of fees under EAJA is required where the government’s position is not “substantially justified.” 28 U.S.C. § 2412(d)(1)(A). “The burden of establishing that the position of the United States was substantially justified, § 2412(d)(1)(A) indicates and courts uniformly have recognized, must be shouldered by the Government.” *Scarborough v. Principi*, 541 U.S. 401, 414 (2004). Petitioner is entitled to a fee award under EAJA unless the Government can show that “its position had a reasonable basis in both law and fact.” *Gomez-Beleno*, 644 F.3d at 145 (internal quotation marks omitted); *Healey v. Leavitt*, 485 F.3d 63, 67 (2d Cir. 2007). The government must meet this burden twice: first, with regard to the agency action giving rise to the litigation; and, second, with regard to its litigation positions. *See* 28 U.S.C. § 2412(d)(2)(D) (defining “position” as both “the position taken by the United States in the civil action” and “the action or failure to act by the agency upon which the civil action is based”); *see also Healey*, 485 F.3d at 67 (“[I]t is well-established that the Government’s prelitigation conduct or its litigation position could be sufficiently unreasonable by itself to render the entire Government position not ‘substantially justified.’”) (internal quotation marks omitted)).

First, Respondents' litigation position—that G.F.F. was not entitled to a constitutionally adequate bond hearing— and its failure to provide a constitutionally adequate hearing was not substantially justified. *See Garcia*, 448 F. Supp. 3d at 300. Respondents were not substantially justified in arguing that G.F.F. was not entitled to a constitutionally adequate bond hearing at the time his detention became prolonged, especially considering binding Second Circuit precedent on that very issue. As this Court noted, citing *Velasco Lopez v. Decker*, 978 F.3d 842, 855 n.13 (2d Cir. 2020), “a presumptively constitutional period of detention does not exceed six months.” *G.F.F. v. Francis*, No. 25-CV-7368 (JGK), 2025 WL 3141735, at *4 (S.D.N.Y. Nov. 10, 2025). This Court also highlighted that “[t]he Court of Appeals for the Second Circuit reinforced this conclusion in *Black v. Decker*, 103 F.4th 133 (2d Cir. 2024).” And Respondents litigation position ran contrary to an overwhelming majority of district courts in this District who have found that, even absent prolonged detention, a noncitizen must receive a bond hearing where the government bears the burden of proof.² Finally, this Court noted that “the Government in this case never provides

² “Neither the Circuit’s decision in *Velasco Lopez* nor any other binding appellate authority overrules the overwhelming consensus’ of judges in this district” that the Due Process Clause of the Fifth Amendment requires the Government to bear the burden to justify continued detention of a noncitizen who is detained pursuant to § 1226(a), even absent ‘prolonged detention.’” *Banegas v. Decker*, No. 21-CV-2359 (VEC), 2021 WL 1852000, at *3 (S.D.N.Y. May 7, 2021) (quoting *Quintanilla v. Decker*, No. 21-cv-417 (GBD), 2021 WL 707062, at *3 (S.D.N.Y. Feb. 22, 2021)); *see also, Lopez Cano v. Decker*, No. 22-cv-7428 (AKH), 2022 WL 17584156, at *3 (S.D.N.Y. Dec. 12, 2022) (finding that the right to a “procedurally proper bond hearing does not depend on the length of a petitioner’s detention”).

any adequate explanation to rebut the presumption that G.F.F.'s eleven-month detention is unlawful." *G.F.F. v. Francis*, 2025 WL 3141735, at *5.

Second, Respondents' position with respect to Petitioner's motion to enforce this Court's order to provide a constitutionally adequate bond hearing was not substantially justified. In their opposition, Respondents conceded that the IJ failed to explicitly analyze and make findings on the record with respect to monetary bond and available alternatives to detention but nevertheless argued that the November 13, 2025 bond hearing complied with this Court's order. *Id.* at 15, 16, 17, (ECF No. 25). This Court ordered G.F.F.'s release, finding that the IJ did not meaningfully consider alternatives to detention and that "the government has not demonstrated to anyone it is highly probable that no condition or combination of conditions of release would suffice to serve its interest in minimizing" G.F.F.'s risk of flight. *G.F.F.*, 2026 WL 924072, at *3, 4 (internal citations and quotations omitted). This Court found that "[t]he IJ did not ... meaningfully consider whether there were reasonable alternatives to detention that would reasonably ensure G.F.F.'s continued presence. Indeed, except for geolocation monitoring, which the IJ dismissed as ineffective in cursory fashion because it was not effective in all cases, the IJ failed to consider expressly any alternatives to detention. That was error." *G.F.F. v. Francis*, 2026 WL 924072, at *3. With respect to Respondent's litigation position, this Court specifically noted that "[t]he fact that geolocation monitoring fails to ensure an alien's continued presence in a very small percentage of cases does not mean, as the Government argues, that

there is no combination of conditions sufficient to reasonably ensure G.F.F.'s continued presence." *G.F.F. v. Francis*, 2026 WL 924072, at *3.

In sum, the government's position was not substantially justified in this case. *See, e.g., Jean v. Nelson*, 863 F.2d 759, 767 (11th Cir. 1988), *aff'd sub nom. Comm'r, I.N.S. v. Jean*, 496 U.S. 154 (1990) (identifying factors to be considered including: the state at which the litigation was resolved; views expressed by other courts on the merits; and the legal merits of the government's position).

III. No Special Circumstances Make an Award Unjust.

The government Respondents bear the burden of showing special circumstances. *See* 28 U.S.C. § 2412(d)(1)(A) (requiring both a substantially justified position and the existence of special circumstances). None exist, and Respondents' position as to the prolonged detention of G.F.F. clearly conflicted with binding Second Circuit precedent. *See, supra* Section II. Additionally, Respondents' concessions with respect to the IJ's failures to make particularized and explicit determinations on monetary bond and other available alternatives to detention made clear that the IJ had not complied with this Court's November 10, 2025 Memorandum Opinion and Order. *Id.*

IV. G.F.F. Seeks an Award of \$21,485.70 as a Reasonable Attorneys' Fee.³

³ Although multiple attorneys from The Legal Aid Society supported G.F.F.'s litigation in this matter, we seek only fees for the lead attorney, Amy Pont, and supervising attorney Elyssa Williams in an effort to keep this request modest. Also, Petitioner's request for fees does not include the drafting and filing of the habeas petition.

G.F.F.’s counsel seeks compensation for a combined total 81.75 hours spent litigating this case. The Second Circuit has held that “the lodestar—the product of a reasonable hourly rate and the reasonable number of hours required by the case—creates a presumptively reasonable fee.” *Millea v. Metro-N. R. Co.*, 658 F.3d 154, 166 (2d Cir. 2011); *see also, Aston v. Sec’y of Health & Human Servs.*, 808 F.2d 9, 11 (2d Cir. 1986) (“The district court need not . . . scrutinize[] each action taken or the time spent on it.”). Under the EAJA, “attorney fees shall not be awarded in excess of \$125 per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.” 28 U.S.C. § 2412(d)(2)(A).

G.F.F.’s counsel is entitled to enhanced rates under both prongs: because of an increase in the cost of living and because of a “special factor,” namely as exceptionally qualified in the complex field of immigration-specific habeas petitions.⁴ Counsel’s

⁴ Attorneys who possess “some distinctive knowledge or specialized skill” in a particular regulatory or statutory scheme merit an award of enhanced hourly rates. *Pierce*, 487 U.S. at 572; *see, e.g., Schwebel v. Crandall*, No. 17 CIV. 8541 (CM), 2021 WL 2269523, at *6 (S.D.N.Y. June 3, 2021) (“immigration law is ‘an identifiable practice specialty’ that could fall easily within the standard announced in *Pierce*”); *Martin v. Sec’y of Army*, 463 F. Supp. 2d 287, 293 (N.D.N.Y. 2006) (enhanced rates for attorney with specialized expertise in military law who represented conscientious objector); *David v. Sullivan*, 777 F. Supp. 212, 221 (E.D.N.Y. 1991) (prevailing market rates for class action attorneys with unique knowledge of Medicare). Here, undersigned counsel’s reasonable market rates would be considerable. Attorneys Amy Pont and Elyssa Williams, counsel for G.F.F. in this matter, have a high degree of specialization and experience in immigration law, and each have more than 10 years of experience representing clients like G.F.F. in their immigration matters, which has included federal habeas petitions. Ex. B., Decl. of Amy Pont; Ex C. Decl. of Elyssa Williams

specialization and skill entitle them to an award based on “prevailing market rates” for services by lawyers with special expertise in this area of law. *See David*, 777 F. Supp. 212, 221 (E.D.N.Y. 1991) (internal quotation marks omitted). Nonetheless, in the interest of making a modest request, G.F.F.’s counsel have elected to seek only rates adjusted for increased cost of living.

Here, G.F.F. seeks only an adjustment to reflect the cost of living. The applicable hourly rate is determined by 28 U.S.C. § 2412(d)(2)(A), which set a base rate of \$125 in March 1996 and allows for cost-of-living adjustments. *Make Rd. New York v. Blinken*, No. 19-CV-11633 (GBD) (OTW), 2024 WL 4664712, at *13 (S.D.N.Y. Sept. 4, 2024); *Williams v. Kijakazi*, 797 F. Supp. 3d 164 (E.D.N.Y. 2025). To do so, “[d]istrict courts determine the cost-of-living adjustment by multiplying the basis EAJA rate by the current consumer price index (‘CPI’) for urban consumers, and then dividing the product by the CPI for urban consumers in the month that the cap was imposed.” *Linda R. on behalf of D. J. R. v. Dudek*, No. 24 CIV. 6514 (SLC), 2025 WL 1135655, at *3 (S.D.N.Y. Apr. 17, 2025) (cleaned up). To determine EAJA fees, adjusting to the CPI-U for “New York-Newark-Jersey City” (or “CPI-U New York”) is reasonable. *See, Saposnick v. Kijakazi*, No. 23-CV-3600 (PKC), 2025 WL 373463, at *3 (E.D.N.Y. Feb. 3, 2025); *see also, Make Rd. N.Y.*, 2024 WL 4664712, at *13 (finding Plaintiff’s proposal for “using the CPI-U for the Northeast region”⁵ reasonable).

⁵ Though the court identified it as the CPI-U for the Northeast region, it appears the Court actually applied the CPI-U for “New York-Newark-Jersey City.” *Compare Northeast Make Rd. New York v. Blinken*, No. 19-CV-11633 (GBD) (OTW), 2024 WL 4664712, at *13 (S.D.N.Y. Sept. 4, 2024), *with* CPI Regional Resources, <https://www.bls.gov/cpi/regional-resources.htm> (selecting “New York” under “Metro

The formula for calculating a reasonable rate is thus expressed:

$$\frac{\text{EAJA statutory rate} \times \text{CPI-U New York}}{\text{CPI-U New York in March 1996}}$$

In the second half of 2025 (the time period during which G.F.F.'s filed his petition and reply brief), the CPI-U index for New York was 348.074 and in January 2026 it was 350.947.⁶ In March 1996, the CPI-U New York was 166.50;⁷ *see also Make Rd. New York*, 2024 WL 4664712, at *13 (“The CPI-U figure for the Northeast Region for March 1996 was 166.5[.]”); *Saposnick*, 2025 WL 373463, at *3.

Petitioner's attorneys' fees were thus calculated using the following formula for work completed in the second half of 2025:

$$\frac{\$125 \times 348.074}{166.5}$$

Petitioner's attorneys' fees were calculated using the following formula for work completed in the first half of 2026:

$$\frac{\$125 \times 350.947}{166.5}$$

Under this formula, G.F.F.'s attorneys' reasonable hourly rate is \$261.31 for 2025 and \$263.47 for 2026. The total award sought is \$21,485.70 (24.52 hours x \$261.31 plus 57.23 hours x \$ 263.47). *See* Ex. B, Decl. of Amy Pont with Time Tracking; Ex. C, Decl. of Elyssa Williams with Time Tracking; *see also, Michelin v. Warden*

Areas (CBSA)”) and CPI Regional Resources, <https://www.bls.gov/cpi/regional-resources.htm> (selecting “Northeast” under “Census Regions”).

⁶ *See* CPI Regional Resources, <https://www.bls.gov/cpi/regional-resources.htm> (selecting “New York” under “Metro Areas (CBSA)”) (last visited April 17, 2026). Note, there is no available calculation for the CPI-U for the first half of 2026, so Petitioner has conservatively only used the CPI-U for January which is the lowest CPI-U of 2026.

⁷ *See id.*

Moshannon Valley Corr. Ctr., No. 24-2990, 2026 WL 263483, at *2 (3d Cir. Feb. 2, 2026) (affirming EAJA awards to prevailing habeas petitioners in the amounts of \$18,224.58 and \$15,841.60); *Wang v. Noem*, No. 1:25-cv-18053-CPO, ECF No. 48 (D.N.J. Mar. 12, 2026) (awarding \$21,775.39 under the EAJA to a prevailing habeas petitioner as reasonable attorneys' fees); *Vaskanyan v. Janecka*, No. 5:25-CV-01475-MRA-AS, 2025 WL 3050075, at *3 (C.D. Cal. Sept. 10, 2025) (awarding \$16,067 under the EAJA to a prevailing habeas petitioner as reasonable attorneys' fees). G.F.F. maintains the right to seek additional fees if the government opposes this motion and counsel must draft a reply.

CONCLUSION

For the foregoing reasons, G.F.F. respectfully requests an award of \$21,485.70 in fees and expenses, in addition to fees for any time spent preparing a reply brief if the government opposes this motion.

Dated: April 17, 2026

Respectfully submitted,

/s/ Amy Pont

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Elyssa Williams

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(c), the undersigned hereby certifies that this brief complies with the type-volume limitation of Local Rule 7.1(b)–(c).

1. Exclusive of the exempted portions of the brief, as provided in Fed. R. App. P. 32(f), the brief contains 4,089 words.

2. The brief has been prepared in proportionally spaced typeface using Microsoft Word for Microsoft in 12-point Century Schoolbook font. As permitted by Rule 7.1(c), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.

Dated: April 17, 2026

/s/ Amy Pont
Amy Pont