

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**
Judge William J. Martinez

Civil Action No. 25-cv-3078-WJM-KAS

JESUS MORALES LOPEZ

Petitioner,

v.

JUAN BALTAZAR, in his official capacity as warden
of the Aurora Contract Detention Facility, et al.

Respondents.

**PETITIONER'S MOTION FOR ATTORNEY'S FEES UNDER THE EQUAL ACCESS
TO JUSTICE ACT**

Petitioner, JESUS MORALES LOPEZ, by and through undersigned counsel, respectfully moves this Court for attorney's fees pursuant to the Equal Access to Justice Act (EAJA). *See* 28 U.S.C. § 2412. As set forth below, this Court granted Morales Lopez's amended petition for habeas corpus, entered judgment in his favor, and expressly authorized him to seek fees under EAJA. ECF Nos. 47 and 48. The statutory requirements for an award are met, the government's position was not substantially justified, no special circumstances exist that would render an award unjust, and the fees sought are reasonable.

BACKGROUND

Morales Lopez is a citizen of Mexico who has resided in Colorado for nearly two decades. He is married, has four United States citizen children, owns a small business, and serves as the sole financial provider for his family. On July 2, 2025, ICE arrested Morales Lopez and charged

him as a noncitizen present without admission. DHS initially detained him pursuant to § 1226(a) and allowed him to seek a bond hearing before an Immigration Judge.

At his bond hearing, the Immigration Judge determined that Morales Lopez was neither a danger to the community nor a flight risk and granted bond, which Morales Lopez promptly posted. DHS nevertheless appealed the bond decision and invoked the automatic stay regulation at 8 C.F.R. § 1003.19(i)(2), ensuring that Morales Lopez remained detained despite having posted bond.

After Morales Lopez initiated habeas proceedings challenging the automatic stay regulation, DHS reversed its legal position and asserted—for the first time—that Morales Lopez was subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) as an “applicant for admission,” notwithstanding his decades-long presence in the United States. The Board of Immigration Appeals later adopted that position, vacated the bond order, and declared that Immigration Judges lacked authority to grant bond in his case.

In response to these developments, Morales Lopez amended his habeas petition to challenge Respondents’ continued detention under § 1225(b)(2)(A), raising statutory, constitutional, and Administrative Procedure Act claims. The Court ordered supplemental briefing, carefully supervised the evolving posture of the case, and ultimately ordered Respondents to provide Morales Lopez with a bond hearing under § 1226(a).

Following that order and after over five (5) months detained, Morales Lopez was granted bond, posted it, and was eventually released after further delay. On January 5, 2026, the Court formally granted the amended habeas petition, entered judgment in Morales Lopez’s favor, terminated the case, and expressly granted leave to seek attorney’s fees under EAJA. ECF No. 48.

This motion followed.

LEGAL STANDARD

The Equal Access to Justice Act, 28 U.S.C. § 2412(d) (“EAJA”), requires that a court “award to a prevailing party ... fees and other expenses ... incurred by that party in any civil action ... brought by or against the United States ... unless the court finds that the position of the United States was substantially justified ...” 28 U.S.C. § 2412(d)(1)(A). “The Government bears the burden of showing that its position was substantially justified ... The test for substantial justification in this circuit is one of reasonableness in law and fact.” *Gilbert v. Shalala*, 45 F.3d 1391, 1394 (10th Cir. 1995).

Morales Lopez’s legal arguments in this litigation satisfy each of the above criteria for an award of attorney’s fees under the EAJA. It is undisputed that Morales Lopez prevailed on the merits of his Habeas Petition. Further, as demonstrated below, the government cannot carry its considerable burden to prove that its position was substantially justified. Finally, Morales Lopez has demonstrated that he meets the net worth requirements under 28 U.S.C. § 2412(d)(1)(B) and has timely filed this Motion pursuant to the Court’s Order.

ARGUMENTS

I. Morales Lopez is a Prevailing Party Under EAJA.

To qualify for an EAJA award, a petitioner first must establish that he is an eligible, prevailing party. 28 U.S.C. § 2412(d)(1)(B); *Buckhannon Bd. and Care Home, Inc. v. W. Va. Dep’t of Health*, 532 U.S. 598, 603 (2001). A prevailing party is one who “has been awarded some relief by a court.” *Id.* at 603. In addition, it is well established that a party need not obtain relief on every claim or legal theory to be considered prevailing under a fee-shifting statute. *See Wilderson v. Sullivan*, 780 F. Supp. 1347, 1348 (D. Colo. 1992).

The District Court granted Morales Lopez the relief he sought in his Habeas Petition and

ordered a bond hearing. Further, the Court entered judgment “in favor of Morales Lopez and against Respondents.” ECF No. 47. Morales Lopez’s status as the prevailing party is beyond dispute. *See, e.g. Oscar v. Gillen*, 595 F. Supp. 2d 166, 169 (D. Mass. 2009) (finding petitioner, who filed a habeas petition and successfully challenged his confinement in immigration detention without a bond hearing to be the prevailing party); *Geegbae v. McDonald*, 2011 WL 841237, at *1 (D. Mass. 2011) (a party who has successfully petitioned for a writ of habeas corpus is a “prevailing party”); *Muhur v. Ashcroft*, 382 F.3d 653, 654-55 (7th Cir. 2004) (grant of remand to BIA confers status as prevailing party); *accord Johnson v. Gonzalez*, 416 F.3d 205, 209-10 (3d Cir. 2005); *Rueda-Menicucci v. INS*, 132 F.3d 493, 495 (9th Cir. 1997).

The government may argue that fees incurred litigating the automatic stay regulation at 8 C.F.R. § 1003.19(i)(2) are not compensable because the Court ultimately granted relief on statutory detention grounds under 8 U.S.C. § 1226(a). That argument fails as a matter of EAJA law and on the specific record of this case.

Under EAJA, a prevailing party is entitled to recover fees for all reasonable work that was “useful and of a type ordinarily necessary” to secure the relief obtained. *Commissioner, INS v. Jean*, 496 U.S. 154, 161–62 (1990). Courts do not parse fee requests with “line-item precision” or disallow fees simply because a particular argument was not the ultimate ground for relief. *Id.* at 161. Where multiple claims or legal theories arise from a common core of facts and are legally or factually intertwined, fees are recoverable for work on all such claims, even if some were rendered moot or superseded as the case evolved. *See Hensley v. Eckerhart*, 461 U.S. 424, 435 (1983); *Jean*, 496 U.S. at 163–65. That principle applies with full force here.

The automatic stay litigation and the § 1225(b)/§ 1226(a) detention issues were not discrete, severable claims. They arose from the same detention, involved the same custody

authority, and required the Court to examine DHS's asserted detention statutes, the scope of Immigration Judge authority, and the legality of continued detention without a valid bond mechanism.

Indeed, the Court's analysis makes clear that the automatic stay regulation ceased to be the immediate cause of detention only because DHS invoked a different unlawful basis for detention. The Court expressly noted that the automatic stay regulation was no longer "responsible" for Morales Lopez's detention only after DHS and the BIA shifted their legal position shifted their legal position mid-litigation.

That does not retroactively render the automatic stay challenge unreasonable or unnecessary. *See Jean*, 496 U.S. at 163–65 (fees recoverable for all phases of litigation necessary to the result). It confirms that the detention was unlawful under *every* theory DHS advanced, and counsel reasonably pursued each theory as it arose to secure release.

II. The Government's Position Was Not Substantially Justified

As Morales Lopez is a prevailing party, fees must be awarded unless the government carries its burden of proving that its position was "substantially justified." 28 U.S.C. § 2412(d)(1)(A). This is a demanding standard. *See* H.R. Rep. No. 96-1418, 96th Cong., 2d Sess. 10, 13-14 (1980) ("[T]he strong deterrents to contesting government action require that the burden of proof rest with the government."). The government must show that its position had a reasonable basis in both law and fact. *Pierce v. Underwood*, 487 U.S. 552, 565–66 (1988).

The government is more likely to meet the substantial justification standard "when the legal principle on which it relied is 'unclear or in flux.'" *Evans v. Colvin*, 640 F. App'x 731, 733 (10th Cir. 2016) (*quoting* *Martinez v. Sec'y of Health & Hum. Servs.*, 815 F.2d 1381, 1383 (10th Cir. 1987)). However, "[a] position taken by the ALJ or government that 'contravene[s] longstanding

agency regulations, as well as judicial precedent,' is not substantially justified." *Quintero v. Colvin*, 642 F. App'x 793, 796 (10th Cir. 2016) (quoting *Stewart v. Astrue*, 561 F.3d 679, 684 (7th Cir. 2009)).

A court must weigh several factors in the reasonableness inquiry: the state at which the litigation was resolved, views expressed by other courts, the legal merits of the government's position, the clarity of governing law, the foreseeable length and complexity of the litigation, and the consistency of the government's position. *Jean*, 863 F.2d at 767-78. In determining whether the position of the United States was substantially justified, the court evaluates not only the government's position, but also the underlying erroneous decision or action of the government agency upon which the civil action is based. 28 U.S.C. § 2412(d)(2)(D).

Applying those principles, Respondents cannot meet their burden. As the Court's Order makes clear, Morales Lopez was detained for more than five months without a lawful bond hearing, first because DHS invoked the automatic stay regulation to override an Immigration Judge's bond order, and later because DHS advanced an untenable theory that he was subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Neither the Government's pre-litigation conduct nor its litigation position had a reasonable basis in law or fact.

A. The Government's Prelitigation Position was Unreasonable

Respondents' pre-litigation position—that Morales Lopez was subject to mandatory detention under § 1225(b)(2)(A)—was not merely incorrect, but an abrupt and unjustified departure from the statutory framework and decades of long-standing agency interpretation and application of the statute.

As the Court explained, § 1225(b)(2)(A) applies to noncitizens "applying for admission." Morales Lopez was not applying for admission. ECF No. 47. He had resided in the United States

for nearly two decades, had deep family and community ties, and was initially taken into custody under § 1226(a)—a fact reflected in DHS’s own custody determination at the time of arrest. ECF No. 47. The Immigration Judge expressly rejected DHS’s later assertion that § 1225(b) applied, explaining that Morales Lopez “was not apprehended shortly after his entry” and had never been detained or paroled under that provision. The IJ therefore exercised jurisdiction, conducted a bond hearing, and ordered Morales Lopez released on bond—findings the Court later recounted in detail.

Despite this, DHS appealed the bond order and invoked the automatic stay regulation, ensuring that Morales Lopez would remain detained even after he posted bond. As the Court recognized, that automatic stay was the sole reason Morales Lopez remained in custody following the Immigration Judge’s release order. The Government’s pre-litigation position thus directly caused the unlawful detention that precipitated this habeas action.

Critically, the automatic stay issue was not a collateral or academic dispute. It was the triggering violation that forced Morales Lopez into federal court. His original habeas petition challenged “precisely that unlawful detention mechanism,” and he sought relief only after DHS used the automatic stay to nullify an Immigration Judge’s release order.

Only after federal litigation commenced did DHS “reverse course.” Mid-litigation, Respondents abandoned their original custody classification, asserted for the first time that Morales Lopez was subject to mandatory detention under § 1225(b)(2)(A), and obtained a three-paragraph, skeletal BIA order adopting that theory. As the Court observed, this sequence represented “fundamental developments” in the case and prompted the Court to question mootness, order supplemental briefing, and grant leave to amend.

EAJA does not allow the Government to avoid fees by changing theories after forcing a petitioner to seek judicial relief. To the contrary, the need for litigation—and the reasonableness

of the work performed—must be assessed based on the Government’s conduct at the time. Here, Respondents’ pre-litigation position lacked any reasonable basis in statutory text, structure, or precedent, and it directly caused Morales Lopez’s prolonged and unlawful detention.

B. The Government’s Litigation Position was Unreasonable

Respondents compounded their unreasonable pre-litigation conduct by doubling down in federal court.

Throughout the litigation, Respondents defended the application of § 1225(b)(2)(A), opposed habeas relief, and resisted immediate release even after the Court signaled skepticism of their legal theory. Only after sustained litigation pressure did Respondents shift to proposing a bond hearing under § 1226(a)—the very relief Morales Lopez had sought all along.

The Court thereafter ordered such a hearing, explaining that—“[l]ike dozens of other federal district courts across the country, including in this Circuit”—Morales Lopez’s detention was governed by § 1226(a), not § 1225(b)(2)(A). In doing so, the Court “effectively granted” the amended habeas petition and later entered judgment in Morales Lopez’s favor.

The Government’s litigation position was therefore not substantially justified. Allowing DHS to evade EAJA liability by pivoting legal theories midstream would undermine the statute’s core purpose: deterring unreasonable government conduct and preventing the Government from imposing prohibitive litigation costs on individuals challenging unlawful action. Here, DHS invoked the automatic stay to override a bond order, defended that position until federal litigation began, abandoned it only after judicial scrutiny, and then advanced an equally unlawful detention theory—again requiring continued litigation.

* * *

Considering the totality of the circumstances, Respondents' position as a whole was unreasonable.

III. There Are No Special Circumstances That Would Make an Award Unjust

The EAJA permits denial of fees only if "special circumstances make an award unjust." *See* 28 U.S.C. § 2412(d)(3). The burden of proving the special circumstances rests with the government. *See, e.g., Martin v. Heckler*, 754 F.2d 1262, 1264 (5th Cir. 1985); *Abela v. Gustafson*, 888 F.2d 1258, 1266 (9th Cir. 1989).

No such circumstances exist here. Morales Lopez acted diligently, sought relief through appropriate legal channels, and obtained relief only after extensive litigation necessitated by Respondents' unlawful detention practices. Awarding fees in this case advances EAJA's core purpose of deterring unreasonable government conduct and ensuring access to judicial review.

IV. Morales Lopez Meets the Net-Worth Requirement of EAJA

Eligibility for an award under EAJA depends upon a petitioner's net worth, which must not have exceeded \$ 2,000,000.00 at the time the civil action was filed. 28 U.S.C. § 2412(2)(2)(B). In the instant action, Morales Lopez is eligible for EAJA fees because his net worth was below the threshold of \$ 2,000,000.00 when he filed his Petition for Writ of Habeas Corpus. *See Affidavit of Jesus Morales Lopez, dated January 24, 2026, attached hereto as Attachment A.*

V. Morales Lopez Requests Reasonable Attorney's Fees

Prevailing parties are entitled to be compensated for all time reasonably spent in litigating the matter, including time spent on a motion for attorney's fees. *See Comm'r, INS v. Jean*, 496 U.S. 154, 163-65 (1990). Morales Lopez requests attorney's fees from the United States in the amount of \$ 37,926.00 for the reasons stated below.

A. Undersigned counsel is providing herein a statement of attorney hours and fees as required under 28 U.S.C. § 2412(d)(1)(B).

A claim for attorney's fees under EAJA must include a statement from any attorney indicating the actual time expended and the rate at which the fees and recoverable expenses were computed. 28 U.S.C. § 2412(d)(1)(B).

Included herein are a record of hours personally expended by Attorney Skylar M. Larson and an Affidavit from her. *See Affidavit of Skylar M. Larson, Esq., attached hereto as Attachment B; Record of Hours Personally Expended by Attorney Skylar M. Larson, attached hereto as Attachment C.* As a solo practitioner undersigned counsel personally performed all research, drafting, and litigation tasks in this matter.

B. This Court should award the attorney's fees above the statutory limit for Attorney Skylar M. Larson based on the cost-of-living adjustment.

Congress has set a statutory cap for attorneys' fees at a rate of one hundred twenty-five dollars (\$ 125.00) per hour, unless the Court determines that an increase in the cost of living or a special factor justifies a higher fee. 28 U.S.C. § 2412(d)(2)(A). In determining a reasonable fee, the Court must consider the prevailing market rates for the kinds and quality of the services furnished by counsel. *See Case v. Unified Sch. Dist. No. 233*, 157 F.3d 1243 (10th Cir. 1998). If the prevailing market rate exceeds \$ 125.00 per hour, the Court must award fees at no less than the statutory rate. *See Hackett v. Barnhart*, 475 F.3d 1166, 1174 (10th Cir. 2007). The Court is expressly authorized by statute to award fees above the statutory rate where justified by an increase in cost of living or the presence of a special factor. *See* 28 U.S.C. § 2412(d)(2)(A)(ii).

Morales Lopez seeks fees at the CPI-adjusted statutory rate under § 2412(d). Discussion of market rates is provided to demonstrate that the requested rate is reasonable and below market rate

and in the alternative to support an award under § 2412(b) should the Court find it appropriate. The attached Affidavit of Attorney Skylar M. Larson establishes that prevailing market rates for the type of work performed here exceed the \$ 125.00 EAJA rate cap at \$ 400.00 per hour. *See Attachment B, attached hereto.* Therefore, a cost of living rate adjustment should be applied to her fees. Using the Consumer Price Index for All Urban Consumers for the Denver Metropolitan area to calculate the cost of living adjustment is appropriate. *See U.S. Bureau of Labor Statistics, Consumer Price Index, Denver-Aurora-Lakewood, dated November 2025, attached hereto as Attachment D.* The data from November 2025 has been provided as this is the median date for when the substantive litigation occurred between October and December 2025. The CPI-U for November 2025 was 337.561. *See Attachment D, attached hereto.* Assuming CPI-U for the month of November 2025 is used for all work completed across all months (for ease of calculation and as the median month for the litigation) the cost-of-living adjusted hourly rate for attorney's fees is calculated as follows:

A = November 2025 CPI-U (337.561)

B = March 1996 CPI-U (155.7)

C = CPI-U adjusted rate

$C = A/B \times \$125/\text{hour} = 337.561/155.7 \times \$125 = \$270.90/\text{hour}$

**C. Morales Lopez requests total fees in the amount of
\$ 37,926.00.**

Included in this Motion are the hours personally expended by undersigned counsel that were reasonably and necessarily incurred in this litigation. *See Attachment C, attached hereto.* Undersigned counsel has requested an hourly fee based on the cost-of-living adjusted statutory rate. Undersigned counsel's total claim for attorney's fees under EAJA is as follows:

$\text{Fees } (140 \text{ hours} \times \$270.90/\text{hour}) = \$37,926.00$

Total Attorney's Fees = \$ 37,926.00

CONCLUSION

For the foregoing reasons, Morales Lopez respectfully requests that this Court grant his Motion for Attorney's Fees pursuant to the EAJA and award attorney's fees in the amount of \$ 37,926.00.

Dated this 26th day of January 2026.

Respectfully submitted,

/s/ Skylar M. Larson

Skylar M. Larson, Esq.

8275 E. 11th Ave. # 200176

Denver, CO 80220

Tel: (970) 692-3156

Email: skylarmlarsonesq@gmail.com

ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2026, I electronically filed the foregoing **Petitioner's Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act with Attachments A-D** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Leslie Schulze
U.S. Attorney's Office
1801 California Street, Suite 1600
Denver, CO 80202
Leslie.schulze@usdoj.gov

/s/ Skylar M. Larson
Skylar M. Larson, Esq.

ATTORNEY FOR PETITIONER

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martinez**

Civil Action No. 25-cv-3078-WJM-KAS

JESUS MORALES LOPEZ

Petitioner,

v.

JUAN BALTAZAR, in his official capacity as warden
of the Aurora Contract Detention Facility, et al.




Respondents.

**ATTACHMENTS TO PETITIONER'S MOTION FOR ATTORNEY'S FEES AND
EXPENSES UNDER THE EQUAL ACCESS TO JUSTICE ACT**

- ATTACHMENT A. Affidavit of Jesus Morales Lopez, dated January 24, 2026
- ATTACHMENT B. Affidavit of Attorney Skylar M. Larson, Esq., dated January 25, 2026
- ATTACHMENT C. Record of Hours Personally Expended by Attorney Skylar M. Larson
- ATTACHMENT D. U.S. Bureau of Labor Statistics, Consumer Price Index, Denver-Aurora-Lakewood — November 2025


A

**AFFIDAVIT OF
JESUS MORALES LOPEZ**

1. My name is Jesus Morales Lopez, and I was born on

2. My current address is 

3. I am a private individual and my net worth does not, nor has it ever, exceeded the amount of \$ 2,000,000.00.
4. I make this declaration in support of my motion for attorney's fees and costs incurred in my successful representation before the United States District Court for the District of Colorado in Case No. 25-cv-3078-WJM-KAS.
5. I was previously detained by immigration authorities and faced ongoing loss of liberty and separation from my family. Absent federal court intervention, I would have remained detained or subject to removal without meaningful relief.
6. I retained Attorney Skylar M. Larson to represent me in my immigration court removal and bond proceedings.
7. Attorney Larson's representation before the United States District Court was separate from the immigration court proceedings and involved substantial legal work that was not compensated by me.
8. I was unable to afford private counsel at prevailing federal litigation rates given my detained status and could not have pursued relief in federal court without Attorney Larson's representation.
9. As a result of the federal litigation, the Court issued relief that materially altered my legal relationship with the government and provided meaningful benefit to me. The outcome I obtained would not reasonably have occurred without the federal court proceedings.

10. I did not pay Attorney Larson any fees for the federal court litigation, and no fees or costs sought in this case were previously paid by me or by any third party.
11. I authorize and consent to the recovery of attorney's fees and costs on my behalf to compensate Attorney Skylar M. Larson for work performed in connection with my federal case.
12. I knowingly, voluntarily, and irrevocably assign any award of attorney's fees and costs in this matter to Attorney Skylar M. Larson and her law office.
13. I request that any award of fees and costs be paid directly to Attorney Skylar M. Larson's Office, either by check mailed to 8275 E 11th Ave. # 200176 Denver, CO 80220, or by direct deposit into counsel's office account.
14. To the best of my knowledge, I do not owe any debt to the United States federal government.
15. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on the January 24, 2026, at Aurora, CO.



Jesus Morales Lopez

CERTIFICATE OF INTERPRETATION

I, Skylar M. Larson, am competent to interpret from English and Spanish and certify that I have read **AFFIDAVIT OF JESUS MORALES LOPEZ** to Mr. Morales Lopez in Spanish, and he stated that he understood its contents.

/s/ Skylar M. Larson
Skylar M. Larson
8275 E. 11th Ave. # 200176
Denver, CO 80220
Tel: (970) 692-3156

B

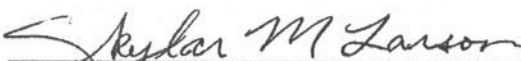
**AFFIDAVIT OF
SKYLAR M. LARSON, ESQ.**

1. This Affidavit is submitted in support of a Motion for Attorney's Fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA") in the case of *Jesus Morales Lopez v. Juan Baltazar, et al.*, No. 25-cv-3078-WJM-KAS.
2. I am an attorney licensed to practice law in the State of Colorado. I graduated from Pacific Lutheran University in 2019 with a Bachelor of Arts in Hispanic Studies and a Bachelor of Arts in Global Studies. In 2022, I graduated from the University of Denver Sturm College of Law and received the degree of *juris doctor*.
3. I was admitted to the Colorado Bar in May 2023, and to the United States Court of Appeals for the Tenth Circuit in July 2023. On September 22, 2025, I was admitted to practice before the United States District Court for the District of Colorado specifically in anticipation of and for the purpose of litigating federal habeas corpus actions arising from my detained clients' immigration cases, including Mr. Morales Lopez's case.
4. Since becoming licensed, I have concentrated my practice almost exclusively in immigration law, including removal defense before the Aurora and Denver Immigration Courts, criminal matters, appeals before the Board of Immigration Appeals, and related federal litigation. I am an active member of the American Immigration Lawyers Association ("AILA"), having been a member since May 2020 as a law student and since May 2023 as a licensed attorney. I am also proficient in Spanish, which allows me to communicate directly with detained clients and their families without the use of interpreters.
5. Mr. Morales Lopez retained me for representation in his immigration court removal and bond proceedings, and he compensated me for that work. However, the federal district court litigation at issue here was separate and distinct from the immigration court proceedings. The habeas litigation required substantial additional work, was initiated due to Mr. Morales Lopez's prolonged and unlawful detention, and was not compensated by the client, who lacked the financial ability to pay for extensive federal court litigation while detained.
6. At the time I initiated Mr. Morales Lopez's habeas proceedings, I had not previously litigated a habeas corpus petition in federal district court. This case therefore represented my first habeas litigation. As a result, the time expended reflects the heightened level of diligence, independent legal research, and careful review necessary to competently and ethically litigate a liberty-interest case in federal court for the first time. This included familiarizing myself with federal habeas procedure, jurisdictional limitations, EAJA standards, local rules of the District of Colorado, and evolving case law governing immigration detention.
7. Between September 24, 2025, and December 24, 2025, I spent over 140 hours working on Mr. Morales Lopez's federal habeas case. My work included extensive legal research and analysis; review of pleadings and orders in similar successful habeas cases; consultation with other attorneys experienced in federal detention litigation; drafting an initial habeas petition and an amended petition; preparing three separate Motions for Temporary Restraining Order based on

distinct legal theories and factual developments; and drafting a Motion to Enforce the Court's Order.

8. The hours expended were driven by the urgency of the circumstances, the complexity of the legal issues, the evolving procedural posture of the case, the absence of any staff support, and the extraordinary liberty interests at stake. The time records attached to the Motion and incorporated by reference into this Affidavit reflect a reduction from the total hours actually worked, as I exercised billing judgment and excluded duplicative or non-compensable time.
9. I seek compensation for my service at a rate of \$ 270.00 per hour, representing the EAJA statutory rate of \$125.00 per hour as adjusted for cost of living, as well as the prevailing market rate for my services, which would reasonably be \$400.00 per hour for comparable federal litigation work in this jurisdiction. The rates requested are addressed more fully in the accompanying Motion.
10. No double recovery is sought. The fees requested reflect only uncompensated work performed in connection with the federal habeas litigation. No portion of the fees or costs sought has been paid by Mr. Morales Lopez or by any third party.
11. Mr. Morales Lopez has knowingly and voluntarily assigned any award of attorney's fees and costs in this matter to my office. If the Court determines that an award of attorney's fees is appropriate, I respectfully request that any such award be paid directly to my office.
12. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on January 25, 2026, at Fort Collins, CO.



Skylar M. Larson, Esq.

C

MORALES LOPEZ v. BALTAZAR, No. 25-cv-3078-WJM-KAS

Record of Hours Personally Expended by Attorney Skylar M. Larson

Category of Work	Description of Tasks	Hours
Case Analysis and Legal Research	Admittance to the United States District Court for the District of Colorado; review of Federal Rules of Civil Procedure and District of Colorado Local Rules; orientation to federal habeas practice and filing procedures; analysis of statutory and constitutional bases for detention; jurisdictional review; evaluation of multiple habeas and emergency relief theories; development of litigation strategy under expedited detention timelines; consultation with local counsel regarding comparable federal detention litigation.	14.0
First Petition for Writ of Habeas Corpus	Legal research and analysis; drafting of Petition for Writ of Habeas Corpus addressing jurisdictional and substantive detention challenges; factual development; coordination with client under detention constraints; revisions and filing of opening petition.	16.0
Affidavit of Service	Preparation and execution of affidavit of service; compliance with federal and local service requirements applicable to habeas and emergency filings; coordination of service on multiple respondents; and confirmation and documentation of service for the Court's record.	8.0
First Emergency Motion for Temporary Restraining Order	Emergency legal research; drafting motion for temporary restraining order and supporting materials; revisions and reply in support of emergency relief.	12.0
Second Motion for Temporary Restraining Order	Research and drafting of TRO based on alternative legal defect; tailoring arguments to distinct grounds for emergency relief; revisions and filing.	9.0
Reply Brief in Support of First Petition for Writ of Habeas Corpus	Review and analysis of Respondents' response; targeted legal research; drafting reply brief addressing Government's legal and factual arguments; refinement of jurisdictional and constitutional claims; revisions and filing.	10.0

Motion for Leave to Amend Petition for Writ of Habeas Corpus	Legal research regarding amendment standards under Federal Rule of Civil Procedure 15 in the habeas context; analysis of jurisdictional and procedural posture; drafting motion for leave to amend; explanation of good cause and lack of prejudice; coordination of amended pleading; revisions and filing.	10.0
Supplemental Brief	Legal research responsive to Court-ordered supplemental briefing; analysis of issues identified by the Court; review of evolving factual record; drafting and revision of supplemental memorandum; compliance with Court-specified scope and deadlines.	11.0
Second Petition for Writ of Habeas Corpus	Research and analysis of separate statutory and procedural defects; drafting Petition for Writ of Habeas Corpus grounded in a distinct legal theory; incorporation of evolving factual posture; revisions and filing of opening petition.	16.0
Third Motion for Temporary Restraining Order	Research and drafting responsive to Government's evolving position; refinement of factual and legal arguments; revisions and filing.	9.0
Reply Brief in Support of Second Petition for Writ of Habeas Corpus	Review and analysis of Government's response to second petition; focused legal research responsive to new arguments raised; drafting reply brief reinforcing distinct statutory and procedural grounds; revisions and filing.	10.0
Motion to Enforce Court Ordered Relief	Analysis of Respondents' failure to timely comply with Court-ordered relief; legal research regarding enforcement authority; drafting motion and supporting filings; required conferrals with Government counsel.	9.0
Government Conferrals and Court-Directed Filings	Meet-and-confer communications; preparation of court-ordered status reports; responsive filings addressing compliance issues and detention status.	6.0
Ongoing Case Management and Client Communication	Client communications under detention constraints; strategic revisions as litigation posture evolved; review and analysis of Government filings and responses.	6.0
Total Hours Expended		140.0

D



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Thursday, December 18, 2025

Contacts

Technical information:

(816) 285-7000
BLStnfoKansasCity@bls.gov
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Media contact:

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Consumer Price Index, Denver-Aurora-Lakewood — November 2025

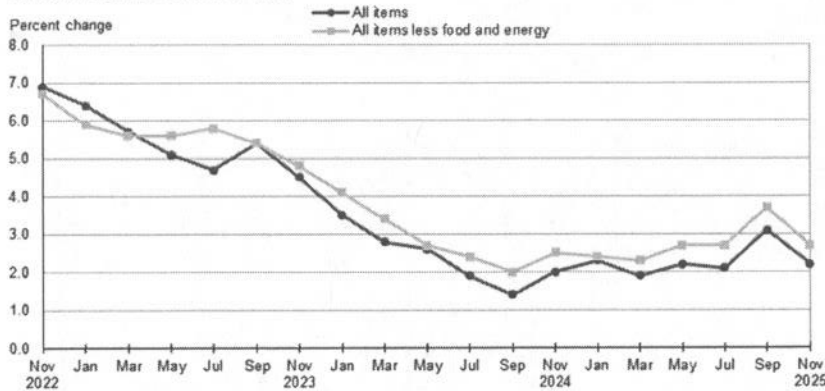
Area prices were down 0.6 percent in October and November, up 2.2 percent over the year

The Consumer Price Index for All Urban Consumers (CPI-U) for Denver-Aurora-Lakewood was down 0.6 percent for the two months ending in November 2025, the U.S. Bureau of Labor Statistics (BLS) reported today. Assistant Commissioner for Regional Operations Michael Hirniak noted that the energy index decreased, with gasoline prices falling 15.1 percent. The all items less food and energy index fell 0.2 percent, while the index for food was down 0.6 percent over the two-month period. (Data in this report are not seasonally adjusted. Accordingly, month-to-month changes may reflect the impact of seasonal influences.)

BLS did not collect survey data for October 2025 due to a lapse in appropriations. BLS is unable to retroactively collect these data. For a few indexes, BLS uses nonsurvey data sources instead of survey data to make the index calculations. BLS was able to retroactively acquire most of the nonsurvey data for October.

The Denver-Aurora-Lakewood area all items CPI-U advanced 2.2 percent for the 12 months ending in November. The index for all items less food and energy increased 2.7 percent, and the food index rose 1.7 percent. The index for energy declined over the same period.

Chart 1. Over-the-year percent change in CPI-U, Denver-Aurora-Lakewood, CO, November 2022–November 2025



Source: U.S. Bureau of Labor Statistics.

[View Chart Data](#)

Food

Food prices fell 0.6 percent for the two months ending in November. Prices for food at home (grocery store purchases) declined 2.4 percent, and prices for food away from home (restaurant, cafeteria, and vending purchases) advanced 1.7 percent for the same period. Within the food at home category, the index for meats, poultry, fish, and eggs (-6.5 percent) contributed most to the decline. Prices for other food at home (-1.6 percent), and fruits and vegetables (-2.7 percent) also decreased for the two months ending in November.

Food prices rose 1.7 percent over the year. Prices for food away from home advanced 6.0 percent over the 12-month period. Prices for food at home declined 1.5 percent, led by decreases in the indexes for fruits and vegetables (-5.8 percent) and other food at home (-4.0 percent).

Energy

The energy index decreased over the two-month pricing period. Gasoline prices declined 15.1 percent.

The energy index declined from November 2024 to November 2025. Over the year, the gasoline index was down 8.5 percent.

All items less food and energy

The index for all items less food and energy decreased 0.2 percent during the two-month period. Among the index’s components, prices were lower for lodging away from home, apparel (-7.9 percent), and recreation (-2.0 percent). In contrast, prices were higher for owners’ equivalent rent of residences (+0.7 percent), household furnishings and operations (+3.5 percent), and medical care (+1.1 percent).

The index for all items less food and energy advanced 2.7 percent over the year. Components contributing to the increase included owners’ equivalent rent of residences (+4.6 percent), medical care services, and household furnishings and operations (+9.3 percent). In contrast, prices were lower for lodging away from home and public transportation.

Federal Government Shutdown

BLS did not collect survey data for October 2025 due to a lapse in appropriations. BLS was unable to retroactively collect these data. For a few indexes, BLS uses nonsurvey data sources instead of survey data to make the index calculations. BLS was able to retroactively acquire most of the nonsurvey data for October. CPI data collection resumed on November 14, 2025. Additional information about the [impact of the shutdown on CPI data](#) is available online.

Changes to health insurance index

With the release of November 2025 data on December 18, 2025, the Bureau of Labor Statistics (BLS) removed long-term care (LTC) insurance from the health insurance index. There have been changes in the market for LTC insurance that now make it out of scope and ineligible for pricing in the CPI market basket.

The Consumer Price Index for December 2025 is scheduled to be released on Tuesday, January 13, 2026, at 6:30 a.m. (MT).

Technical Note

The [Consumer Price Index](#) (CPI) is a measure of the average change in prices over time in a fixed market basket of goods and services. The Consumer Price Index for Denver is published bi-monthly. The set of components and sub-aggregates published for regional and metropolitan indexes is more limited than at the U.S. city average level; these indexes are byproducts of the national CPI program. Each local index has a much smaller sample size than the national or regional indexes and is, therefore, subject to substantially more sampling and other measurement error. As a result, local-area indexes are more volatile than the national or regional indexes. In addition, local indexes are not adjusted for seasonal influences. **NOTE: Area indexes do not measure differences in the level of prices between cities; they only measure the average change in prices for each area since the base period.**

The **Denver-Aurora-Lakewood, CO, Core Based Statistical Area** is comprised of Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, and Park counties in Colorado.

Refer to the national [CPI news release technical note](#) or the [Handbook of Methods](#) for more information.

Information in this release will be made available to individuals with sensory impairments upon request. Voice phone: (202) 691-5200; Telecommunications Relay Service: 7-1-1.

Table 1. Denver-Aurora-Lakewood, CO, CPI-U by expenditure category for November 2025, not seasonally adjusted (1982-84=100 unless otherwise noted)

Expenditure category	Indexes				Percent change from:		
	Historical data	Sep. 2025	Oct. 2025	Nov. 2025	Nov. 2024	Sep. 2025	Oct. 2025
All items	☐	339.728	-	337.561	2.2	-0.6	-
All items (1967=100)	☐	1,132.851	-	1,125.625	-	-	-
Food and beverages	☐	314.985	-	313.121	1.7	-0.6	-
Food	☐	323.652	-	321.560	1.7	-0.6	-
Food at home	☐	284.772	-	278.025	-1.5	-2.4	-
Cereals and bakery products	☐	351.174	-	343.062	1.4	-2.3	-
Meats, poultry, fish, and eggs	☐	305.355	-	285.419	0.9	-6.5	-
Dairy and related products	☐	232.281	-	234.859	-0.6	1.1	-
Fruits and vegetables	☐	314.288	-	305.720	-5.8	-2.7	-
Nonalcoholic beverages and beverage materials(1)	☐	197.803	-	199.116	3.7	0.7	-
Other food at home	☐	250.465	-	246.390	-4.0	-1.6	-
Food away from home	☐	379.149	-	385.491	6.0	1.7	-
Alcoholic beverages	☐	237.182	-	237.589	1.2	0.2	-
Housing	☐	346.583	-	347.915	3.6	0.4	-
Shelter	☐	405.651	-	405.979	3.1	0.1	-
Rent of primary residence	☐	409.447	-	413.726	0.9	1.0	-
Owners' equiv. rent of residences(2)	☐	405.070	-	407.884	4.6	0.7	-
Owners' equiv. rent of primary residence(2)	☐	405.070	-	407.884	4.6	0.7	-
Household furnishings and operations	☐	151.670	-	157.001	9.3	3.5	-
Apparel	☐	117.039	-	107.822	-4.1	-7.9	-
Transportation	☐	342.366	-	331.216	-2.7	-3.3	-
Private transportation	☐	349.470	-	338.822	-1.0	-3.0	-
New and used motor vehicles(3)	☐	134.784	-	133.752	-1.0	-0.8	-
New vehicles(1)	☐	259.053	-	258.596	0.5	-0.2	-
Used cars and trucks(1)	☐	371.068	-	369.599	3.0	-0.4	-
Motor fuel	☐	270.170	-	230.626	-8.2	-14.6	-
Gasoline (all types)	☐	267.510	242.867	227.202	-8.5	-15.1	-6.5
Unleaded regular(4)	☐	258.344	233.323	217.494	-9.0	-15.8	-6.8
Unleaded midgrade(4)(5)	☐	268.487	246.346	231.356	-7.7	-13.8	-6.1
Unleaded premium(4)	☐	299.230	276.713	262.211	-6.7	-12.4	-5.2
Medical care	☐	772.261	-	781.012	7.3	1.1	-
Recreation(3)	☐	192.746	-	188.928	2.8	-2.0	-
Education and communication(3)	☐	129.142	-	129.199	-1.7	0.0	-
Tuition, other school fees, and childcare(1)	☐	1,290.239	-	1,290.239	3.5	0.0	-
Other goods and services	☐	490.671	-	481.560	3.3	-1.9	-

(1) Index is on a January 1978=100 base.
(2) Index is on a November 1982=100 base.
(3) Indexes on a December 1997=100 base.
(4) Special index based on a substantially smaller sample.
(5) Indexes on a December 1993=100 base.

- Data not available.
NOTE: Index applies to a month as a whole, not to any specific date.
NOTE: The October 2025 and November 2025 data values are not available due to the 2025 lapse in appropriations.

Table 2. Denver-Aurora-Lakewood, CO, CPI-U by special aggregate index for November 2025, not seasonally adjusted (1982-84=100 unless otherwise noted)

Special aggregate index	Indexes				Percent change from:		
	Historical data	Sep. 2025	Oct. 2025	Nov. 2025	Nov. 2024	Sep. 2025	Oct. 2025
All items	☐	339.728	-	337.561	2.2	-0.6	-
Food	☐	323.652	-	321.560	1.7	-0.6	-
Energy	☐	226.496	-	-	-	-	-
All items less food and energy	☐	358.184	-	357.401	2.7	-0.2	-

(1) Indexes on a November 1982=100 base.

- Data not available.
NOTE: Index applies to a month as a whole, not to any specific date.
NOTE: The October 2025 and November 2025 data values are not available due to the 2025 lapse in appropriations.

Special aggregate index	Indexes				Percent change from:		
	Historical data	Sep. 2025	Oct. 2025	Nov. 2025	Nov. 2024	Sep. 2025	Oct. 2025
All items less energy	NA	351.760	-	350.815	2.6	-0.3	-
All items less medical care	NA	319.886	-	317.319	1.8	-0.8	-
All items less shelter	NA	308.358	-	304.907	1.7	-1.1	-
Commodities	NA	215.422	-	211.642	0.4	-1.8	-
Commodities less food	NA	171.690	-	167.623	-0.3	-2.4	-
Commodities less food & beverages	NA	168.933	-	164.754	-0.4	-2.5	-
Durables	NA	130.844	-	129.441	0.8	-1.1	-
Nondurables	NA	261.611	-	256.179	0.2	-2.1	-
Nondurables less food	NA	210.581	-	202.894	-1.4	-3.7	-
Nondurables less food & beverages	NA	208.545	-	200.251	-1.6	-4.0	-
Services	NA	450.959	-	450.384	3.1	-0.1	-
Services less rent of shelter(1)	NA	512.816	-	510.716	3.7	-0.4	-
Services less medical care services	NA	424.582	-	423.842	2.6	-0.2	-

(1) Indexes on a November 1982=100 base.

- Data not available.

NOTE: Index applies to a month as a whole, not to any specific date.

NOTE: The October 2025 and November 2025 data values are not available due to the 2025 lapse in appropriations.

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U.S. BUREAU OF LABOR STATISTICS Mountain-Plains Information Office Two Pershing Square Building Suite 1190 2300 Main Street Kansas City, MO 64108
Telephone: 816-285-7000, www.bls.gov/regions/mountain-plains Contact Mountain-Plains