

The Honorable Tiffany M. Cartwright

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Y.M.M.,

Petitioner,

v.

CAMMILLA WAMSLEY, Seattle Field Office
Director, Enforcement and Removal Operations,
United States Immigration and Customs
Enforcement, *et al.*,

Respondents.

Case No. 2:25-cv-02075-TMC

FEDERAL RESPONDENTS' RESPONSE
IN OPPOSITION TO MOTION FOR
ATTORNEY FEES AND COSTS

In response to Petitioner Y.M.M.'s motion for attorney fees (Dkt. 16), Federal Respondents will not object that Petitioner is entitled to some award under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). Nevertheless, Petitioner seeks fees for time that two attorneys and a paralegal spent performing clerical tasks, which is not compensable under EAJA. She also seeks time that attorneys spent on unnecessary and duplicative tasks, which are also not compensable. Moreover, Petitioner has not met her burden to prove that the hours billed by Sydney Maltese and paralegal Priscilla Hernandez were performed at the prevailing market rate. *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983) ("the party seeking an award of fees should submit evidence supporting the ... rates claimed").

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I. ARGUMENT

A. Clerical, duplicative, and routine tasks are not compensable under EAJA

“Purely clerical work or secretarial tasks should not be billed at a paralegal or lawyer’s rate, regardless of who performs them.” *Missouri v. Jenkins*, 491 U.S. 274, 288 n. 10 (1989). “For example, the time spent to e-file documents is routinely found to be clerical work that is non-compensable under the EAJA.” *Teague v. Comm’r of Soc. Sec.*, No. 19-5727-JRC, 2020 WL 3077149, at *2 (W.D. Wash. June 10, 2020) (quoting *Garcia v. Colvin*, No. 11-1965-SKO, 2013 WL 5347494, at *7 (E.D. Cal. Sept. 23, 2013)).

Petitioner seeks compensation for: (1) 1.3 hours Paralegal Maltese billed for “drafting civil cover sheet, summonses, and exhibit decl”; (2) 0.3 hours Attorney Aldana Madrid billed for “emailing/outlining f/u filing plan w/ [Maltese], redacting i-213;” (3) 1.3 hours Attorney Aldana Madrid billed for “filing – final read through and finalizing ccs + summonses, opening case on ecf, filing all docs;” (4) 0.4 hours Attorney Ng billed for “last edits to traverse, filing.” Dkt. 18-2. Each of these entries indicate time spent filing the habeas petition or subsequent filings in this matter, which is not compensable under EAJA. Thus, any fee award should be reduced accordingly.

Other time entries also merit scrutiny. Excessive, redundant, or otherwise unnecessary hours should be excluded from a fee award. *Hensley*, 461 U.S. at 434. Here, Attorney Kang billed 0.3 hours for “reviewing case docket.” Dkt. 18-2. Meanwhile, on November 5, 2025, Attorney Ng billed 0.5 hours for “edits to traverse, enter NOA” and another 0.3 hours for “notice of appearance, finalize traverse, team email discussion.” *Id.* Attorney Ng’s time entries on a notice of appearance and the traverse are duplicative and should not be compensated. Meanwhile, Attorney Kang’s activity to review the docket is unnecessary and should not be compensated.

1 *B. Petitioner has presented no evidence that the paralegals are billing at the*
2 *prevailing market rate*

3 Federal Respondents acknowledge that EAJA authorizes an award of costs associated with
4 work performed by paralegals at prevailing market rates. *Richlin Sec. Serv. v. Chertoff*, 553 U.S.
5 571, 578, 588-89 (2008); *Nadarajah v. Holder*, 569 F.3d 906, 918 (9th Cir. 2009). Nevertheless,
6 as the fee-seeking party, Petitioner bears “the burden to prove that the rate charged is in line with
7 the prevailing market rate of the relevant community.” *Carson v. Billings Police Dep’t*, 470 F.3d
8 889, 891 (9th Cir. 2006) (internal quotations omitted); *accord Hensley*, 461 U.S. at 433. Although
9 Maltese’s hours should be disregarded entirely for the reasons discussed above, even if they were
10 compensable, Petitioner has not raised any argument either in her motion or in her attorney’s
11 declaration to establish that the rates charged by paralegals Maltese or Hernandez are at the
12 prevailing market rate. Rather, Petitioner asks this Court to accept without argument or evidence
13 that she should be able to recover the paralegals’ time at a rate just \$3.46/hour less than what the
14 attorneys seek. Dkt. 18-2.

15 When confronted with a similar paucity of evidence, courts in this circuit have routinely
16 reduced the award for paralegal fees. For example, in *Martinez v. Colvin*, No. 14-3043-BTM, 2017
17 WL 766665 (S.D. Cal. Feb. 27, 2017), the plaintiff sought paralegal fees at a rate of \$100/hour. *Id.*
18 at *8. The court *sua sponte* held that because Plaintiff had provided no evidence to support the
19 reasonableness of the requested rate or the paralegals’ experience, it must look to other sources to
20 determine an appropriate rate. *Id.* at *9. There, the court looked to what the Judicial Council of the
21 Ninth Circuit permitted for services under the Criminal Justice Act, which at the time was \$35-

1 60/hour, and awarded paralegal fees at the low end.¹ *Id.* In other cases, the courts based a rate on
2 the *United States Consumer Law Attorney Fee Survey Report. Ulugalu v. Berryhill*, No. 17-1087-
3 GPC-JLB, 2018 WL 2012330, at *4 (S.D. Cal. Apr. 30, 2018) (finding that the appropriate
4 paralegal rate in San Diego was \$100/hour). For Seattle, a paralegal rate of \$100/hour has been
5 found appropriate. *Robinson v. Berryhill*, No. 16-6002-JRC, 2018 WL 2441747 (W.D. Wash. May
6 31, 2018) (“Although the 3.1 paralegal hours reasonably were expended (\$310) ...,” i.e., indicating
7 a rate of \$100/hour). Because Petitioner has not presented any other evidence, the paralegal fees –
8 to the extent they are compensable – should be reduced.

9 **II. CONCLUSION**

10 For the aforementioned reasons, Federal Respondents’ objections to Petitioner’s motion
11 for attorney fees should be sustained, and the award reduced so as not to compensate for clerical,
12 duplicative, and unnecessary work as well as to compensate the paralegals’ work at the appropriate
13 market rate to the extent their work is properly compensable.

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23 ¹ The Judicial Council has updated the paralegal rates under the Criminal Justice Act to \$65-90/hour depending on
24 whether the paralegal has a law degree. See <https://cdn.ca9.uscourts.gov/datastore/cja/Circuit%20CJA%20Policies.pdf> (last accessed Feb. 19, 2026).

1 DATED this 19th day of February, 2026.

2 Respectfully submitted,

3 s/ James C. Strong

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14 *I certify that this memorandum contains 928 words*
15 *in compliance with the Local Civil Rules.*