

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:25-cv-03463-NYW  
Judge Nina Y. Wang

YUNIER SABORIT AGUILAR,  
Petitioner,

v.

MARKWAYNE MULLIN, Secretary of Homeland Security, et al.<sup>1</sup>,

Respondents.

---

**JOINT MOTION TO STAY RESPONDENTS' DEADLINE TO RESPOND  
TO PETITIONER'S MOTION FOR ATTORNEYS' FEES AND COSTS  
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

Petitioner and Respondents, by and through their respective counsel of record, hereby jointly move this Court to stay Respondents' deadline to respond to Petitioner's Motion for Attorneys' Fees and Costs Under the Equal Access to Justice Act ("EAJA Motion"), Dkt. 30, pending the parties' ongoing settlement discussions. In support thereof, the parties state as follows:

**RELEVANT BACKGROUND**

1. On March 9, 2026, Petitioner filed the EAJA Motion, requesting an award of attorneys' fees and costs in the total amount of \$14,143.23 pursuant to 28 U.S.C. § 2412(d). Dkt. 30.
2. Pursuant to D.C.COLO.LCivR 7.1(b)(2), Respondents' deadline to respond to the EAJA Motion is currently Monday, March 30, 2026.

---

<sup>1</sup> Mr. Mullin is substituted as a Respondent in his official capacity, pursuant to Fed. R. Civ. P. 25(d).

3. Counsel for the parties continue to confer in good faith regarding the EAJA Motion and agree that it would be in the interest of efficiency to permit the parties additional time to discuss whether it is possible to reach an agreement as to Petitioner's fees motion. The parties believe that a negotiated resolution may be achievable without the need for further court intervention or briefing.
4. To facilitate those continued discussions and avoid the expenditure of the parties' and the Court's resources on briefing that may ultimately be unnecessary, the parties jointly request that the Court stay Respondents' response deadline pending the outcome of the parties' settlement negotiations.

#### **ARGUMENT**

This Court has inherent authority to manage its docket, including the authority to stay deadlines pending settlement discussions. *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (Holding that the power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants).

A stay is warranted here for several reasons. First, the parties are actively engaged in good-faith settlement discussions that may resolve the EAJA Motion in its entirety or streamline the issues requiring the Court's attention, thereby conserving the Court's and the parties' resources. Second, no prejudice will result from a stay because the only matter remaining in this closed habeas proceeding is the collateral question of fees and costs. The underlying merits were fully resolved by this Court's Order of December 8, 2025. Third, the stay is jointly requested by both parties and is therefore unopposed.

To keep the Court apprised of the status of the parties' negotiations, the parties propose to file a Joint Status Report every sixty (60) days from the date of the Court's order granting this Motion, advising the Court of the progress of settlement discussions. If the parties reach agreement, they will promptly file a stipulation of settlement or a notice of withdrawal of the EAJA Motion. If the parties determine that settlement is not possible, they will notify the Court and propose a briefing schedule for Respondents' response to the EAJA Motion and Petitioner's reply at that time.

### CONCLUSION

For the foregoing reasons, the parties respectfully request that this Court: (1) stay Respondents' deadline to respond to the EAJA Motion pending the completion of the parties' settlement discussions; and (2) order the parties to file Joint Status Reports every sixty (60) days advising the Court of the status of those discussions, with the first such report due sixty (60) days from the date of the Court's order on this Motion.

Respectfully submitted this 26th day of March, 2026.

s/ Luis Cortes Romero  
Luis Cortes Romero  
Novo Legal Group, LLC  
19309 68th Avenue South, Suite R102  
Kent, WA 98032  
(206) 212-0260  
Luis@novo-legal.com

s/ Jane Bobet Rejko  
Jane Bobet Rejko  
Deputy Civil Chief  
United States Attorney's Office  
District of Colorado  
1801 California Street, Suite 1600  
Denver, CO 80202

**CERTIFICATE OF SERVICE**

I hereby certify that on March 26, 2026, a true and correct copy of the foregoing **JOINT MOTION TO STAY RESPONDENTS' DEADLINE TO RESPOND TO PETITIONER'S MOTION FOR ATTORNEYS' FEES AND COSTS UNDER THE EQUAL ACCESS TO JUSTICE ACT** was filed electronically using the Court's CM/ECF system, which will send electronic notification of such filing to all counsel of record.

s/ Luis Cortes Romero  
Luis Cortes Romero  
Novo Legal Group, LLC  
19309 68th Avenue South, Suite R102  
Kent, WA 98032  
(206) 212-0260  
Luis@novo-legal.com