

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VENABLE LLP
Sarah S. Brooks (SBN 266292)
2049 Century Park East, Suite 3400
Los Angeles, CA 90067
Tel: 310-229-0408
Email: ssbrooks@venable.com

Pro Bono Counsel for Petitioner

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Case No. 1:25-cv-01716-CSK

Carlos Jesus Colina-Meira
Petitioner,

v.

Todd Lyons, Acting Director, Immigration
Customs and Enforcement; and
Christopher Chestnut, Warden, California
City Correctional Facility

Respondents.

**PETITIONER'S NOTICE OF
MOTION AND MOTION FOR
ATTORNEYS' FEES UNDER
THE EQUAL ACCESS TO
JUSTICE ACT**

Magistrate Judge Kim

Hearing: March 24, 2026
Time: 10:00 a.m.
Courtroom: 25, 8th Floor

VENABLE LLP
2049 CENTURY PARK EAST, SUITE 3400
LOS ANGELES, CA 90067
310-229-9900

1 **TO THE CLERK OF THE ABOVE-ENTITLED COURT, ALL PARTIES,**
2 **AND THEIR ATTORNEYS OF RECORD:**

3 **PLEASE TAKE NOTICE** that on March 24, 2026 at 10:00 a.m., or as soon
4 thereafter as counsel may be heard, before Magistrate Judge Kim located in Robert
5 T. Matsui United States Courthouse, 501 I Street, Sacramento, CA 95814,
6 Petitioner Carlos Jesus Colina-Meira (“Petitioner” or “Colina-Meira”), by and
7 through their undersigned counsel, hereby does move the Court for an order
8 granting his Motion for Attorney’s Fees under the Equal Access to Justice Act.

9 Good cause exists to grant this motion because:

- 10 1) Petitioner is the prevailing party;
- 11 2) The government cannot show that its pre-litigation conduct and its
12 litigation position were both “substantially justified”; and
- 13 3) The attorney’s fees and cost in this matter are reasonable.

14
15
16 DATED: February 17, 2026

VENABLE LLP

17 By: /s/ Sarah S. Brooks

18 Sarah S. Brooks

19 Pro Bono Counsel for Carlos Jesus Colina-
20 Meira
21
22
23
24
25
26
27
28

1 **I. INTRODUCTION**

2 Petitioner Carlos Jesus Colina-Meira (“Petitioner” or “Colina-Meira”)
3 moves this Court to grant him an award of fees and costs pursuant to the Equal
4 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), for attorney’s fees reasonably
5 expended and expenses incurred in filing this action before this Court.

6 **II. ARGUMENT**

7 To qualify for an EAJA award, Petitioner must first establish that he is the
8 prevailing party. The burden then shifts to the government, which may avoid fees
9 only if it can show that its pre-litigation conduct and its litigation position were
10 both “substantially justified.” 28 U.S.C. § 2412(d). Here, Petitioner’s Petition for
11 Habeas Corpus was granted (Dkt. 17) and judgment entered in his favor (Dkt. 19).
12 He is thus the prevailing party and the government cannot meet its heavy burden of
13 demonstrating substantial justification.

14 **A. Petitioner is the Prevailing Party.**

15 In order to be considered a prevailing party, Petitioner must demonstrate that
16 he achieved a “material alteration of the legal relationship of the parties” and that
17 the alteration was “judicially sanctioned.” *Buckhannon Board and Care Home, Inc.*
18 *v. West Virginia Dep’t of Health and Human Resources*, 532 U.S. 598, 604-05
19 (2001). Here, Petitioner was ordered immediately released from his detention in
20 the California City detention facility. Thus, he achieved a material alteration that
21 was judicially sanctioned. (Dkt. 17, Ordering Petitioner’s immediate release on
22 Dec. 31, 2025). Further, judgment was entered by this Court in favor of Petitioner
23 on January 16, 2026. (Dkt. 19). Thus, Petitioner is the prevailing party.

24 Petitioner is also an eligible party under EAJA because he has a net worth of
25 less than 2 million dollars. Declaration of Sarah S. Brooks (“Brooks Decl.”) at ¶2;
26 28 U.S.C. § 2412(d)(2)(B).

27 **B. Respondents’ position was not substantially justified.**

28 Unless the government can prove that its position was “substantially

VENABLE LLP
2049 CENTURY PARK EAST, SUITE 2300
LOS ANGELES, CA 90067
310-229-9900

1 justified,” EAJA fees must be awarded. Congress placed a heavy burden of proof
2 on the government to demonstrate that its position was substantially justified. H.R.
3 Rep. No. 96-1418, 96th Cong., 2d Sess. 10, 13-14 (1980); *United States v. First*
4 *National Bank of Circle*, 732 F.2d 1444 (9th Cir. 1984). To meet this burden, the
5 government must show that its position had a reasonable basis both in law and in
6 fact. *Pierce v. Underwood*, 487 U.S. 552, 563 (1988); *League of Women Voters of*
7 *California v. FCC*, 798 F.2d 1255 (9th Cir. 1986).

8 The government must meet this threshold twice: it must independently
9 establish that the agency action giving rise to the litigation was substantially
10 justified and that its litigation positions were also substantially justified. 28 U.S.C.
11 § 2412(d)(2)(D); *Commissioner, INS v. Jean*, 496 U.S. 154 (1990). If it cannot do
12 both, EAJA fees must be awarded. Hence, even when the litigation position is
13 reasonable, fees must still be awarded where the agency’s action was not
14 reasonable. *Li v. Keisler*, 505 F.3d 913, 919 (9th Cir. 2007) (“we have consistently
15 held that regardless of the government’s conduct in the federal court proceedings,
16 unreasonable agency action at any level entitles the litigant to EAJA fees”).

17 Here, the Court should find neither the agencies’ decisions, nor the
18 government’s litigation position in defending them, were substantially justified.
19 Indeed, numerous Eastern District of California cases have ruled similarly to this
20 Court in this matter. *See e.g. Josue I.C.V. v. Lyons et al.* 1:25-cv-01542-SKO (E.D.
21 Cal Dec. 5, 2025) (granting habeas petition and ordering Petitioner’s release and
22 finding that Petitioner’s re-detention without a pre-deprivation hearing was a
23 violation of the Due Process Clause of the Fifth Amendment). Despite similar
24 cases ordering immediate release from detention, the government made the
25 decision to continue its position, contrary to the Due Process Clause of the Fifth
26 Amendment. Therefore, fees must be awarded. *Li*, 505 F.3d at 919.

27 **C. The fees sought are reasonable.**

28 At this time, Petitioner seeks fees and costs in the amount of \$9553.

1 Petitioner asserts that the government-approved rates found in the Fitzpatrick
2 matrix, should be awarded in this case for the time spent by Petitioner’s attorneys.
3 28 U.S.C. § 2412(d)(2)(A); *Pierce v. Underwood*, 487 U.S. 552, 563 (1988);
4 *Nadarajah v. Holder*, 569 F.3d 906, 912 (9th Cir. 2009)(denying government’s
5 motion for reconsideration and agreeing that petitioner’s counsel “possessed
6 distinctive knowledge and specialized skill as to statutory and constitutional
7 immigration law in the detention context that was needful to the litigation”).
8 Petitioner’s counsel in this case practices exclusively in Federal Court and her skill
9 as to statutory and constitutional immigration law in the detention context was
10 needed for this litigation. Brooks Decl. at ¶¶ 5, 8, 9.

11 Attached are contemporaneous time records documenting the time
12 undersigned Counsel’s office has spent on Petitioner’s case. Brooks Decl. at ¶ 6,
13 Ex. A. Counsel’s office has already deleted any duplicative time entries, and
14 eliminated other time actually spent on the case, in the exercise of billing
15 judgment. Brooks Decl. at ¶ 7. Therefore, the fees sought are reasonable.

16 **III. CONCLUSION**

17 Petitioner is the prevailing party and is entitled to compensation under EAJA
18 for the attorney fees and expenses incurred in litigating this case. For the reasons
19 set forth in this motion, and in the supplemental filings to follow, fees should be
20 awarded in the amount finally requested.

21
22 DATED: February 17, 2026

VENABLE LLP

23
24 By: /s/ Sarah S. Brooks

Sarah S. Brooks

25 Pro Bono Counsel for Carlos Jesus Colina-
26 Meira
27
28