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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 CARLOS JESUS COLINA-MEIRA,
11 Petitioner,
12 v.
13 TODD LYONS, ET AL.,
14 Respondents.
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CASE NO. 1:25-CV-01716-HC-CSK

RESPONDENTS' MOTION TO STAY RESPONSE
DEADLINE AND HEARING ON PETITIONER'S
MOTION FOR ATTORNEYS' FEES UNDER THE
EQUAL ACCESS TO JUSTICE ACT

COURT: Hon. Chi Soo Kim

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17 On February 17, 2026, Petitioner file a motion for Attorney Fees under the Equal Access to
18 Justice Act ("EAJA"), and noticed a hearing on the motion for March 24, 2026, at 10:00 a.m. ECF 20.
19 Pursuant to this Court's Local Rules, Petitioner's response to the motion is currently due on March 3,
20 2026, which is 14 days after the motion was filed. *See* EDCA L.R. 230(c).

21 Respondents respectfully request that the Court stay Defendants' opposition deadline and any
22 hearing on Petitioner's motion for attorneys' fees under the Equal Access to Justice Act ("EAJA")
23 pending issuance of opinions in *Ramon Rodriguez Vazquez v. Drew Bostock, et al.*, Ninth Circuit
24 Docket No. 25-6842 (W.D. Wash 3:25-cv-05240-TMC), a case which will likely resolve which statutory
25 authority, 8 U.S.C. §§ 1225 or 1226, applies to aliens, such as Petitioner, who are present in the United
26 States without having been admitted, and *Benavides Carballo v. Andrews*, Ninth Circuit Docket No. 25-
27 6533 (E.D. Cal. 1:25-cv-00978-KES-EPG), a case most likely to address the question of constitutional
28 due process in the context of re-detention. The outcome of these cases is likely relevant to the EAJA

1 analysis, specifically the substantial justification prong. *See* 28 U.S.C. § 2412(d)(1) (EAJA fees are not
2 available if the Court finds that the position of the United States was substantially justified); *see also*
3 *Gonzales v. Free Speech Coalition*, 408 F.3d 613, 618 (9th Cir. 2005) (“[S]ubstantially justified means
4 there is a dispute over which reasonable minds could differ.”). The Ninth Circuit has set *Ramon*
5 *Rodriguez Vazquez* for oral argument on March 4, 2026, *see* Ninth Circuit Docket No. 25-6842, Dkt. 17,
6 and the answering brief in *Benavides Carballo* is currently due April 3, 2026, with an optional reply due
7 21 days later, *see* Ninth Circuit Docket No. 25-6533, Dkt. 18.

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9 Dated: February 19, 2026

ERIC GRANT
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11 /s/ Nicholas Enrico Karp
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Assistant United States Attorney
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