

1 VENABLE LLP
Sarah S. Brooks (SBN 266292)
2 2049 Century Park East, Suite 3400
Los Angeles, CA 90067
3 Tel: 310-229-0408
Email: ssbrooks@venable.com

4 *Pro Bono Counsel for Petitioner*
5
6
7

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 Carlos Jesus Colina-Meira
12 Petitioner,

13 v.

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

17 Respondents.
18
19

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

**PETITIONER'S OPPOSITION
TO RESPONDENTS' MOTION
TO STAY**

Magistrate Judge Kim

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

1 **I. INTRODUCTION**

2 Petitioner Carlos Jesus Colina-Meira (“Petitioner” or “Colina-Meira”)
3 submits the following Opposition to Respondents’ Motion To Stay (Dkt. 21).

4 **II. ARGUMENT**

5 Respondents argue that Petitioner’s Motion for Attorney’s Fees should be
6 stayed in light of two cases which are currently on appeal to the Ninth Circuit.
7 These cases are not applicable to the present case. *Ramon Rodriguez Vasquez v.*
8 *Drew Bostock et al.* (25-6842)(W.D. Wash 3:25-cv-05240-TMC) involves the
9 question of whether 8 U.S.C. §1225 or 8 U.S.C. §1226(a) applies to detainees that
10 crossed without inspection and whether they are eligible for release on bond. But,
11 Petitioner did not cross without inspection. In his Petition, Petitioner points out that
12 he was released on parole in 2022 and found not to be a danger nor a flight risk.
13 Petitioner was arrested at his ICE check-in in October 2025 and detained without a
14 pre-deprivation bond hearing in violation of his Fifth Amendment rights. (Dkt. 1).
15 Whether Respondents were substantially justified in their position for purposes of
16 Petitioner’s fee motion does not depend on the outcome of *Vasquez v. Bostock*.

17 Similarly, whether Respondents were substantially justified in their position
18 does not depend on *Benavides Carballo v. Andrews*, (25-6533)(E.D. Cal. 1:25-cv-
19 00978-KES-EPG). In *Benavides*, the Petitioner was detained and was released in
20 connection with a class action lawsuit that specified that he not be re-detained
21 unless certain circumstances were met. Here, Petitioner entered the U.S. in 2022
22 and was released on parole. He was not released pursuant to a class action lawsuit.
23 Case law cited by Petitioner notes that when “[w]here the release decision was
24 made by a DHS officer, not an immigration judge, the Government’s practice has
25 been to require a showing of changed circumstances before re-arrest.” *Aceros v.*
26 *Kaiser*, No. 25-cv-06924-EMC, 2025 U.S. Dist. LEXIS 179594 at *1 (N.D. Cal.
27 Sept. 12, 2025) (*citing Seravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal.
28 2017)).

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

1 This is different than a release via a class action lawsuit. Thus, *Benavides* is
2 not applicable and the outcome of *Benavides* does not determine whether
3 Respondents were substantially justified in their position.

4 **III. CONCLUSION**

5 Petitioner respectfully requests that the Court deny Respondents' Motion to
6 Stay.

7
8 DATED: March 2, 2026

VENABLE LLP

9
10 By: /s/ Sarah S. Brooks

Sarah S. Brooks

11 Pro Bono Counsel for Carlos Jesus Colina-
12 Meira

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
VENABLE LLP
2049 CENTURY PARK EAST, SUITE 3400
LOS ANGELES, CA 90067
310-228-9900