

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martinez**

Civil Action No. 25-cv-4029-WJM-STV

VICTOR GARCIA ABANIL,

Petitioner,

v.

JUAN BALTAZAR, in his official capacity as warden
of the Aurora Contract Detention Facility, *et al.*

Respondents.

**PETITIONER'S MOTION FOR ATTORNEY'S FEES PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT**

Petitioner, VICTOR GARCIA ABANIL, by and through undersigned counsel, respectfully moves this Court for an award of attorney's fees pursuant to the Equal Access to Justice Act (EAJA). *See* 28 U.S.C. § 2412. This Court granted Garcia Abanil's Petition for Writ of Habeas Corpus, entered judgment in his favor, and expressly authorized him to seek fees under EAJA. ECF Nos. 16 and 17. The statutory requirements for an award are met, the government's position was not substantially justified, no special circumstances exist that would render an award unjust, and the fees sought are reasonable.

LEGAL STANDARD

The Equal Access to Justice Act, 28 U.S.C. § 2412(d) ("EAJA"), requires that a court "award to a prevailing party ... fees and other expenses ... incurred by that party in any civil action ... brought by or against the United States ... unless the court finds that the position of the United States was substantially justified ..." 28 U.S.C. § 2412(d)(1)(A). "The Government bears the

burden of showing that its position was substantially justified ... The test for substantial justification in this circuit is one of reasonableness in law and fact.” *Gilbert v. Shalala*, 45 F.3d 1391, 1394 (10th Cir. 1995).

Garcia Abanil’s legal arguments in this litigation satisfy each of the above criteria for an award of attorney’s fees under the EAJA. It is undisputed that Garcia Abanil prevailed on the merits of his Petition for Writ of Habeas Corpus. ECF Nos. 16 and 17. Further, as demonstrated below, the government cannot carry its considerable burden to prove that its position was substantially justified. Finally, Garcia Abanil has demonstrated that he meets the net worth requirements under 28 U.S.C. § 2412(d)(1)(B) and has timely filed this Motion pursuant to the Court’s Order.

ARGUMENTS

I. Garcia Abanil is a Prevailing Party Under EAJA.

To qualify for an EAJA award, a petitioner first must establish that he is an eligible, prevailing party. 28 U.S.C. § 2412(d)(1)(B); *Buckhannon Bd. and Care Home, Inc. v. W. Va. Dep’t of Health*, 532 U.S. 598, 603 (2001). A prevailing party is one who “has been awarded some relief by a court.” *Id.* at 603. In addition, it is well established that a party need not obtain relief on every claim or legal theory to be considered prevailing under a fee-shifting statute. *See Wilderson v. Sullivan*, 780 F. Supp. 1347, 1348 (D. Colo. 1992).

The District Court granted Garcia Abanil the relief he sought in his Petition for Writ of Habeas Corpus and ordered a bond hearing pursuant to 8 U.S.C. § 1226(a) wherein the government bears the burden of proving his continued detention is justified. ECF No. 16. Further, the Court entered judgment “in Petitioner’s favor and against Respondents.” ECF No. 16 at 18. Garcia Abanil’s status as the prevailing party is beyond dispute. *See, e.g. Oscar v. Gillen*, 595 F. Supp.

2d 166, 169 (D. Mass. 2009) (finding petitioner, who filed a habeas petition and successfully challenged his confinement in immigration detention without a bond hearing to be the prevailing party); *Geegbae v. McDonald*, 2011 WL 841237, at *1 (D. Mass. 2011) (a party who has successfully petitioned for a writ of habeas corpus is a “prevailing party”).

II. The Government’s Position Was Not Substantially Justified

As Garcia Abanil is a prevailing party, fees must be awarded unless the government carries its burden of proving that its position was “substantially justified.” 28 U.S.C. § 2412(d)(1)(A). This is a demanding standard. *See* H.R. Rep. No. 96-1418, 96th Cong., 2d Sess. 10, 13-14 (1980) (“[T]he strong deterrents to contesting government action require that the burden of proof rest with the government.”). The government must show that its position had a reasonable basis in both law and fact. *Pierce v. Underwood*, 487 U.S. 552, 565–66 (1988).

The government is more likely to meet the substantial justification standard “when the legal principle on which it relied is ‘unclear or in flux.’” *Evans v. Colvin*, 640 F. App’x 731, 733 (10th Cir. 2016) (*quoting* *Martinez v. Sec’y of Health & Hum. Servs.*, 815 F.2d 1381, 1383 (10th Cir. 1987)). However, “[a] position taken by the ALJ or government that ‘contravene[s] longstanding agency regulations, as well as judicial precedent,’ is not substantially justified.” *Quintero v. Colvin*, 642 F. App’x 793, 796 (10th Cir. 2016) (*quoting* *Stewart v. Astrue*, 561 F.3d 679, 684 (7th Cir. 2009)).

A court must weigh several factors in the reasonableness inquiry: the state at which the litigation was resolved, views expressed by other courts, the legal merits of the government’s position, the clarity of governing law, the foreseeable length and complexity of the litigation, and the consistency of the government’s position. *Commissioner, INS v. Jean*, 496 U.S. 154, 161–62 (1990). In determining whether the position of the United States was substantially justified, the

court evaluates not only the government's position, but also the underlying erroneous decision or action of the government agency upon which the civil action is based. 28 U.S.C. § 2412(d)(2)(D).

Applying those principles, Respondents cannot meet their burden. Respondents detained Garcia Abanil for more than six months under an untenable theory that he was subject to mandatory detention as an "applicant for admission" under 8 U.S.C. § 1225(b)(2)(A), despite his long-standing presence in the United States and DHS's own initial determination that he was detained under § 1226(a). See ECF No. 16 at 10-12.

Neither the Government's pre-litigation conduct nor its litigation position had a reasonable basis in law or fact. Respondents' pre-litigation position—that Garcia Abanil was subject to mandatory detention under § 1225(b)(2)(A)—was not merely incorrect, but an abrupt and unjustified departure from the statutory framework and decades of long-standing agency interpretation and application of the statute. Respondents compounded their unreasonable pre-litigation conduct by doubling down in federal court. Throughout the litigation, Respondents defended the application of § 1225(b)(2)(A) and opposed habeas relief.

In short, this is not a case in which the governing law was unsettled, or the agency's interpretation was reasonably debatable. Respondents' position contravened the statutory text, DHS's own initial custody determination, and long-standing agency practice, and it resulted in Garcia Abanil's prolonged and unlawful detention. Because Respondents' pre-litigation conduct and litigation position lacked a reasonable basis in both law and fact, they were not substantially justified within the meaning of EAJA. Accordingly, an award of attorney's fees is mandatory.

III. There Are No Special Circumstances That Would Make an Award Unjust

The EAJA permits denial of fees only if "special circumstances make an award unjust." See 28 U.S.C. § 2412(d)(3). The burden of proving the special circumstances rests with the

government. *See, e.g., Martin v. Heckler*, 754 F.2d 1262, 1264 (5th Cir. 1985); *Abela v. Gustafson*, 888 F.2d 1258, 1266 (9th Cir. 1989).

No such circumstances exist here. Garcia Abanil acted diligently, sought relief through appropriate legal channels, and obtained relief only after extensive litigation necessitated by Respondents' unlawful detention practices. Awarding fees in this case advances EAJA's core purpose of deterring unreasonable government conduct and ensuring access to judicial review.

IV. Garcia Abanil Meets the Net-Worth Requirement of EAJA

Eligibility for an award under EAJA depends upon a petitioner's net worth, which must not have exceeded \$ 2,000,000.00 at the time the civil action was filed. 28 U.S.C. § 2412(2)(2)(B). In the instant action, Garcia Abanil is eligible for EAJA fees because his net worth was below the threshold of \$ 2,000,000.00 when he filed his Petition for Writ of Habeas Corpus. *See Affidavit of Victor Garcia Abanil, dated February 2, 2026, attached hereto as Attachment A.*

V. Garcia Abanil Requests Reasonable Attorney's Fees

Prevailing parties are entitled to be compensated for all time reasonably spent in litigating the matter, including time spent on a motion for attorney's fees. *See Comm'r; INS v. Jean*, 496 U.S. 154, 163-65 (1990). Garcia Abanil requests attorney's fees from the United States in the amount of \$ 6,504.00 for the reasons stated below.

A. Undersigned counsel is providing herein a statement of attorney hours and fees as required under 28 U.S.C. § 2412(d)(1)(B).

A claim for attorney's fees under EAJA must include a statement from any attorney indicating the actual time expended and the rate at which the fees and recoverable expenses were computed. 28 U.S.C. § 2412(d)(1)(B).

Included herein are a record of hours personally expended by Attorney Skylar M. Larson and an Affidavit from her. *See Affidavit of Skylar M. Larson, Esq., attached hereto as Attachment B; Record of Hours Personally Expended by Attorney Skylar M. Larson, attached hereto as Attachment C.* As a solo practitioner undersigned counsel personally performed all research, drafting, and litigation tasks in this matter.

B. This Court should award the attorney's fees above the statutory limit for Attorney Skylar M. Larson based on the cost-of-living adjustment.

Congress has set a statutory cap for attorneys' fees at a rate of one hundred twenty-five dollars (\$ 125.00) per hour, unless the Court determines that an increase in the cost of living or a special factor justifies a higher fee. 28 U.S.C. § 2412(d)(2)(A). In determining a reasonable fee, the Court must consider the prevailing market rates for the kinds and quality of the services furnished by counsel. *See Case v. Unified Sch. Dist. No. 233*, 157 F.3d 1243 (10th Cir. 1998). If the prevailing market rate exceeds \$ 125.00 per hour, the Court must award fees at no less than the statutory rate. *See Hackett v. Barnhart*, 475 F.3d 1166, 1174 (10th Cir. 2007). The Court is expressly authorized by statute to award fees above the statutory rate where justified by an increase in cost of living or the presence of a special factor. *See* 28 U.S.C. § 2412(d)(2)(A)(ii).

Garcia Abanil seeks fees at the CPI-adjusted statutory rate under § 2412(d). Discussion of market rates is provided to demonstrate that the requested rate is reasonable and below market rate and in the alternative to support an award under § 2412(b) should the Court find it appropriate. The attached Affidavit of Attorney Skylar M. Larson establishes that prevailing market rates for the type of work performed here exceed the \$ 125.00 EAJA rate cap at \$ 400.00 per hour. *See Attachment B, attached hereto.* Therefore, a cost of living rate adjustment should be applied to her fees. Using the Consumer Price Index for All Urban Consumers for the Denver Metropolitan area

to calculate the cost of living adjustment is appropriate. *See U.S. Bureau of Labor Statistics, Consumer Price Index, Denver-Aurora-Lakewood, dated December 2025, attached hereto as Attachment D.* The data from December 2025 has been provided as this is the most recent data available and corresponds to when the substantive litigation occurred between December 2025 and January 2026. The CPI-U for December 2025 was 324.054. *See Attachment D, attached hereto.* Assuming CPI-U for the month of December 2025 is used for all work completed across all months (for ease of calculation and as the median month for the litigation) the cost-of-living adjusted hourly rate for attorney's fees is calculated as follows:

A = December 2025 CPI-U (324.054)

B = March 1996 CPI-U (155.7)

C = CPI-U adjusted rate

$C = A/B \times \$125/\text{hour} = 324.054/155.7 \times \$125 = \$260.16/\text{hour}$

**C. Garcia Abanil requests total fees in the amount of
\$ 6,504.00.**

Included in this Motion are the hours personally expended by undersigned counsel that were reasonably and necessarily incurred in this litigation. *See Attachment C, attached hereto.* Undersigned counsel has requested an hourly fee based on the cost-of-living adjusted statutory rate. Undersigned counsel's total claim for attorney's fees under EAJA is as follows:

Fees (25 hours x \$ 260.16/hour) = \$ 6,503.98

Total Attorney's Fees = \$ 6,504.00¹

¹ The total requested fee amount has been rounded to the nearest dollar, resulting in a de minimis upward adjustment of \$ 0.02.

CONCLUSION

For the foregoing reasons, Garcia Abanil respectfully requests that this Court grant his Motion for Attorney's Fees pursuant to the EAJA and award attorney's fees in the amount of \$ 6,504.00.

Dated this 3rd day of February 2026.

Respectfully submitted,

/s/ Skylar M. Larson

Skylar M. Larson, Esq.

8275 E. 11th Ave. # 200176

Denver, CO 80220

Tel: (970) 692-3156

Email: skylarmlarsonesq@gmail.com

ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2026, I electronically filed the foregoing **Petitioner's Motion for Attorney's Fees and Attachments A-D** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Katherine A. Ross
U.S. Attorney's Office
1801 California Street, Suite 1600
Denver, CO 80202
Katherine.ross@usdoj.gov

/s/ Skylar M. Larson
Skylar M. Larson, Esq.

ATTORNEY FOR PETITIONER

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VICTOR GARCIA ABANIL,

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Respondents.

**PETITIONER'S ATTACHMENTS TO MOTION FOR ATTORNEY'S FEES PURSUANT
TO THE EQUAL ACCESS TO JUSTICE ACT**

- ATTACHMENT A. Affidavit of Victor Garcia Abanil, dated February 2, 2026
- ATTACHMENT B. Affidavit of Skylar M. Larson, Esq., dated February 3, 2026
- ATTACHMENT C. Detailed Record of Hours Personally Expended by Attorney Skylar M. Larson
- ATTACHMENT D. U.S. Bureau of Labor Statistics, Consumer Price Index, Denver-Aurora-Lakewood — December 2025

A

**AFFIDAVIT OF
VICTOR GARCIA ABANIL**

1. My name is Victor Garcia Abanil, and I was born on 
2. My current address is 
3. I am a private individual, and my net worth does not, nor has it ever, exceeded the amount of \$ 2,000,000.00.
4. I make this declaration in support of my motion for attorney's fees and costs incurred in my successful representation before the United States District Court for the District of Colorado in Case No. 25-cv-4029-WJM-STV.
5. I was previously detained by immigration authorities and faced ongoing loss of liberty and separation from my family. Absent federal court intervention, I would have remained detained or subject to removal without meaningful relief.
6. I retained Attorney Skylar M. Larson to represent me in my immigration court removal and bond proceedings.
7. Attorney Larson's representation before the United States District Court was separate from the immigration court proceedings and involved substantial legal work that was not compensated by me.
8. I was unable to afford private counsel at prevailing federal litigation rates given my detained status and could not have pursued relief in federal court without Attorney Larson's representation.
9. As a result of the federal litigation, the Court issued relief that materially altered my legal relationship with the government and provided meaningful benefit to me. The outcome I obtained would not reasonably have occurred without the federal court proceedings.
10. I did not pay Attorney Larson any fees for the federal court litigation, and no fees or costs sought in this case were previously paid by me or by any third party.
11. I authorize and consent to the recovery of attorney's fees and costs on my behalf to compensate Attorney Skylar M. Larson for work performed in connection with my federal case.
12. I knowingly, voluntarily, and irrevocably assign any award of attorney's fees and costs in this matter to Attorney Skylar M. Larson and her law office.
13. I request that any award of fees and costs be paid directly to Attorney Skylar M. Larson's Office, either by check mailed to 8275 E 11th Ave. # 200176 Denver, CO 80220, or by direct deposit into counsel's office account.

14. To the best of my knowledge, I do not owe any debt to the United States federal government.

15. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 2, 2026, at Aurora, CO.



Victor Garcia Abanil

CERTIFICATE OF INTERPRETATION

I, Skylar M. Larson, am competent to interpret from English and Spanish and certify that I have read **AFFIDAVIT OF VICTOR GARCIA ABANIL** to Mr. Garcia Abanil in Spanish, and he stated that he understood its contents.

/s/ Skylar M. Larson
Skylar M. Larson
8275 E. 11th Ave. # 200176
Denver, CO 80220
Tel: (970) 692-3156

B

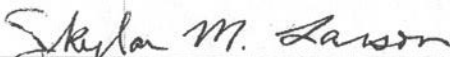
**AFFIDAVIT OF
SKYLAR M. LARSON, ESQ.**

1. This Affidavit is submitted in support of Petitioner's Motion for Attorney's Fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA") in the case of *Victor Garcia Abanil v. Juan Baltazar, et al.*, No. 25-cv-4029-WJM-STV.
2. I am an attorney licensed to practice law in the State of Colorado. I graduated from Pacific Lutheran University in 2019 with a Bachelor of Arts in Hispanic Studies and a Bachelor of Arts in Global Studies. In 2022, I graduated from the University of Denver Sturm College of Law and received the degree of *juris doctor*.
3. I was admitted to the Colorado Bar in May 2023, and to the United States Court of Appeals for the Tenth Circuit in July 2023. On September 22, 2025, I was admitted to practice before the United States District Court for the District of Colorado.
4. Since becoming licensed, I have concentrated my practice almost exclusively in immigration law, including removal defense before the Aurora and Denver Immigration Courts, criminal matters, appeals before the Board of Immigration Appeals, and related federal litigation. I am an active member of the American Immigration Lawyers Association ("AILA"), having been a member since May 2020 as a law student and since May 2023 as a licensed attorney. I am also proficient in Spanish, which allows me to communicate directly with detained clients and their families without the use of interpreters.
5. Mr. Garcia Abanil retained me for representation in his immigration court removal and bond proceedings, and he compensated me for that work. However, the federal district court litigation at issue here was separate and distinct from the immigration court proceedings. The habeas litigation was necessitated by Respondents' prolonged and unlawful detention of Mr. Garcia Abanil. The litigation required substantial additional work for which Mr. Garcia Abanil was unable to compensate counsel while detained.
6. Between December 12, 2025, and January 14, 2026, I expended twenty-five (25) hours litigating Mr. Garcia Abanil's federal habeas case. My work included legal research and analysis; drafting the initial Petition for Writ of Habeas Corpus; drafting a reply brief; and preparing for oral argument before this Court.
7. The hours expended were reasonable and necessary given the urgency of Mr. Garcia Abanil's detention, the complexity of the statutory and constitutional issues presented, the absence of any staff or paralegal support, and the significant liberty interests at stake. The contemporaneous time records attached to the Motion reflect the exercise of billing judgment and exclude duplicative, clerical, or otherwise non-compensable time.
8. I seek compensation at an hourly rate of \$ 260.16 per hour, representing the EAJA statutory rate of \$ 125.00 per hour adjusted for increases in the cost of living using the Consumer Price Index for All Urban Consumers. This rate is well below the prevailing market rate for

comparable federal litigation work in this jurisdiction, which reasonably exceeds \$ 400.00 per hour.

9. The total requested fee amount of \$ 6,504.00 reflects twenty-five (25) hours of work at the CPI-adjusted rate and has been rounded to the nearest whole dollar, resulting in a de minimis upward adjustment of two cents.
10. No double recovery is sought. The fees requested reflect only uncompensated work performed in connection with the federal habeas litigation. No portion of the fees or costs sought has been paid by Mr. Garcia Abanil or by any third party.
11. Mr. Garcia Abanil has knowingly and voluntarily assigned any award of attorney's fees and costs in this matter to undersigned counsel. If the Court grants the Motion, counsel respectfully requests that any EAJA award be paid directly to counsel.
12. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 3, 2026, at Fort Collins, CO.



Skylar M. Larson, Esq.

C

GARCIA ABANIL v. BALTAZAR, No. 25-cv-4029-WJM-STV

Detailed Record of Hours Personally Expended by Attorney Skylar M. Larson

Date	Description of Tasks	Hours
12/12/2025	Drafted Petition for Writ of Habeas Corpus	4
12/16/2025	Revised and Filed Petition for Writ of Habeas Corpus	2
12/21/2025	Drafted, revised, and filed Affidavit of Service	2
12/30/2025	Reviewed Respondents' Response	1
12/31/2025	Legal research regarding shifting of burden of proof	3
01/01/2026	Drafted reply brief in support of Petition for Writ of Habeas Corpus	4
01/05/2026	Client communication regarding status of litigation, including upcoming deadlines and possible outcomes	0.5
01/06/2026	Revised and filed Reply Brief	2
01/11/2026	Conferral with opposing counsel regarding Joint Motion to Vacate Oral Argument	0.5
01/12/2026	Revised and filed Joint Motion to Vacate Oral Argument	0.5
01/12/2026	Prepared for oral argument	2.5
01/13/2026	Participated in oral argument	1
01/14/2026	Reviewed Court Order granting Habeas Petition	1
01/14/2026	Client communication regarding success in litigation and next steps procedurally	1
	Total Hours	25

D

**Transmission of material in this release is embargoed until
8:30 a.m. (ET) Tuesday, January 13, 2026**

USDL-26-0042

Technical information: (202) 691-7000 • cpi_info@bls.gov • www.bls.gov/cpi
Media contact: (202) 691-5902 • PressOffice@bls.gov

CONSUMER PRICE INDEX – DECEMBER 2025

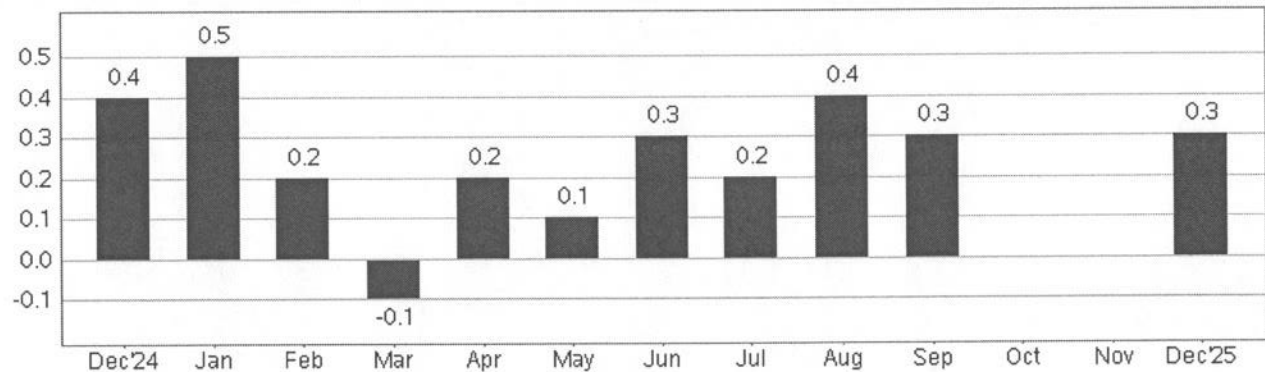
The Consumer Price Index for All Urban Consumers (CPI-U) increased 0.3 percent on a seasonally adjusted basis in December, the U.S. Bureau of Labor Statistics reported today. Over the last 12 months, the all items index increased 2.7 percent before seasonal adjustment.

The index for shelter rose 0.4 percent in December and was the largest factor in the all items monthly increase. The food index increased 0.7 percent over the month as did the food at home index and the food away from home index. The index for energy rose 0.3 percent in December.

The index for all items less food and energy rose 0.2 percent in December. Indexes that increased over the month include recreation, airline fares, medical care, apparel, personal care, and education. The indexes for communication, used cars and trucks, and household furnishings and operations were among the major indexes that decreased in December.

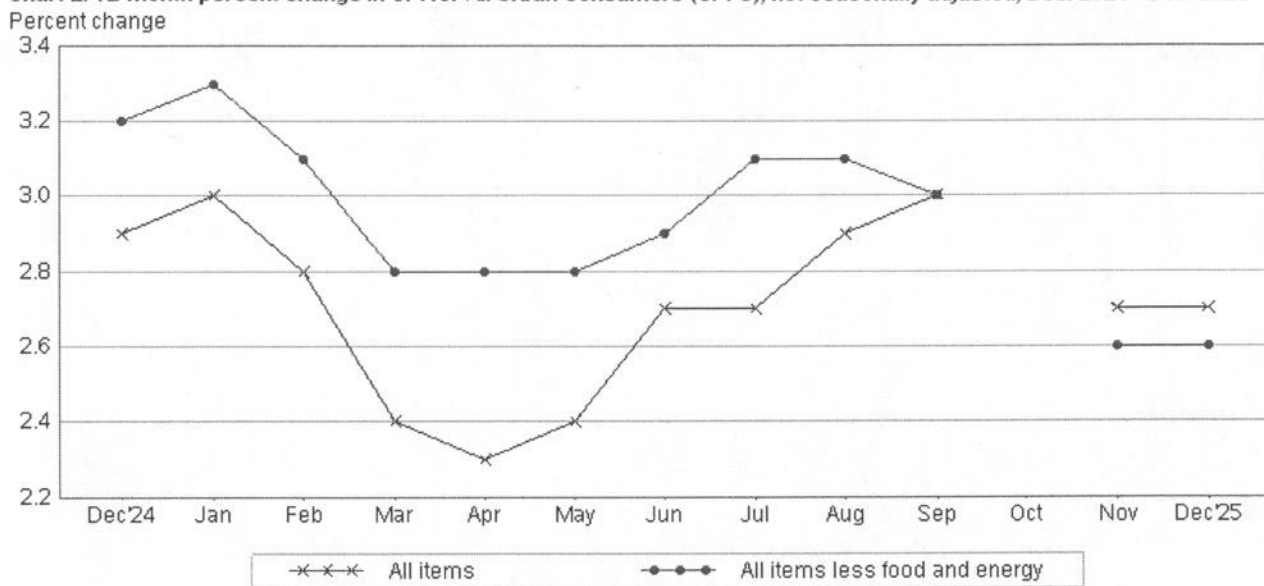
The all items index rose 2.7 percent for the 12 months ending December, the same increase as over the 12 months ending November. The all items less food and energy index rose 2.6 percent over the last 12 months. The energy index increased 2.3 percent for the 12 months ending December. The food index increased 3.1 percent over the last year.

Chart 1. One-month percent change in CPI for All Urban Consumers (CPI-U), seasonally adjusted, Dec. 2024 - Dec. 2025
Percent change



NOTE: The Oct and Nov 2025 data values are not available due to the 2025 lapse in appropriations.

Chart 2. 12-month percent change in CPI for All Urban Consumers (CPI-U), not seasonally adjusted, Dec. 2024 - Dec. 2025



NOTE: The Oct 2025 data values are not available due to the 2025 lapse in appropriations.

Table A. Percent changes in CPI for All Urban Consumers (CPI-U): U.S. city average

	Seasonally adjusted changes from preceding month							Un-adjusted 12-mos. ended Dec. 2025
	Jun. 2025	Jul. 2025	Aug. 2025	Sep. 2025	Oct. 2025	Nov. 2025	Dec. 2025	
All items.....	0.3	0.2	0.4	0.3	-	-	0.3	2.7
Food.....	0.3	0.0	0.5	0.2	-	-	0.7	3.1
Food at home.....	0.3	-0.1	0.6	0.3	-	-	0.7	2.4
Food away from home ¹	0.4	0.3	0.3	0.1	-	-	0.7	4.1
Energy.....	0.9	-1.1	0.7	1.5	-	-	0.3	2.3
Energy commodities.....	1.0	-1.9	1.7	3.8	-	-	-0.4	-3.0
Gasoline (all types).....	1.0	-2.2	1.9	4.1	-2.1	3.0	-0.5	-3.4
Fuel oil.....	1.3	1.8	-0.3	0.6	-	-	-1.5	7.4
Energy services.....	0.9	-0.3	-0.2	-0.7	-	-	1.0	7.7
Electricity.....	1.0	-0.1	0.2	-0.5	-	-	-0.1	6.7
Utility (piped) gas service.....	0.5	-0.9	-1.6	-1.2	-	-	4.4	10.8
All items less food and energy.....	0.2	0.3	0.3	0.2	-	-	0.2	2.6
Commodities less food and energy.....	0.2	0.2	0.3	0.2	-	-	0.0	1.4
New vehicles.....	-0.3	0.0	0.3	0.2	0.1	0.2	0.0	0.3
Used cars and trucks.....	-0.7	0.5	1.0	-0.4	0.7	0.3	-1.1	1.6
Apparel.....	0.4	0.1	0.5	0.7	-	-	0.6	0.6
Medical care commodities ¹	0.1	0.1	-0.3	-0.1	-	-	0.3	1.5
Services less energy services.....	0.3	0.4	0.3	0.2	-	-	0.3	3.0
Shelter.....	0.2	0.2	0.4	0.2	-	-	0.4	3.2
Transportation services.....	0.2	0.8	1.0	0.3	-	-	0.5	1.5
Medical care services.....	0.6	0.8	-0.1	0.3	-	-	0.4	3.5

1 Not seasonally adjusted.

NOTE: The Oct and Nov 2025 data values are not available due to the 2025 lapse in appropriations.

Food

The index for food rose 0.7 percent in December as did the index for food at home. Five of the six major grocery store food group indexes increased in December. The index for other food at home rose 1.6 percent over the month. The cereals and bakery products index increased 0.6 percent in December. The index for fruits and vegetables increased 0.5 percent and the index for nonalcoholic beverages increased 0.4 percent. The dairy and related products index rose 0.9 percent in December. In contrast, the index for meats, poultry, fish, and eggs decreased 0.2 percent in December, as the index for eggs fell 8.2 percent.

The food away from home index also rose 0.7 percent in December. The index for full service meals rose 0.8 percent over the month and the index for limited service meals increased 0.6 percent.

The index for food at home rose 2.4 percent over the 12 months ending in December. The meats, poultry, fish, and eggs index rose 3.9 percent over the last 12 months. The index for other food at home increased 2.7 percent over the same period and the index for nonalcoholic beverages rose 5.1 percent. The cereals and bakery products index increased 1.5 percent over the 12 months ending in December. The index for fruits and vegetables rose 0.5 percent over the year. In contrast, the dairy and related products index decreased 0.9 percent over the same period.

The food away from home index rose 4.1 percent over the last year. The index for full service meals rose 4.9 percent and the index for limited service meals rose 3.3 percent over the same period.

Energy

The index for energy increased 0.3 percent in December. The natural gas index increased 4.4 percent over the same period. The index for gasoline decreased 0.5 percent over the month. (Before seasonal adjustment, gasoline prices decreased 5.3 percent in December.) The electricity index declined 0.1 percent in December.

The index for energy increased 2.3 percent over the past 12 months. The electricity index increased 6.7 percent over the last 12 months and the natural gas index rose 10.8 percent. In contrast, the index for gasoline fell 3.4 percent over this 12-month span.

All items less food and energy

The index for all items less food and energy rose 0.2 percent in December. The shelter index increased 0.4 percent over the month. The index for owners' equivalent rent rose 0.3 percent in December as did the index for rent. The lodging away from home index rose 2.9 percent over the month.

The index for recreation increased 1.2 percent over the month, the largest 1-month increase ever reported for that index, which was first published in 1993. The airline fares index rose 5.2 percent in December and the apparel index rose 0.6 percent. The index for personal care rose 0.4 percent over the month and the index for education increased 0.2 percent.

The medical care index increased 0.4 percent in December. The index for hospital services increased 1.0 percent over the month, while the index for physicians' services rose 0.3 percent. The prescription drugs index increased 0.1 percent in December.

The communication index declined 1.9 percent in December, and the used cars and trucks index fell 1.1 percent. The index for household furnishings and operations decreased 0.5 percent over the month, while the index for new vehicles was unchanged in December.

The index for all items less food and energy rose 2.6 percent over the past 12 months. The shelter index increased 3.2 percent over the last year. Other indexes with notable increases over the last year include medical care (+3.2 percent), household furnishings and operations (+4.0 percent), recreation (+3.0 percent), and personal care (+3.7 percent).

Not seasonally adjusted CPI measures

The Consumer Price Index for All Urban Consumers (CPI-U) increased 2.7 percent over the last 12 months to an index level of 324.054 (1982-84=100). For the month, the index was unchanged prior to seasonal adjustment.

The Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) increased 2.6 percent over the last 12 months to an index level of 317.014 (1982-84=100). For the month, the index decreased 0.1 percent prior to seasonal adjustment.

The Chained Consumer Price Index for All Urban Consumers (C-CPI-U) increased 2.5 percent over the last 12 months. For the month, the index decreased 0.1 percent on a not seasonally adjusted basis. Please note that the indexes for the past 10 to 12 months are subject to revision.

The Consumer Price Index for January 2026 is scheduled to be released on Wednesday, February 11, 2026, at 8:30 a.m. (ET).

Upcoming CPI publication changes

With the publication of January 2026 CPI data on February 11, 2026, several index titles will change.

The following CPI indexes will have **title changes**:

- **Care of invalids and elderly at home** will be changed to **home health care**
- **Technical and business school tuition and fees** will be changed to **technical and vocational school tuition and fixed fees**
- **Housing at school, excluding board** will be changed to **lodging while at school**

More information is available in the series title change table at: www.bls.gov/cpi/additional-resources/series-title-changes.htm

Following publication of December 2025 data in January 2026, the Consumer Price Index (CPI) compressed tape format files (download.bls.gov/pub/time.series/compressed/tape.format/) will be discontinued. Revised historical unadjusted and seasonally adjusted indexes are available in a similar format through BLS time series downloads for the following CPI surveys:

CU: Consumer Price Index, all urban consumers

CW: Consumer Price Index, all urban wage earners and clerical workers

AP: Average Price Data

SU: Chained Consumer Price Index, all urban consumers

Technical Note

Brief Explanation of the CPI

The Consumer Price Index (CPI) measures the change in prices paid by consumers for goods and services. The CPI reflects spending patterns for each of two population groups: all urban consumers and urban wage earners and clerical workers. The all urban consumer group represents over 90 percent of the total U.S. population. It is based on the expenditures of almost all residents of urban or metropolitan areas, including professionals, the self-employed, the poor, the unemployed, and retired people, as well as urban wage earners and clerical workers. Not included in the CPI are the spending patterns of people living in rural nonmetropolitan areas, farming families, people in the Armed Forces, and those in institutions, such as prisons and mental hospitals. Consumer inflation for all urban consumers is measured by two indexes, namely, the Consumer Price Index for All Urban Consumers (CPI-U) and the Chained Consumer Price Index for All Urban Consumers (C-CPI-U).

The Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) is based on the expenditures of households included in the CPI-U definition that meet two requirements: more than one-half of the household's income must come from clerical or wage occupations, and at least one of the household's earners must have been employed for at least 37 weeks during the previous 12 months. The CPI-W population represents approximately 30 percent of the total U.S. population and is a subset of the CPI-U population.

The CPIs are based on prices of food, clothing, shelter, fuels, transportation, doctors' and dentists' services, drugs, and other goods and services that people buy for day-to-day living. Prices are collected each month in 75 urban areas across the country from about 6,000 housing units and approximately 22,000 retail establishments (department stores, supermarkets, hospitals, filling stations, and other types of stores and service establishments). All taxes directly associated with the purchase and use of items are included in the index. Prices of fuels and a few other items are obtained every month in all 75 locations. Prices of most other commodities and services are collected every month in the three largest geographic areas and every other month in other areas. Prices of most goods and services are obtained by personal visit, telephone call, web, or app collection by the Bureau's trained representatives.

In calculating the index, price changes for the various items in each location are aggregated using weights, which represent their importance in the spending of the appropriate population group. Local data are then combined to obtain a U.S. city average. For the CPI-U and CPI-W, separate indexes are also published by size of city, by region of the country, for cross-classifications of regions and population-size classes, and for 23 selected local areas. Area indexes do not measure differences in the level of prices among cities; they only measure the average change in prices for each area since the base period. For the C-CPI-U, data are issued only at the national level. The CPI-U and CPI-W are considered final when released, but the C-CPI-U is issued in preliminary form and subject to three subsequent quarterly revisions.

The index measures price change from a designed reference date. For most of the CPI-U and the CPI-W, the reference base is 1982-84 equals 100. The reference base for the C-CPI-U is December 1999 equals 100. An increase of 7 percent from the reference base, for example, is shown as 107.000. Alternatively, that relationship can also be expressed as the price of a base period market basket of goods and services rising from \$100 to \$107.

Sampling Error in the CPI

The CPI is a statistical estimate that is subject to sampling error because it is based upon a sample of retail prices and not the complete universe of all prices. BLS calculates and publishes estimates of the 1-

month, 2-month, 6-month, and 12-month percent change standard errors annually for the CPI-U. These standard error estimates can be used to construct confidence intervals for hypothesis testing. For example, the estimated standard error of the 1-month percent change is 0.03 percent for the U.S. all items CPI. This means that if we repeatedly sample from the universe of all retail prices using the same methodology, and estimate a percentage change for each sample, then 95 percent of these estimates will be within 0.06 percent of the 1-month percentage change based on all retail prices. For example, for a 1-month change of 0.2 percent in the all items CPI-U, we are 95 percent confident that the actual percent change based on all retail prices would fall between 0.14 and 0.26 percent. For the latest data, including information on how to use the estimates of standard error, see www.bls.gov/cpi/tables/variance-estimates/home.htm.

Calculating Index Changes

Movements of the indexes from 1 month to another are usually expressed as percent changes rather than changes in index points, because index point changes are affected by the level of the index in relation to its base period, while percent changes are not. The following table shows an example of using index values to calculate percent changes:

	Item A	Item B	Item C
Year I	112.500	225.000	110.000
Year II	121.500	243.000	128.000
Change in index points	9.000	18.000	18.000
Percent change	$9.0/112.500 \times 100 = 8.0$	$18.0/225.000 \times 100 = 8.0$	$18.0/110.000 \times 100 = 16.4$

Use of Seasonally Adjusted and Unadjusted Data

The Consumer Price Index (CPI) program produces both unadjusted and seasonally adjusted data. Seasonally adjusted data are computed using seasonal factors derived by the X-13ARIMA-SEATS seasonal adjustment method. These factors are updated each February, and the new factors are used to revise the previous 5 years of seasonally adjusted data. The factors are available at www.bls.gov/cpi/tables/seasonal-adjustment/seasonal-factors-2025.xlsx. For more information on data revision scheduling, please see the Factsheet on Seasonal Adjustment at www.bls.gov/cpi/seasonal-adjustment/questions-and-answers.htm and the Timeline of Seasonal Adjustment Methodological Changes at www.bls.gov/cpi/seasonal-adjustment/timeline-seasonal-adjustment-methodology-changes.htm.

How to Use Seasonally Adjusted and Unadjusted Data

For analyzing short-term price trends in the economy, seasonally adjusted changes are usually preferred since they eliminate the effect of changes that normally occur at the same time and in about the same magnitude every year—such as price movements resulting from weather events, production cycles, model changeovers, holidays, and sales. This allows data users to focus on changes that are not typical for the time of year.

The unadjusted data are of primary interest to consumers concerned about the prices they actually pay. Unadjusted data are also used extensively for escalation purposes. Many collective bargaining contract agreements and pension plans, for example, tie compensation changes to the Consumer Price Index

before adjustment for seasonal variation. BLS advises against the use of seasonally adjusted data in escalation agreements because seasonally adjusted series are revised annually for five years.

Intervention Analysis

The Bureau of Labor Statistics uses intervention analysis seasonal adjustment (IASA) for some CPI series. Sometimes extreme values or sharp movements can distort the underlying seasonal pattern of price change. Intervention analysis seasonal adjustment is a process by which the distortions caused by such unusual events are estimated and removed from the data prior to calculation of seasonal factors. The resulting seasonal factors, which more accurately represent the seasonal pattern, are then applied to the unadjusted data.

For example, this procedure was used for the motor fuel series to offset the effects of the 2009 return to normal pricing after the worldwide economic downturn in 2008. Retaining this outlier data during seasonal factor calculation would distort the computation of the seasonal portion of the time series data for motor fuel, so it was estimated and removed from the data prior to seasonal adjustment. Following that, seasonal factors were calculated based on this "prior adjusted" data. These seasonal factors represent a clearer picture of the seasonal pattern in the data. The last step is for motor fuel seasonal factors to be applied to the unadjusted data.

For the seasonal factors introduced for January 2025, BLS adjusted 63 series using intervention analysis seasonal adjustment, including selected food and beverage items, motor fuels and vehicles.

Revision of Seasonally Adjusted Indexes

Seasonally adjusted data, including the U.S. city average all items index levels, are subject to revision for up to 5 years after their original release. Every year, economists in the CPI calculate new seasonal factors for seasonally adjusted series and apply them to the last 5 years of data. Seasonally adjusted indexes beyond the last 5 years of data are considered to be final and not subject to revision. For January 2025, revised seasonal factors and seasonally adjusted indexes for 2020 to 2024 were calculated and published. For series which are directly adjusted using the Census X-13ARIMA-SEATS seasonal adjustment software, the seasonal factors for 2024 will be applied to data for 2025 to produce the seasonally adjusted 2025 indexes. Series which are indirectly seasonally adjusted by summing seasonally adjusted component series have seasonal factors which are derived and are therefore not available in advance.

Determining Seasonal Status

Each year the seasonal status of every series is reevaluated based upon certain statistical criteria. Using these criteria, BLS economists determine whether a series should change its status from "not seasonally adjusted" to "seasonally adjusted", or vice versa. If any of the 81 components of the U.S. city average all items index change their seasonal adjustment status from seasonally adjusted to not seasonally adjusted, not seasonally adjusted data will be used in the aggregation of the dependent series for the last 5 years, but the seasonally adjusted indexes before that period will not be changed. For 2025, 34 of the 81 components of the U.S. city average all items index are not seasonally adjusted.

Contact Information

For additional information about the CPI visit www.bls.gov/cpi or contact the CPI Information and Analysis Section at 202-691-7000 or cpi_info@bls.gov.

For additional information on seasonal adjustment in the CPI visit www.bls.gov/cpi/seasonal-adjustment/home.htm

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.