

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Francisco Zamora Guasco,

Petitioner,

v.

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S. Department
of Homeland Security,

Todd M. Lyons, Acting Director of
Immigration and Customs Enforcement,
and

David Easterwood, Acting Director, St.
Paul Field Office Immigration and
Customs Enforcement.

Respondents.

Case No. 26-cv-722 (JMB/ECW)

**DECLARATION OF TIM PHILLIPS
IN SUPPORT OF MOTION FOR
ATTORNEY'S FEES AND COSTS**

I, Tim Phillips, hereby depose and state as follows:

1. I am a licensed attorney in Minnesota and am the attorney representing Petitioner Francisco Zamora Guasco ("Petitioner") in the above-titled case. I submit this Declaration in support of Petitioner's Motion for Attorney's Fees and Costs.

Petition for Writ of Habeas Corpus

2. This case was initiated via a Petition for Writ of Habeas Corpus ("Petition") to compel Respondents to release Petitioner from custody. The detention of Petitioner,

which the Court held fell under 8 U.S.C. § 1226 and not 8 U.S.C. § 1225(b)(2), necessitated this litigation.

3. On January 29, 2026, the Court ordered Respondents to release Petitioner from custody immediately, “and in any event no later than 4:00 p.m. CST on January 29, 2026,” *ECF No. 8, p. 7*. However, Petitioner was not released from custody until “late in the morning on January 31, 2026,” more than 36 hours later. *ECF No. 12, p. 1*.

4. I elected to accept this client and his case due to the limited availability of qualified attorneys for the proceedings involved. “More than 1,000 wrongful detention cases filed by detained immigrants have flooded the courts since the Trump administration deployed federal agents to the state [on] Dec. 1[, 2025].”¹

Federal Respondents’ Response to the Petition

5. On January 27, 2026, the Court ordered Respondents to file a response to the Petition by January 29, 2026, at 11:00 AM. *ECF No. 3*. That deadline passed, and Respondents did not timely file a response. *ECF No. 8, p. 2, ¶ 6*. Thus, “Respondents did not make any timely arguments in this case.” *ECF No. 8, p. 4*.

6. Because Respondents did not contest any of the factual allegations in the Petition, the Court deemed these factual allegations to be admitted. *See ECF No. 8, p. 2, n.2*.

¹ Sarah Nelson, *In their own words: Judges rebuke U.S. attorneys over immigration*, STAR TRIBUNE, February 28, 2026, <https://www.startribune.com/in-their-own-words-judges-rebuke-us-attorneys-over-immigration/601589964>

Experience, Hours, and Hourly Rate

7. I earned my J.D., *cum laude*, from the University of California Hastings in 2008.

8. I am licensed to practice law in the State of Minnesota and the State of California. I have been in active practice since starting my legal career in 2008, when I was admitted in California. I was admitted in Minnesota in 2010. I was admitted to the Eastern District of California in 2011, the District of Minnesota in 2012, and the Northern District of California in 2022.

9. Since 2008, I have tried 26 cases, the majority of which I tried without co-counsel. My practice over the past 18 years has focused on representing plaintiffs in employment and civil rights cases. I have extensive experience handling these kinds of cases.

10. To date, I have spent 9.9 hours working on this case. Attached as **Exhibit 1** is a true and correct copy of my billing records describing each item of work I performed, the date on which it was performed, and the amount of time spent on each item of work I performed. I incurred \$5.00 in costs when I paid the filing fee in this matter.

11. Attached as **Exhibit 2** is a true and correct copy of an October 28, 2024 Order on Attorneys' Fees, Prejudgment Interest, and Civil Penalty issued by Dakota County Judge Bryce Ehrman. Judge Ehrman found that the requested rates for a lawyer practicing for 13 years (\$525 per hour) and a lawyer practicing for 18 years (\$600 per hour) were reasonable. (Ex. 2 at 13, ¶ 27; *see also* Court File No. 19HA-CV-20-3022, Dkt. No. 310, 312 (listing the number of years each attorney has been practicing law).) The difference between these two

hourly rates – \$75 – suggests that every year during this time period of a lawyer’s career, the rate should increase by \$15 per hour. As I have been practicing for 18 years, an hourly rate of \$600 is reasonable.

12. In April 2025, Judge Sande in Hennepin County concluded that an hourly rate of \$570 for my work was reasonable. *See Webster v. Hennepin County, et al.*, Court File No. 27-CV-22-18652, Index #125, Findings and Order Granting Motion for Attorney’s Fees and Costs, p. 6, ¶ 25 (“Based on the Court’s familiarity with the Twin Cities legal market and the rates typically charged by members of the civil bar who practice sophisticated civil litigation, the Court concludes that the \$570 hourly [rate] charged by Phillips is reasonable and not excessive.”).

13. I do not bill my clients by the hour, but if I did, \$600 would be my normal hourly rate. This is the hourly rate I am seeking for the work I performed in this case, and it is based not only on the court orders referenced above, but also on my experience and familiarity with the market, which is discussed in the declarations from attorneys Jeff Storms, Ashwin Madia, and Christopher Bowman that I filed in the *Webster v. Hennepin County, et al.* matter. I have attached true and correct copies of these declarations as **Exhibits 3** (Jeff Storms), **Exhibit 4** (Ashwin Madia), and **Exhibit 5** (Christopher Bowman).

14. Given the significance of this matter, I believe the attorney’s fees and costs requested are both reasonable and necessary.

15. I intentionally maintain a small caseload, currently only five cases besides this one that are in litigation and are not currently being appealed. I am not the primary counsel for any of the cases on appeal (unless or until they return to the district court). The reason I intentionally maintain a small caseload is that I work on each of my cases frequently, often daily, and prepare each case for trial unless or until it resolves.

16. I have reviewed the billing records attached as Exhibit 1. The work listed was actually performed by me for the benefit of Petitioner. Such work was necessary for the proper representation of Petitioner. I have eliminated charges for any unnecessary or duplicative work from Petitioner's Motion for Attorney's Fees and Costs.

17. Attached as **Exhibit 6** is a true and correct copy of the most recent Consumer Price Index Summary, which is also available at the following link:
<https://www.bls.gov/news.release/cpi.nr0.htm>

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 1, 2026

s/Tim Phillips
Tim Phillips