

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Vinay BODEPUDI,

Petitioner,

v.

KRISTI NOEM, in her capacity as Secretary of
the United States Department of Homeland
Security;

TODD M. LYONS, in his official capacity as
Acting Director of the United States
Immigration and Customs Enforcement;

PAMELA BONDI, in their official capacity as
Attorney General of the United States;

DAVID EASTERWOOD in his official
capacity as Acting Director, St. Paul Field
Office, U.S. Immigration and Customs
Enforcement;

ERIC TOLLEFSON, in his official capacity as
Kandiyohi County Sheriff.

Respondents.

Case No. 26-cv-894

**PETITIONER'S REPLY TO
FEDERAL RESPONDENTS'
SUPPLEMENTAL BRIEF**

A #



INTRODUCTION

Petitioner respectfully submits this reply to Federal Respondents' Supplemental
Brief to explain why the award of attorney's fees under the Equal Access to Justice Act

("EAJA") is appropriate in this case. Due to the circumstances already laid out in this case, it is appropriate to enter a judgment in favor of the Petitioner.

ARGUMENT

This Court has the authority to award attorney's fees under EAJA and should enter a judgment in favor of Petitioner because, as previously argued, voluntary cessation of unlawful behavior does not deem the case moot. *See* ECF Doc. 5. Furthermore, while Respondents state that ICE has updated its systems, the agency cannot guarantee that the unlawful behavior will not occur again. *See* ECF Doc. 11 at 3. The burden is on Respondents to show that it will not re-occur and simply updating their systems does not meet that burden. *See Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013).

Respondents acknowledged in their supplemental briefing that this Court has the authority to award Petitioner attorneys' fees under EAJA. *See* ECF Doc. 11 at 1. Petitioner previously briefed the Court on the issue of voluntary cessation and reasserts that Respondents have not met their burden to show that the unlawful conduct will not reoccur. As such, this Court can enter judgment in favor of Petitioner and he will be considered a prevailing party eligible for an award of EAJA fees.

Petitioner acknowledges that if the Court decides that Respondents' actions releasing Petitioner prior to entering a judgment in this case renders the Petition moot, Petitioner would not be considered a prevailing party under the law and would

therefore not be eligible for EAJA fees. *See* 28 U.S.C. § 2412(d)(1)(A); *see also* *Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep't of Health & Hum. Res.*, 532 U.S. 598, 603 (2001).

CONCLUSION

Petitioner respectfully requests the Court to enter a judgment in favor of Petitioner and granting him the opportunity to request attorney's fees under EAJA. Petitioner believes this petition is not moot and the government's actions in his case warrant the award of attorney's fees.

Date: 03/20/2026

/s/ Morgan Twamley

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