UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:26-cv-0712-WJM

ALFREDO GRANILLO CHAVARRIA,

Plaintiff-Petitioner,

v.

JUAN BALTAZAR, Warden, Denver Contract Detention Facility, Aurora, Colorado, in his official capacity,

GEORGE VALDEZ, Director of the Denver Field Office for U.S. Immigration and Customs Enforcement, in his official capacity;

MARKWAYNE MULLIN,[1] Secretary of the U.S. Department of Homeland Security, in her official capacity;

TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity;

TODD BLANCHE,[2] Acting Attorney General of the United States, in his official capacity;

Defendants-Respondents.

MOTION FOR AWARD OF ATTORNEY'S FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT

---

[1] Markwayne Mullin is substituted for former Secretary of Homeland Security Kristi Noem pursuant to Fed. R. Civ. P. 25(d).
[2] Todd Blanche is substituted for former Attorney General Bondi pursuant to Fed. R. Civ. P. 25(d).

I. Introduction

Petitioner, Alfredo Granillo Chavarria ("Mr. Granillo Chavarria") moves for an award of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. Defendants-Respondents ("Respondents") unlawfully jailed Mr. Granillo Chavarria pursuant to 8 C.F.R. § 1003.19(i)(2) to pursue their erroneous interpretation of 8 U.S.C. §§ 1226, 1225(b)(2) before the Board of Immigration Appeals ("BIA"). This Court granted, in part, Mr. Granillo Chavarria's Verified Petition for Writ of Habeas Corpus (ECF 1) finding that "the Government's use of the automatic stay regulation offends his procedural due process rights." *Granillo Chavarria v. Baltasar, et al.*, 26-cv-0712-WJM, 2026 WL 696580, at *5 (D. Colo. Mar. 12, 2026).

Mr. Granillo Chavarria is a prevailing party entitled to attorney's fees and expenses. Mr. Granillo Chavarria meets the EAJA net worth limitation. Respondents' position was not substantially justified and there are no special circumstances that make an award unjust. 28 U.S.C. § 2412(d)(1)(A). Mr. Granillo Chavarria moves the Court for an award $16,253. The parties have conferred and Respondents do not take a position.

II. Summary of Factual and Procedural History

Mr. Granillo Chavarria has resided in the United States for approximately 15 years. ECF 1, at ¶ 1. He is common law married and the father of two U.S. citizen children, ages three and seven. *Id.* He is also a father figure to his two U.S. citizen stepchildren. *Id.* He works in the construction industry and had always maintained steady employment to support his family. *Id.* Nevertheless, Immigration and Customs Enforcement ("ICE") stopped and jailed Mr. Granillo Chavarria on October 7, 2025 while he was on his way to work after dropping his seven-year-old son at school. *Id.*, at ¶ 14.

ICE charged Mr. Granillo Chavarria as removable pursuant to 8 U.S.C. § 1182(a)(6)(A), alleging that he entered the United States without inspection or admission. *See* ECF 4-2. Mr. Granillo Chavarria moved for a custody hearing before an immigration judge ("IJ"), which the IJ conducted on January 13, 2026. *Id.* The IJ acknowledged that Mr. Granillo Chavarria had not criminal legal contact and therefore met his burden to establish that he was not a danger to the community. *Id.* The IJ then ordered Mr. Granillo Chavarria's release upon payment of $45,000 bond to mitigate any risk of flight. *Id.* That same day, ICE filed Form E-43, which automatically stays the IJ's bond decision pursuant to 8 C.F.R. § 1003.19(i)(2).

Mr. Granillo Chavarria filed his Verified Petition for Writ of Habeas Corpus ("Petition") on February 20, 2026, asking, *inter alia*, for immediate release or release upon payment of the $45,000 bond the IJ ordered. ECF 1. The Court found approximately three weeks later that ICE's invocation of the automatic stay violated Mr. Granillo Chavarria's right to procedural due process, noting that all three of the *Mathews* "factors strongly support" Mr. Granillo Chavarria's position. *Granillo Chavarria*, 2026 WL 696580, at *3. The Court ordered, *inter alia*, Respondents to immediately release Mr. Granillo Chavarria upon posting of bond. *Id.* at *5. The Court entered final judgment on March 26, 2026. The parties requested and this Court granted an extension of the filing deadline. ECF 19.

III. Legal Standard for EAJA Applications

A court shall award fees and other expenses to the eligible prevailing party in an action against the United States when that party files a timely and complete application for fees, the government's position was not substantially justified, and no special circumstances would make an award unjust. 28 U.S.C. § 2412(d)(1)(A)–(B); *Al-Maleki v.*

Holder, 558 F.3d 1200, 1204 (10th Cir. 2009). The prevailing party must have a net worth of less than two million dollars. 28 U.S.C. § 2412(d)(2)(B)(i). These fundamental EAJA principles apply equally in a habeas corpus action challenging immigration custody. *Daley v. Ceja, et al.*, 158 F.4th 1152, 1166 (10th Cir. 2025).

IV. Argument

a. The Fee Application is Timely.

The Court ordered Mr. Granillo Chavarria to file his Motion for Attorney's fees on or before April 23, 2026. ECF 19. Mr. Granillo Chavarria files this Motion on April 22, 2026. The Motion is therefore timely.

b. Mr. Granillo Chavarria is an Eligible and Prevailing Party.

Mr. Granillo Chavarria is an eligible party under EAJA because he is a private individual whose net worth does not exceed $2,000,000. Exh. 1; 28 U.S.C. § 2412(d)(2)(B)(i) (requiring net worth to "not exceed $2,000,000 at the time the civil action was filed").

Mr. Granillo Chavarria is also an eligible party because he is the prevailing party. A party is the "prevailing party" when his or her suit results in a "judicially sanctioned change in the legal relationship of the parties, *Buckhannon Bd. and Care Home, Inc. v. W. Va. Dep't of Health and Human Resources*, 532 U.S. 598, 604–05 (2001), such that the party "could obtain a court order to enforce the merits of some portion of the claim it made in its suit", *Biodiversity Conservation Alliance v. Stem*, 519 F.3d 1226, 1230 (10th Cir. 2008). Mr. Granillo Chavarria is the prevailing party because this Court found that Respondents' use of the automatic stay provision violated his procedural due process rights, *Granillo Chavarria*, 2026 WL 696580, at *5, and ordered entry of judgement in his

"favor and against the Government" on March 26, 2026, *id.*, at *6; ECF 17 (final judgment entered).

c. Defendants' Pre-Litigation and Litigation Position is Not Substantially Justified.

As the prevailing party, Mr. Granillo Chavarria is entitled to fees because the government cannot show that its position "was substantially justified or that special circumstances make an award unjust." 28 U.S.C. § 2412(d)(1)(A). "The position of the United States is defined in the EAJA as the position taken by the United States in the civil action [and] the action or failure to act by the agency upon which the civil action is based" *Al-Maleki*, 558 F.3d at 1206–07 (quoting 8 U.S.C. § 2412(d)(2)(D)). The government's prelitigation actions, including of relevant agencies, and its litigation position "are both relevant to the inquiry and must be reasonable in fact and law." *Id.* at 1207 (citation omitted); *Role Models America, Inc., v. Brownlee*, 353 F.3d 962, 967 (DC. Cir. 2004).

Courts have found that it would be an "abuse of discretion" to find Defendants' position substantially justified if it violates the Constitution, a statute, or its own regulations. *Meinhold v. U.S. Dep't of Defense*, 123 F.3d 1275, 1278 (9th Cir. 1997). Here, the Court should award Mr. Granillo Chavarria fees because the government's pre-litigation and litigation positions were not substantially justified.

i. *Defendants' Pre-Litigation Position was Not Substantially Justified.*

Respondents' decision to pursue its unlawful interpretation of § 1225(b)(2) by jailing Mr. Granillo Chavarria through the automatic stay provision was not substantially justified. As this Court acknowledged, the "Government is clearly aware" that its interpretation of §§ 1225 and 1226 is erroneous. *Granillo Chavarria*, 2026 WL 696580, at *5. In fact, more than 1,500 district courts found the same as of early February 2026.

Chavez Amrenta v. Noem, No. 26-cv-00236-PAB, 2026 WL 274634, at *2 (D. Colo. Feb. 3, 2026). Unilaterally overriding an independent adjudicator's decision through their use of the automatic stay to pursue a resoundingly rejected legal theory is not substantially justified. *See Pierce*, 487 U.S. at 569. Moreover, where the government advanced an argument that violated the statutory framework for bond hearings, its position should not be viewed as substantially justified. *Meinhold*, 123 F.3d at 1278.

That is especially true since there was a "near unanimity" against Respondents' use of the automatic stay when Respondents invoked it. *M.P.L. v. Arteta, et al.*, 25-CV-5307 (VSB), 2025 WL 3288354, at *7 (S.D.N.Y. Nov. 25, 2025). Respondents' pursuit of a legal theory underlying its invocation of the automatic stay provision of mandatory detention under § 1225 that has been uniformly rejected in this District and by thousands of courts nationwide is not substantially justified.

Moreover, at the time of his incarceration, Respondents charged Mr. Granillo Chavarria as removable pursuant to 8 U.S.C. § 1182(a)(6)(A), alleging that he entered the United States without inspection or admission. *See* ECF 4-2. Thus, the "Government's own detention paperwork suggests that" its authority to jail Mr. Hernandez Vazquez was pursuant to § 1226(a)." *Loa Caballero v. Baltazar*, 1:25-cv-03120-NYW, 2025 WL 2977650, at *8 (D. Colo. Oct. 22, 2025).

ii. Defendants' Litigation Position was Not Substantially Justified.

The government's litigation position was equally unjustified. Indeed, there is a near unanimity in the district courts finding Respondents' invocation of the automatic stay provision illegal. *M.P.L.*, 2025 WL 3288354, at *7. Such a "string of losses" demonstrates that Respondents' litigation position is not substantially justified. *See Pierce*, 487 U.S. at

569. This Court and this District recently joined in agreement, issuing a decision demonstrating that Respondents' position was not substantially justified.

First, this Court easily dismissed Respondents' argument that the test from *Mathews v. Eldridge*, 424 U.S. 319 (1976) should not apply. *Granillo Chavarria*, 2026 WL 696580, at *2. The Court stated that it was "not a remarkable conclusion" to do so, finding application of the *Mathews* test consistent "with several other court decisions, including in this District[.]" *Id.* Application of the *Mathews* test further reveals that Respondents' litigation position was not substantially justified. In fact, the Court noted that all three of the *Mathews* factors "*strongly* support" Mr. Granillo Chavarria. *Id.* at *3 (emphasis added).

Particularly unjustified were Respondents' arguments that the second *Mathews* factor weighed in their favor because the automatic stay somehow enhanced the accuracy of the bond decision. *Id.* at *4. The Court concluded that "this argument *disingenuously* confuses the issue" and that the "Court is *far more* concerned that Granillo Chavarria will be erroneously detained pending appeal than the prospect of the IJ's decision being reversed while he is released on (in the Court's view, an outrageously expensive) bond." *Id* (emphasis added). The Court continued dismantling Respondents' position, noting that Respondents' reason for invoking the automatic stay "is misplaced" and that their "stated interest here is *unsubstantiated* and based on *nothing more than mere conjecture*." *Id.* at *5 (emphasis added).

Respondents' litigation position was also not substantially justified because the government is required to "defend its actions based on the reasons it gave *when it acted* . . . ." *DHS v. Regents of the Univ. of Cal.*, 591 U.S. 1, 24 (2020) (emphasis added). Here, Respondents prelitigation position was that Mr. Granillo Chavarria is removable pursuant

to 8 U.S.C. § 1182(a)(6)(A) and therefore eligible for bond under the detention statute at § 1226(a). *See* ECF 4-2. Yet, Respondents inexplicably changed course in litigation to argue he was subject to mandatory detention under § 1225(b)(2). Thus, Respondents are unable "defend its actions based on the reasons it gave *when it acted* . . . ." *DHS*, 591 U.S. 24. Such a litigation position is not substantially justified.

In sum, Respondents' pre-litigation and litigation positions support granting this motion. Indeed, Respondents were "clearly aware" that their pre-litigation position has been resoundingly rejected, and that their litigation position was disingenuous, unsubstantiated, and rooted in conjecture. *Id.* Nothing about that is substantially justified.

d. No Special Circumstances Exist Making an Award of EAJA Fees Unjust.

This case does not present "special circumstances" rendering a grant of an EAJA award "unjust." 28 U.S.C. § 2412(d)(1)(A). Special circumstances include the government advancing in good faith novel but credible extensions and interpretations of law. H.R. Rep. No. 1418 at 11, 86th Cong., 1980 U.S. C.C.A.N. 4984, 1990. This provision must be narrowly construed so as not to interfere with or defeat Congress' purpose in passing EAJA. *E.g.*, *Martin v. Heckler*, 773 F.2d 1145, 1150 (11th Cir. 1985). The burden of proving the special circumstances rests with the government. *Id.*

V. The Requested Fees are Reasonable Under the EAJA.

Mr. Granillo Chavarria seeks fees in the amount of $10,584 the litigation of his petition for habeas corpus, and $5,669 for the litigation to date on his EAJA motion, for a total fee request of $16,253. Mr. Granillo Chavarria believes that enhanced rates should be awarded for the time spent by attorneys Hans Meyer and Conor Gleason. 28 U.S.C. § 2412(d)(2)(A)(ii); *Pierce*, 487 U.S. at 563; *Nadarajah v. Holder*, 569 F.3d 906, 912 (9th

Cir. 2009). Mr. Granillo Chavarria additionally seeks the EAJA statutory rate, with a cost-of-living adjustment, for time spent by attorney Anahi Quezada-Villa, and reasonable rates for work performed by law clerks and paralegals.

Attached are contemporaneous time records documenting the time undersigned Counsel's office has spent on the merits of the habeas petition and the EAJA fee request. Exh. 9, 10. Counsel's office has not billed certain administrative tasks and does not seek costs in the litigation in the exercise of billing judgment. *Id.*

a. Attorneys Hans Meyer and Conor Gleason are Entitled to Fees in Excess of the Adjusted Statutory Rate Because They Possess Special Expertise That was Needed for the Litigation.

"Where a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee. Normally this will encompass all hours reasonably expended on the litigation. . . ." *Hensley v. Eckerhart*, 461 U.S. 424, 435 (1983). Here, Mr. Granillo Chavarria received relief in habeas and the hours expended on litigation are reasonable.

Mr. Granillo Chavarria is entitled to enhanced fees for attorneys Hans Meyer and Conor Gleason because this case required specialized expertise involving complex immigration litigation experience. The EAJA expressly authorizes fees in excess of the statutory rate of $125 per hour, adjusted for cost-of-living, when "a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee." 28 U.S.C. § 2412(d)(2)(A)(ii); *Pierce*, 487 U.S. at 563, 572 (stating higher fees are appropriate when "attorneys having some distinctive knowledge or specialized skill [were] needful for the litigation in question. . . . Examples . . . would be an identifiable practice specialty such as patent law, or knowledge of foreign law or language"). The "limited availability of counsel exception" is appropriate where "specialized legal services cannot

be obtained in the market" for the EAJA statutory rate. *Vibra-Tech Engineers, Inc. v. U.S.*, 787 F.2d 1416, 1420 (10th Cir. 1986).

The field of immigration law is considered one of the most difficult and complex areas of law. *See Castro-O'Ryan v. U.S. Dept. of Immigration and Naturalization*, 847 F.2d 1307, 1312 (9th Cir. 1987) (characterizing the immigration laws as "second only to the Internal Revenue Code in complexity."). Circuit courts have recognized that immigration law itself is a narrow legal specialty which may be considered a special factor to award fees in excess of the EAJA statutory cap. *See, e.g., Jean v. Nelson,* 863 F.2d 759, 774, n.12 (11th Cir. 1988); *Rueda-Menicucci v. INS*, 132 F.3d 493, 496 (9th Cir. 1997) ("a specialty in immigration law could be a special factor warranting an enhancement of the statutory rate"). This District has similarly recognized that "knowledgeable attorneys are limited and that immigration issues are often complex and novel." *Barber v. Weber*, 2005 WL 1846985, at *2 (D. Colo. Aug. 1, 2005).

As explained by practitioners in the field of immigration law, counsel with Mr. Meyer's and Mr. Gleason's specialized knowledge and expertise was not available at the EAJA statutory rate, even if adjusted for inflation. Immigration attorney Jeff Joseph explains that based on nearly three decades of immigration law practice in Colorado, "it is my opinion that no such litigators would be available at the EAJA statutory rate even when adjusted for inflation." Exh. 4, Jeff Joseph Declaration ¶ 8 ("Joseph Declaration"). *See also* Exh. 5, Jessica Dawgert Declaration ¶ 11 ("Dawgert Declaration) ("It is my professional opinion that attorneys with comparable qualifications to Hans Meyer and Conor Gleason are not reasonably available to handle this type of litigation at or near the EAJA statutory rate, even when adjusted for inflation."); Exh. 6, Aaron Hall Declaration ¶

12 ("Hall Declaration); Exhibit 7, Mark Barr Declaration ¶ 9 ("Barr Declaration"). As Mr. Joseph explains, "I can definitively say that out of the more than 400 current AILA members located in Colorado, less than ten of them have the expertise and specialized knowledge necessary to litigate these types of complex habeas corpus cases . . . Hans Meyer and Conor Gleason are two of these highly specialized litigators." Joseph Declaration ¶ 8-9. He further explains that they were "also at the forefront of this litigation early on to challenge this untested detention theory in the Tenth Circuit." Joseph Declaration ¶ 9.

Ms. Dawgert notes that "Mr. Meyer and Mr. Gleason are among a small group of attorneys nationwide—and an even smaller group in Colorado—who have a specialized expertise in the issues necessary to bring challenges to DHS's novel policies over the last year." Dawgert Declaration ¶ 10. She explains that counsel are "highly specialized litigators who have the experience and knowledge to effectively practice this niche area of the law and have been at the forefront of this litigation to challenge these detention practices." Dawgert Declaration ¶ 9. Mr. Hall also explains, "Hans Meyer and Conor Gleason are two of the few seasoned litigators with the skills to successfully litigate these types of challenges to new and untested theories of mandatory immigration detention" Hall Declaration ¶ 11.

Mr. Meyer has practiced law for over 19 years. Exh. 2, Affidavit of Hans Meyer ("Meyer Affidavit"). He has experience challenging unlawful immigration detention and agency action in federal habeas corpus litigation and petitions for review. This includes challenges to the scope of mandatory detention under 8 U.S.C. § 1226(c) in *Baquera v. Longshore*, 948 F. Supp. 2d 1258, 1259 (D. Colo. 2013) and *Andujo v. Longshore*, 14-

cv-01532-REB (D. Colo. June 26, 2014). Meyer Affidavit ¶ 6. He has also litigated several cases before the Tenth Circuit Court of Appeals. *Johnson v. Barr*, 967 F.3d 1103 (10th Cir. 2020), (successfully arguing that the Colorado controlled substance schedule is not a categorical match to the federal controlled substance schedule and does not trigger the grounds of removal or mandatory immigration detention); *Aguayo v. Garland* 78 F.4th 1210 (10th Cir. 2023) (establishing the availability of termination of removal proceedings as a remedy for ICE officer violations of agency regulation). Meyer Affidavit ¶ 7.

Mr. Gleason is also a litigator with 12 years of experience in challenging unlawful immigration detention in federal habeas corpus litigation. Exh. 3, Affidavit of Conor Gleason ("Gleason Affidavit"). His experience includes litigation regarding the constitutionality of burdens in bond, *L.G. v. Choate*, 744 F.Supp.3d 1172 (D. Colo. 2024); *Darko v. Sessions*, 342 F.Supp.3d 429 (S.D.N.Y. 2018), issues involving the constitutionality of prolonged immigration detention, *Sheikh v. Choate*, No. 22-cv-01627-RMR (D. Colo. Jul. 27, 2022), and EAJA fees for habeas litigation, *Arias v. Choate*, 1:22-cv-02238-CNS, 2023 WL 4488890 (D. Colo. Jul. 12, 2023). Gleason Affidavit ¶ 3.

Recognizing this expertise, Honorable Judge Rodriguez appointed Mr. Meyer and Mr. Gleason as class counsel together with the ACLU of Colorado for the conditionally certified class action lawsuit in *Mendoza Guiterrez v. Baltasar et al.*, 1:25-cv-02720-RMR, ECF 47 (D. Colo. Nov. 21, 2025) that challenged the unlawful detention practices involved in this case.[3] Meyer Affidavit ¶ 9; Gleason Affidavit ¶ 4. They also filed one of the first

[3] Mr. Meyer has also been appointed as class counsel by the Honorable R Brooke Jackson alongside the ACLU of Colorado and other co-counsel in the pending class action case of *Ramirez Ovando v. Noem*, ---F.3d---, 2025 WL 3293467 (D. Colo. Nov. 25, 2025), a case which challenges ICE's practice of conducting warrantless arrests without making a determination regarding likelihood of escape as required by federal law.

challenges to the Respondents' detention practices. *Ramirez Ovando v. Baltasar*, 1:25-cv-02597-PAB, ECF 7 (D. Colo. Aug. 27, 2025) (dismissed as moot after Petitioner was released from custody). Meyer Affidavit ¶ 9; Gleason Affidavit ¶ 4.

Mr. Meyer and Mr. Gleason continue to regularly litigate new and complex habeas corpus cases in this district, including other successful challenges to Respondents' use of the automatic stay provision, *e.g.*, *Rivas v. Baltazar, et al.*, 1:26-cv-00442-SKC, 2026 WL 444732 (D. Colo. Feb. 17, 2026); *Aguirre Hernandez v. Baltazar, et al.*, 1:26-cv-01047-CNS, ECF 13 (D. Colo. Mar. 23, 2026), and Respondents' incarceration of people with final removal orders, *e.g.*, *Nguyen v. Baltazar, et al.*, 1:26-cv-00434-GPG, ECF 13 (D. Colo. Mar. 11, 2026); *Tran v. Baltazar*, 1:26-cv-00940-CNS, 2026 WL 764002, at *3 (D. Colo. Mar. 18, 2026); *Santacruz Macias v. Baltazar, et al.*, 1:26-cv-01046-SKC, 2026 WL 865174, at *3 (D. Colo. Mar. 30, 2026). Meyer Affidavit ¶ 10-11; Gleason Affidavit ¶ 5. In sum, this is a case where enhanced rates are reasonable because of Mr. Meyer and Mr. Gleason specialized skill and knowledge at the intersection of statutory and constitutional immigration law in the detention context. *See Nadarajah*, 569 F.3d at 914.

b. Petitioner's Requested Fees Are Reasonable

Once it is established that the attorneys possess specialized skill and knowledge needed for the litigation, attorneys are to be compensated at prevailing market rates. *Pierce*, 487 U.S. at 571-72; 28 U.S.C. § 2412(d)(2)(A); *Nadarajah*, 569 F.3d at 916. "[T]he proper scope of comparison . . . extends to all attorneys in the relevant community engaged in equally complex Federal litigation, no matter the subject matter." *Prison Legal News v. Schwarzenegger*, 608 F.3d 446, 455 (9th Cir. 2010).

There are several tools used by court in determining a reasonable market rate in

EAJA fee determinations. One is the "Laffey Matrix," a table issued by the Department of Justice, which was initially adopted by the D.C. District Court in *Laffey v. Northwest Airlines*, 572 F. Supp. 354, 371 (D.D.C. 1983), *aff'd in par, rev'd in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984). The Laffey Matrix rates for Mr. Meyer is $1,019 per hour, and Mr. Gleason is $948 per hour.[4]

However, to avoid dispute over this matter and to seek compromise, Petitioner is willing to use an alternate matrix known as the "Fitzpatrick Matrix" – sometimes referred to as the United States Attorney's Office Fee Matrix ("USAO Fee Matrix"). Exh. 8.[5] The Fitzpatrick Matrix was developed by the U.S. Attorney's Office for the District of Columbia, and courts in the District of Columbia and the Ninth Circuit have approved its use. *See J.T. v. D.C.*, 652 F. Supp. 3d 11, 24–36 (D.D.C. 2023); *Koonwaiyou v. Blinken*, 724 F. Supp. 3d 1222, 1234 (W.D. Wash. 2024). The Fitzpatrick Matrix rate for attorney Hans Meyer with 19 years of experience is $840 per hour, and for attorney Conor Gleason with 12 years of experience is $754 per hour. In addition, Mr. Meyer and Mr. Gleason further agree to discount their request for fees by an additional 15% from the Fitzpatrick Matrix rates. As a result, Mr. Meyer seeks reimbursement at a rate of $714 per hour and Mr. Gleason seeks reimbursement at a rate of $640 per hour.

These rates fall below the rates approved by other courts in immigration-related EAJA litigation. *See e.g. Koonwaiyou v. Blinken,* 724 F. Supp. 3d 1222 (W.D. Wash. 2024) (approving attorney fees of $850 per hour to experienced immigration counsel); *Knudsen v. Hightower Holdings*, LLC, No. 24-cv-0395-KKE, 2024 WL 3430994, at *3 (W.D. Wash. July 16, 2024) (finding reasonable hourly rates of $850 for two attorneys

[4] *Available at* https://www.laffeymatrix.com/see.html (last checked on April 13, 2026).
[5] *Available at* https://www.justice.gov/usao-dc/media/1395096/dl?inline (last checked on April 13, 2026).

with 32 and 20 years of experience; $755 for attorney with 16 years of experience; and $685 for attorney with nine years of experience).

The rates requested by counsel also correspond with reasonable market rates for such highly specialized knowledge and experience in Colorado. As Mr. Joseph explains, "My current hourly rate for litigation in immigration matters is $800.00 per hour. The rates that our firm charges for litigation in federal court on complex immigration issues range from $800-$950 per hour for senior attorneys or partners with experience comparable to that of Mr. Meyer, and $650 per hour for senior associates with experience levels comparable to Mr. Gleason." Joseph Declaration, at ¶ 10. He further provides that, "[i]n my opinion, this represents a reasonable market rate for the highly specialized expertise necessary in this niche area of immigration law." *Id.* Ms. Dawgert's billing rate for "complex immigration-related issues is $750 per hour. The partners in my firm charge between $600 and $750 per hour for less complex cases." Dawgert Declaration, at ¶ 11-12. She also concludes that "a range of $700 to $800 for federal litigation of a complicated immigration issue is a reasonable market rate for a highly specialized attorney with many years of expertise, as that is necessary for effective legal representation in this area of law." *Id.*

Given the market rates outlined in the Fitzpatric Matrix, Petitioner's downward variance of 15% from those rates, the comparable reasonable market rates, the Court should conclude that the requested rates in this matter are reasonable.

c. Alternatively, the Court Should Grant Fees at the Adjusted Statutory Rate.

If the Court does not grant Mr. Granillo Chavarria's request for enhanced fees, it should grant fees at the statutory rate adjusted for increases in cost of living. 28 U.S.C. §

2412(d)(2)(A)(ii); *Harris v. R.R. Ret. Bd.*, 990 F.2d 519, 521 (10th Cir. 1993); *T.E. v. Kijakazi*, 2023 WL 7089901, at *4 (D. Colo. Oct. 26, 2023). The Ninth Circuit has published a calculation of EAJA hourly rates to account for cost-of-living adjustments to the statutory EAJA rate to be $258 per hour in calendar year 2025.[6] If the Court does not grant enhanced rates, it should award the adjusted EAJA rate of $258 per hour.

VI. Petitioner is Entitled to EAJA Fees at the Adjusted Statutory Rate for Attorney Quezada-Villa and Reasonable Rates for Law Clerk and Paralegal Time.

Petitioner requests that other firm attorneys also be awarded the cost-of-living adjustment statutory EAJA rate of $258 per hour. 28 U.S.C. § 2412 (d)(2)(A). Petitioner also requests reasonable rates for the work performed by law clerks and paralegals. Under the Fitzpatrick Matrix, the reasonable market rate for paralegal work in 2025 is $255 per hour.[7] Here, Petitioner requests a rate of $150 per hour.

VII. In the Exercise of Billing Judgment, Petitioner Waives Certain Billing Entries and Does Not Seek to Recover Costs in This Matter.

Petitioner does not seek to recover fees for certain administrative tasks and waives recovery of all costs associated this case, resulting in a further reduction in fees.

VIII. Conclusion

Based on the foregoing, the Court should grant Mr. Granillo Chavarrias' request for attorney fees of $10,584 the litigation of his petition for habeas corpus, and $5,669 for the litigation to date on his EAJA motion, for a total fee request of $16,253.

Respectfully submitted this 23rd day of April, 2026.

s/ Hans Meyer

---

[6] *Available at* https://www.ca9.uscourts.gov/attorneys/statutory-maximum-rates/ (last checked on April 13, 2026)

[7] *Available at* https://www.justice.gov/usao-dc/media/1395096/dl?inline (last checked on April 13, 2026).

Hans Meyer
Conor T. Gleason
The Meyer Law Office
1547 Gaylord St.
Denver, CO 80206
(303) 831 0817
hans@themeyerlawoffice.com
conor@themeyerlawoffice.com
Attorneys for Mr. Granillo Chavarria

CERTIFICATE OF CONFERRAL

I certify that consistent with D. Colo. Local Rule 7.1 that before filing this motion, I conferred with counsel for Defendants-Respondents, Kyle Brenton Assistant United States Attorney, U.S. Attorney's Office for the District of Colorado, regarding the relief requested herein. Respondents do not take a position on this motion.

/s/ Hans Meyer
Hans Meyer

AI CERTIFICATION

Pursuant to the Court's Standing Order on Generative Artificial Intelligence ("AI") in court filings, counsel certifies that AI was not used to draft this filing or any exhibits.

/s/ Hans Meyer
Hans Meyer

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notifications to all counsel of record.

/s/ Hans Meyer
Hans Meyer