

The Honorable Tana Lin

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Uriel MENDOZA ARAIZA,

Petitioner,

v.

Julio HERNANDEZ, et al.,

Respondents.

Case No. 2:25-cv-02139-TL

**PETITIONER'S MOTION FOR
ATTORNEY'S FEES AND COSTS**

Noting Date: April 6, 2026

INTRODUCTION

Respondents' arguments underscore that agency actions and Respondents' litigation positions were made in bad faith and lack substantial justification, for they disregarded a court order. The Court should award enhanced fees under the Equal Access to Justice Act (EAJA) because *Rodriguez Vazquez* class counsel is uniquely situated to vindicate the rights of class members in subsequent habeas proceedings necessitated by Respondents' noncompliance with the *Rodriguez Vazquez* declaratory judgment. This matter also involved complex immigration law issues related to the retroactive application of the Laken Riley Act. And in any event, market rate fees are warranted due to Respondents' bad faith.

Notably, another Court in this district already addressed the issues that govern this motion for attorneys' fees in *Garcia v. Wamsley*, No. 2:25-CV-01980-TMC, --- F. Supp. 3d ---, 2026 WL 776151 (W.D. Wash. Mar. 19, 2026). There, the Court awarded the undersigned counsel attorneys' fees at enhanced rates under EAJA. The same principles apply here and demonstrate Petitioner is entitled to fees under EAJA, as "Petitioner[] should never have been forced to file this habeas petition." *Garcia*, 2026 WL 776151, at *6. Accordingly, the Court should grant the motion.

ARGUMENT

I. Respondents have acted in bad faith, litigated in bad faith, and lacked substantial justification.

Respondents make the same arguments to assert both that they did not act in bad faith and had substantial justification. Established caselaw refutes these arguments. First, Respondents are incorrect that the *Rodriguez Vazquez* declaratory relief did not require any change in agency practice or legal interpretation. Dkt. 19 at 4–7. Respondents never once address any of the cases that Petitioner cites explaining otherwise. *See* Dkt. 14 at 4–5 (citing cases).

1 Instead, Respondents rely on inapposite caselaw. They point to *Camreta v. Greene*,
2 563 U.S. 692 (2011), where the Supreme Court discussed what cases clearly establish the law for
3 qualified immunity purposes. *Camreta*'s discussion of the effect of district court decisions is
4 immaterial to this case, and *Camreta* does not permit a party to disregard a court order that binds
5 a party. Nor did the Court in *Camreta* discuss declaratory judgments or their impact on a
6 certified class. Declaratory judgments are "legally binding on the parties." *Rodriguez Vazquez v.*
7 *Hermosillo*, No. 3:25-CV-05240-TMC, 2026 WL 102461, at *6 (W.D. Wash. Jan. 14, 2026)
8 (citation omitted); *see also Garcia*, 2026 WL 776151, at *6–7 (rejecting Respondents' reliance
9 on *Camreta*). That is what matters for assessing substantial justification, as well as for
10 determining whether Respondents "disregard[ed] . . . the judicial process," *Brown v. Sullivan*,
11 916 F.2d 492, 496 (9th Cir. 1990) (citation omitted), and engaged in "willful disobedience of a
12 court order," *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 766 (1980) (citation omitted).

13 Second, Respondents make the remarkable argument that because "the federal
14 government is not subject to non-mutual offensive collateral estoppel," they were free to ignore
15 the *Rodriguez Vazquez* final judgment. Dkt. 19 at 7. This argument is blatantly wrong. It depends
16 on an unexplained assumption: that unnamed class members are not parties to *Rodriguez*
17 *Vazquez*. But Petitioner is an undisputed Bond Denial Class member and is therefore a party for
18 purposes of the *Rodriguez Vazquez* final judgment. This is black letter law. As the Supreme
19 Court explained in *Devlin v. Scardelletti*, "class members" in a certified class action "are parties
20 to the proceedings in the sense of being bound by [a] settlement." 536 U.S. 1, 10 (2002). A final
21 judgment is no different: parties to a final judgment—including unnamed class members and
22 defendants in class actions—are bound by that judgment. *See Cooper v. Fed. Rsrv. Bank of*
23 *Richmond*, 467 U.S. 867, 874 (1984) ("A judgment in favor of either side [in a class action] is
24 conclusive in a subsequent action between them on any issue actually litigated and

1 determined . . .”); *see Garcia*, 2026 WL 776151, at *6–7 (rejecting Respondents’ argument
2 about non-mutual offensive collateral estoppel).¹

3 Third, even if Respondents were correct that declaratory judgments act only to provide
4 issue preclusion, *see* Dkt. 19 at 5, preclusion applies in administrative proceedings. For example,
5 the Ninth Circuit has held that a final judgment in a habeas proceeding precluded the government
6 from re-litigating the same issue in subsequent removal proceedings. *See Paulo v. Holder*, 669
7 F.3d 911, 917–18 (9th Cir. 2011). Similar to *Paulo*, the *Rodriguez Vazquez* court issued a final
8 judgment as to class members regarding the legality of their detention, and Respondents—
9 Defendants in *Rodriguez Vazquez*—subsequently ignored the judgment in agency proceedings.
10 *Paulo* and other cases demonstrate this was a flagrant violation of a final judgment. *See also*,
11 *e.g.*, *B&B Hardware, Inc. v. Hargis Indus., Inc.*, 575 U.S. 138, 148 (2015) (issue preclusion
12 applies to administrative proceedings).

13 Respondents’ citation to *Powell v. McCormack*, 395 U.S. 486 (1969), does not change
14 these principles. *Powell* was not a case about declaratory relief. Instead, there, the Court simply
15 observed that “[a] declaratory judgment can . . . be used as a predicate to further relief, including
16 an injunction,” citing, *inter alia*, 28 U.S.C. § 2202. 395 U.S. at 499. That a declaratory judgment
17 *may* be used to obtain further relief does not mean that further relief is *required* to give it effect.
18 If anything, that “further relief” can be obtained recognizes that declaratory relief should alter a
19 party’s behavior.

20 Fourth, Respondents accuse Petitioner of misusing EAJA to force compliance with the
21 *Rodriguez Vazquez* judgment and expand the scope of the Court’s ruling. *See* Dkt. 19 at 5–6.
22

23 ¹ Respondents cite *Hart v. Massanari*, 266 F.3d 1155 (9th Cir. 2001) for a principle regarding
24 non-acquiescence which the case does not appear to address at all. Dkt. 19 at 7. In any event,
non-acquiescence cannot apply where issue preclusion applies. *See* pp. 2–3.

1 This argument flips reality on its head: it is Respondents who have shown a “disregard [for] the
 2 judicial process,” *Brown*, 916 F.2d at 496 (citation omitted), by “forcing class members to file
 3 habeas petitions.” *M.M.*, 2026 WL 252076, at *3. Any payment of fees here is simply the “self-
 4 inflicted result of [Respondents’] noncompliance with the Court’s order.” *Rodriguez Vazquez*,
 5 2026 WL 102461, at *7.

6 Fifth, Respondents assert the Fifth Circuit’s decision in *Buenrostro-Mendez v. Bondi*,
 7 166 F.4th 494 (5th Cir. 2026) justifies their position. Dkt. 19 at 4. But as Respondents concede,
 8 *Buenrostro-Mendez* is not controlling and “does not address the scope of what declaratory relief
 9 means in the class action context.” *Id.* While other Courts of Appeals may disagree with
 10 *Rodriguez Vazquez* on the merits, that issue is ultimately immaterial here: the key fact here is
 11 that Respondents did not honor a declaratory judgment in subsequent agency proceedings. *See*
 12 *Garcia*, 2026 WL 776151, at *5.

13 Finally, with respect to Petitioner’s bad faith argument, Respondents assert that the Court
 14 should not consider their assertions that the *Rodriguez Vazquez* decision is “advisory” because
 15 that claim was made in the press. Dkt. 19 at 12–13. But they have since treated it as advisory,
 16 claiming they must follow “their own contrary binding precedent.” Dkt. 19 at 5. That position
 17 defies the plain language of the declaratory judgment statute and Supreme Court precedent. *See*,
 18 *e.g.*, *Golden v. Zwickler*, 394 U.S. 103, 108–10 (1969); *see also Garcia*, 2026 WL 776151, at
 19 *6–7 (rejecting Respondents’ argument that the *Rodriguez Vazquez* declaratory judgment is
 20 “advisory”).²

21
 22 ² Respondents also invoke sovereign immunity, claiming Petitioner’s caselaw on bad faith is
 23 “inapposite.” Dkt. 19 at 2–3. But as Respondents acknowledge, sovereign immunity is waived
 24 where the common law allows attorney fees, and “[t]he common law allows a court to assess
 attorney’s fees against a losing party that has acted in bad faith.” *Rodriguez v. United States*, 542
 F.3d 704, 709 (9th Cir. 2008) (citation modified).

1 **II. Enhanced EAJA fees are warranted and counsels' rates are reasonable.**

2 Counsel are entitled to market rate fees on two independent bases: enhanced fees under
 3 EAJA and bad faith. As to the first, Respondents claim that “only knowledge of routine habeas
 4 corpus procedures and statutory interpretation concepts were necessary to advance the case.”
 5 Dkt. 19 at 8. But *Rodriguez Vazquez* dispels the notion that the underlying issue here is one of
 6 routine statutory interpretation. The issue in *Rodriguez Vazquez* first arose in this district, and
 7 class counsel were the ones to develop the arguments that have since led the vast majority of
 8 judges across the country to reject Respondents' position. Those arguments required a deep
 9 understanding of the Immigration and Nationality Act's detention provisions. *See* Dkt. 16 ¶ 10;
 10 Dkt. 17 ¶ 9; Dkt. 18 ¶ 14. Respondents cannot meaningfully contest that it is class counsel's
 11 expertise that ensured that challenge—and by extension, this challenge—succeeded.³

12 Moreover, Respondents miss the key difference between this case and others filed by
 13 private practitioners. Because these enforcement actions involve a certified class, and because
 14 class counsel has successfully moved to enforce the classwide judgment (including obtaining a
 15 court order requiring notice to class members and counsel that facilitates further enforcement
 16 actions), class counsel is uniquely positioned to expeditiously and efficiently litigate the serial
 17 enforcement habeas petitions required to secure class members' rights. *See* Dkt. 16 ¶ 11; Dkt. 17
 18 ¶¶ 10–11; Dkt. 18 ¶ 15.⁴ As the Court explained in *Garcia*, Respondents' assertion that this
 19 matter is wholly distinct from *Rodriguez Vazquez* is incorrect and unavailing. *See* Dkt. 19 at 8–9;

20 _____
 21 ³ Respondents also accuse Petitioner of “attempt[ing] to have it both ways” by saying their
 22 expertise was required even while the law was clear. Dkt. 19 at 9. But a case can be complex
 23 even where the statute yields a clear answer.

24 ⁴ Even with enhanced fees, Petitioner's fees request is similar to what private practitioners may
 be awarded for prevailing in a single-petitioner *Rodriguez Vazquez* habeas case if the EAJA
 statutory rate is applied. *Compare M.M.*, 2026 WL 252076, at *3 (awarding over \$7,000 using
 the EAJA statutory rate), *with* Dkt. 13 at 13 (requesting approximately \$9,500 for this case using
 enhanced rates).

1 *Garcia*, 2026 WL 776151, at *6–7. And without class counsel, many class members would be
 2 unable to secure their rights under the *Rodriguez Vazquez* declaratory judgment, making this
 3 habeas petition and others like it “needful.” *Nadarajah v. Holder*, 569 F.3d 906, 913 (9th Cir.
 4 2009). Further, this matter involved complex immigration law issues not addressed in *Rodriguez*
 5 *Vazquez*, such as whether Petitioner’s 2006 shoplifting conviction subjected him to mandatory
 6 detention under the INA, as amended by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3
 7 (2025). Dkt. 1 ¶¶ 6–16.

8 As to bad faith, Respondents acknowledge that courts in this district have repeatedly
 9 found their position with respect to the scope of the *Rodriguez Vazquez* declaratory judgment
 10 “not substantially justified,” yet they continue to blatantly disregard the law, necessitating dozens
 11 of habeas petitions for hundreds of detained persons. Dkt. 19 at 4. This is far from “reasonable,”
 12 and this bad faith conduct further justifies market rates. Dkt. 19 at 5.

13 Finally, Respondents contest counsel’s rates, arguing against the very matrix that the
 14 Department of Justice has produced to assess such rates. Respondents’ main argument is that
 15 “[t]he Ninth Circuit has declined to apply D.C.-based matrices.” Dkt. 19 at 10. But Petitioner has
 16 produced supporting declarations and rate approvals *from this Court* to justify counsel’s rates.
 17 Dkt. 14 at 10–12; Dkt. 16–18.⁵ Moreover, the reason the Ninth Circuit has rejected a D.C.-based
 18 matrix in one instance is because it resulted in rates that are *too low*. *See Prison Legal News v.*
 19 *Schwarzenegger*, 608 F.3d 446, 454 (9th Cir. 2010); *see also* Dkt. 14 at 11 (citing cases).
 20 Petitioners’ reliance on the Fitzpatrick Matrix is therefore reasonable, and the Court should
 21 award fees at the rates proposed in Petitioner’s motion. Dkt. 14-3. In the alternative, the Court
 22

23 ⁵ Respondents assert that Petitioners’ citations to the *Koonwaiyou* and *Wagafe* cases are
 24 inapplicable because those were not routine immigration cases. Dkt. 19 at 10. But neither is
Rodriguez Vazquez, which has required class counsel to develop new statutory arguments,
 represent a class, and work to defend class members through enforcement actions.

1 should award fees at the *Garcia* rates, and with this reply, Petitioner has provided alternative
2 proposed rates that align with the *Garcia* rates. *See* 2026 WL 776151, at *8.⁶

3 **CONCLUSION**

4 Petitioner requests that the Court grant their request for \$10,220.84 in fees and costs,
5 which includes the time necessary to prepare this reply. *See* Ex. A (fees and costs); Ex. B
6 (timekeeping).

7 DATED this 3rd day of April, 2026.

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*I certify that this memorandum contains 2,092
words, in compliance with the Local Civil Rules.*

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23
24 ⁶ For an additional attorney who logged time assisting with this reply, Petitioner seeks only the
statutory EAJA rate. *See* Ex. A.

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