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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

B.D.A.A.,

Case No.: 6:25-cv-02062-AA

Petitioner,

v.

**DREW BOSTOCK; TODD LYONS;
KRISTI NOEM; PAMELA BONDI;
U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT; U.S.
DEPARTMENT OF HOMELAND
SECURITY; U.S. DEPARTMENT OF
JUSTICE,**

**RESPONDENTS' RESPONSE TO
PETITIONER'S AMENDED
MOTION FOR ATTORNEY FEES
PURSUANT TO EQUAL ACCESS
TO JUSTICE ACT**

Respondents.

Respondents, through counsel, hereby respond to Petitioner's Amended Motion for Attorney Fees and Costs pursuant to the Equal Access to Justice Act ("EAJA"). ECF 31.

INTRODUCTION

Petitioner requests an award of attorney's fees and costs in the amount of \$19,215.00 based on an enhanced rate of \$700 per hour. Counsel seeks payment for 27.45 hours at an enhanced rate based upon an argument that he has "specialized knowledge of immigration law" that is "required to present a habeas corpus case based on immigration detention." ECF 28.

Respondent does not dispute Petitioner is entitled to an award of her reasonable attorney's fees and incurred costs; however, Petitioner is not entitled to enhanced fee based on the argument that her counsel possesses "distinctive knowledge and skills" that were "needed in [this] litigation." *Love v. Reilly*, 924 F.2d 1492, 1496 (9th Cir. 1991).

ARGUMENT

I. PETITIONER FAILS TO SHOW AN ENTITLEMENT TO ENHANCED EAJA HOURLY RATE

Petitioner carries "the burden of establishing entitlement to an award and documenting the appropriate hours expended and hourly rates." *Hensley v. Eckerhart*, 461 U.S. 422, 437 (1982). Under EAJA, a district court may not award attorney's fees "in excess of \$125 per hour unless the court determines that an increase for the cost of living or 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); see *Pierce v. Underwood*, 487 U.S. 552, 573 (1988) (narrowly construing exception to exceed EAJA statutory rate cap). The Ninth Circuit has approved a table of annually adjusted EAJA rates based on the cost of living. The statutory maximum hourly rate for work performed in 2025 is \$258.46. See <https://www.ce9.uscourts.gov/criminal-justice-act/statutory-maximum-rates/> (last checked June 11, 2026). Plaintiff's counsel billed a total of 27.45 hours and seeks attorney fees at an enhanced rate of \$700 an hour for a total demand of \$19,215. ECF 20. Under EAJA, the maximum amount of attorney fees that can be awarded in this case is \$7,094.73.

Petitioner has failed to justify his demands for a departure of over double the adjusted EAJA statutory rate. To qualify for enhanced attorney fees under EAJA, Petitioner must show that she is a prevailing party. 28 U.S.C. § 2412(d)(1)(A). Respondents do not dispute that Petitioner is a prevailing party in this case. However, a prevailing party is not entitled to an award of attorney fees at an enhanced rate until a showing is made as follows: (1) "the attorney must possess distinctive knowledge and skills developed through a practice specialty," (2) "those skills must be needed in the litigation," and (3) "those skills must not be available elsewhere at the statutory rate." *Love, supra*, at 1496.

The sole legal theory asserted in Plaintiff's habeas petition was an unlawful arrest based upon the Fourth Amendment and a consent agreement entered into in another immigration case in the Eastern District of Illinois. *Castañan Nava v. Department of Homeland Security*, Case No. 1:18-cv-03757 (Oct 7, 2025). The claim

was made in one single sentence and provided no additional legal authority. Other than a cursory reference to the Immigration and Nationality Act in the introductory paragraph, the Petition contains no legal analysis of immigration law.

The Declaration submitted by counsel in support of the \$700 per hour rate states he is unaware of any attorney who would accept \$251.84 an hour and that there were very few lawyers in Oregon available and able to file an emergency habeas petition that was required in this case. Missing, is any assertion that there are no attorneys in the District of Oregon who would be able to handle this case at the statutory rate.

As this Court is well aware, there have been a flood of habeas petitions filed in the District of Oregon by dozens of different attorneys. All were filed on an expedited basis. Petitioner's counsel not only agrees that 22 different attorneys filed immigration habeas petitions in 2025 but also fails to cite any recent immigration habeas case where enhanced fees were awarded.

Petitioner's counsel fails to show that he has "distinctive knowledge and skills" that was needed in this litigation, nor demonstrates that qualified counsel was not available at the statutory rate.

II. COUNSEL'S BILLING APPEARS EXCESSIVE GIVEN THE WORK PERFORMED.

As indicated above, the habeas petition made one claim for relief based upon the Fourth Amendment. The claim was asserted in one singular paragraph and cites *Castañan Nava v. Department of Homeland Security*, No. 1:18-cv-03757 (N.D. Ill. Oct 7, 2025). No additional legal arguments were asserted, nor any additional support

provided. The remaining five pages of the Petition contained boilerplate language submitted in numerous habeas cases filed in this District. For this Petition, counsel billed 1.25 hours. In addition, Petitioner's counsel asserts .75 hours for drafting the Motion for Temporary Restraining Order and Declaration. The motion is two sentences, while the declaration is simply a recitation of the facts that were relayed to counsel. Further, the Declarations submitted in support of Petitioner's Motion for EAJA fees are almost identical to a declaration filed in another immigration case in the Western District of Washington in which Petitioner's counsel is a declarant. *NS v. Laura Hermosillo*, No. 2:26-cv-00161 (W.D.W.A. Mar. 27, 2026). See Reply in Support of Petitioner's Application for Attorney Fees and Costs, attached as Exhibit A.

CONCLUSION

Petitioner's request for a departure from the EAJA statutory cap, an amount of more than double the statutory cap, should be denied. This Court should award no more than \$7,094.73, plus costs of \$155.

Respectfully submitted this 11th day of June 2026.

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United States Attorney
District of Oregon

/s/ Susanne Luse
SUSANNE LUSE
Assistant United States Attorney

Attorneys for Respondents

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

N-S-
Petitioner

vs.

Laura HERMOSILLO, Seattle Field
Office Director, U.S. Immigration and
Customs Enforcement (ICE), et al.,

Respondents

) Case No. 2:26-cv-00161-BAT

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**REPLY IN SUPPORT OF PETITIONER'S
APPLICATION FOR ATTORNEY FEES
AND COSTS UNDER THE EQUAL
ACCESS TO JUSTICE ACT, 28 U.S.C. §
2412(d)**

REPLY IN SUPPORT OF PETITIONER'S
APPLICATION FOR ATTORNEY FEES AND COSTS
UNDER THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. § 2412(d) - 1
Case No. 2:26-cv-00161-BAT

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Portland Immigration Law LLC
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1 Petitioner N.S., by and through undersigned counsel, respectfully submits this reply in
2 support of his application for attorney's fees under the Equal Access to Justice Act ("EAJA"),
3 28 U.S.C. § 2412. Respondents' opposition (Dkt. 15) does not contest that Petitioner is the
4 prevailing party, that the government's position lacked substantial justification, that the
5 application was timely, or that the hours billed were reasonable. The government raises only
6 three narrow objections: (1) the enhanced hourly rate, (2) the correct statutory rate, and (3) the
7 pro hac vice fee.

8 ARGUMENT

9 10 **I. PETITIONER HAS SATISFIED ALL THREE PRONGS OF THE *LOVE V. REILLY*** 11 **TEST, AND THE REQUESTED RATE OF \$550 PER HOUR IS REASONABLE.**

12 The government concedes the first two prongs of the *Love v. Reilly* test: that counsel
13 possesses distinctive knowledge and skills developed through a practice specialty, and that
14 those skills were needed in this litigation. 924 F.2d 1492, 1496 (9th Cir. 1991). The
15 government contests only the third prong, arguing that Petitioner has not demonstrated that
16 qualified counsel was unavailable *at a rate lower than \$550 per hour*. Dkt. 15 at 3. This
17 misframes the inquiry.

18 **A. The Third Prong Asks Whether Qualified Counsel Is Available at the Statutory Rate,** 19 **Not at Some Intermediate Rate.**

20
21 The third *Love* prong asks whether the requisite specialized skills are "not available
22 elsewhere *at the statutory rate*." 924 F.2d at 1496 (emphasis added). The question is binary:
23 can a qualified attorney be retained at the EAJA cap, or not? If not, enhanced fees are

REPLY IN SUPPORT OF PETITIONER'S
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UNDER THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. § 2412(d) - 2
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1 warranted, and the court then determines a reasonable rate based on the prevailing market.

2 *Pierce v. Underwood*, 487 U.S. 552, 571–72 (1988).

3 Counsel's declaration states unequivocally that he "would not be willing to accept this
4 case, or another similar case, for the statutory rate" and that he is "not aware of any lawyer or
5 law firm with [his] level of experience, willing to accept federal habeas cases at the statutory
6 rate." Dkt. 14 at 11¶ 7. This is precisely the showing *Love* requires. The government's attempt
7 to rewrite the third prong—demanding proof that no attorney would accept the case for *less*
8 *than \$550*—finds no support in Ninth Circuit law. Once the *Love* threshold is crossed, the court
9 determines a reasonable rate by reference to the prevailing market, not by splitting the
10 difference between the statutory cap and counsel's request.

11
12 **B. The Requested Rate of \$550 Per Hour Is Reasonable and Well Within Prevailing**
13 **Market Rates in This District.**

14 Once a party clears the *Love* threshold, "attorneys are to be paid at prevailing market
15 rates." *Pierce*, 487 U.S. at 571–72; *see also Nadarajah v. Holder*, 569 F.3d 906, 913 (9th Cir.
16 2009) (enhanced rates must be "in line with those prevailing in the community for similar
17 services by lawyers of reasonably comparable skill, experience and reputation"). The requested
18 rate of \$550 per hour is eminently reasonable:

19 **This District has approved far higher rates for comparable work.** In *Koonwaiyou v.*
20 *Blinken*, Case No. 3:21-cv-05474-DGE, Dkt. No. 51 (W.D. Wash. Mar. 20, 2024), the Western
21 District of Washington awarded \$850 per hour for lead counsel and \$450 per hour for an
22 associate in a complex immigration case. The court explicitly rejected the government's
23

1 attempt to use out-of-district fee matrices, instead relying on expert declarations regarding the
2 local market. Petitioner's request of \$550 per hour is \$300 less than the rate this District
3 approved.

4 **The Oregon State Bar Economic Survey confirms this rate.** The 2022 Oregon State
5 Bar Economic Survey reports a mean rate of \$474.00 for attorneys with 11 years of experience
6 practicing Business/Corporate Litigation in Downtown Portland. Adjusted for 16% inflation
7 between 2021 and 2024, the presumptive market mean is \$549.84. Counsel's requested rate of
8 \$550 per hour aligns precisely with the inflation-adjusted local market data.

9
10 The government does not identify any attorney who would have undertaken this
11 emergency habeas representation at the statutory rate, nor does it cite any case from this
12 District where \$550 per hour was found unreasonable for experienced immigration habeas
13 counsel. Its opposition is silent on *Koonwaiyou* and offers no competing market data.

14 Two additional declarations of experienced immigration habeas practitioners filed
15 herewith independently confirm that \$550 per hour is a reasonable prevailing market rate.
16 Michael T. Purcell, an attorney with over 30 years of immigration law experience and
17 approximately 145 immigration-related federal court cases, states that he would not accept this
18 case at the statutory rate, is not aware of any qualified attorney who would, and that \$550 per
19 hour is reasonable based on the inflation-adjusted OSB Economic Survey data. Purcell Decl. ¶¶
20 17–18, 25. Geoffrey Doolittle, an attorney who has practiced complex immigration law since
21 2011, likewise states that he would not accept this case at the statutory rate and that \$550 per
22 hour is "highly reasonable—and arguably below market." Doolittle Decl. ¶¶ 7–8.

23
REPLY IN SUPPORT OF PETITIONER'S
APPLICATION FOR ATTORNEY FEES AND COSTS
UNDER THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. § 2412(d)–4
Case No. 2:26-cv-00161-BAT

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1 **II. THE STATUTORY RATE CORRECTION IS IMMATERIAL TO THE ENHANCED**
2 **FEE REQUEST.**

3 Respondents correctly note that the Ninth Circuit's adjusted EAJA statutory rate for
4 work performed in 2025 is \$258.46, not \$251.84 as stated in the motion. Petitioner
5 acknowledges this error. However, this correction is immaterial to the enhanced fee request,
6 which is the primary relief sought. The statutory rate serves only as the floor—the baseline
7 above which enhanced fees are calculated—and the slight difference between \$251.84 and
8 \$258.46 does not affect the *Love* analysis or the reasonableness of the \$550 per hour rate.

9
10 To the extent the Court declines to award enhanced fees, Petitioner accepts that the
11 correct alternative calculation is 10.4 hours × \$258.46 = \$2,687.98 in attorney fees, plus
12 \$162.50 in paralegal fees, for a total of \$2,850.48.

13 **III. THE PRO HAC VICE FEE IS RECOVERABLE UNDER EAJA AS A NECESSARY**
14 **EXPENSE OF THE LITIGATION.**

15 Respondents argue that the \$249.00 pro hac vice fee is not recoverable, relying on
16 *Kalitta Air L.L.C. v. Central Texas Airborne Systems, Inc.*, 741 F.3d 955 (9th Cir. 2013). That
17 case is inapposite. *Kalitta Air* addressed the recoverability of pro hac vice fees under 28 U.S.C.
18 § 1920 and Federal Rule of Civil Procedure 54(d)—the general costs statute—not under EAJA.
19 The EAJA authorizes recovery of “fees and other expenses,” 28 U.S.C. § 2412(d)(1)(A), which
20 is broader than the taxable costs enumerated in § 1920.

21
22 EAJA defines “fees and other expenses” to include “reasonable expenses of expert
23 witnesses, the reasonable cost of any study, analysis, engineering report, test, or project,” and

REPLY IN SUPPORT OF PETITIONER'S
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1 “reasonable attorney fees.” 28 U.S.C. § 2412(d)(2)(A). Courts have consistently interpreted
2 this language broadly to encompass litigation expenses beyond those taxable under § 1920.
3 *See, e.g., International Woodworkers of America v. Donovan*, 792 F.2d 762, 767 (9th Cir. 1986)
4 (EAJA intended to cover the full range of litigation expenses).

5 Here, the pro hac vice fee was a necessary and unavoidable expense. Petitioner was
6 detained in the Western District of Washington and needed immediate habeas relief. Lead
7 counsel, an Oregon-barred attorney with specialized immigration habeas experience, was
8 required to obtain pro hac vice admission to appear before this Court. As Counsel’s declaration
9 explains, the fee “was necessary for the presentation of this case to gain access to the venue
10 where Petitioner was unlawfully held.” Dkt. 14 at 11¶10. Without pro hac vice admission,
11 counsel could not have filed or prosecuted the habeas petition at all.

12 Respondents’ assertion that the entire \$254 in costs should be denied because the
13 motion does not separately itemize the two components is meritless. The motion clearly
14 identifies the two costs: “\$5.00 for the habeas filing fee and \$249.00 for the Pro Hac Vice
15 admission fee.” Dkt. 14 at¶ 7. The government does not dispute the \$5.00 filing fee.

16 CONCLUSION

17 For the foregoing reasons, Petitioner respectfully requests that the Court grant his
18 application for attorney’s fees and costs under EAJA in the amount of \$6,136.50, reflecting the
19 enhanced rate of \$550.00 per hour for 10.4 attorney hours, \$125.00 per hour for 1.3 paralegal
20 hours, and \$254.00 in costs. In the alternative, if the Court declines to award enhanced fees,
21 Petitioner requests fees calculated at the corrected statutory rate of \$258.46 per hour, for a total
22
23

REPLY IN SUPPORT OF PETITIONER’S
APPLICATION FOR ATTORNEY FEES AND COSTS
UNDER THE EQUAL ACCESS TO
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1 of \$2,687.98 in attorney fees, \$162.50 in paralegal fees, and \$254.00 in costs, totaling
2 \$3,104.48.

3
4 DATED: March 27, 2026

5 s/ Inna Scott

6 Inna Scott, WSBA No. 46864
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10 s/ Cole Enabnit

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15
16 *Counsel for Petitioner*

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18
19
20
21
22
23
REPLY IN SUPPORT OF PETITIONER'S
APPLICATION FOR ATTORNEY FEES AND COSTS
UNDER THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. § 2412(d) - 7
Case No. 2:26-cv-00161-BAT

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Exhibit A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
Seattle Division

N-S-

2: 26-cv-00161-BAT

Petitioner,

DECLARATION IN SUPPORT
OF MOTION FOR ATTORNEY
FEES UNDER THE EQUAL
ACCESS TO JUSTICE ACT

vs.

LAURA HERMOSILLO, Seattle Field
Office Director, U.S. Immigration and
Customs Enforcement and Removal
Operations, et al.,

Respondents

I, Michael T. Purcell, under penalty of perjury, do solemnly declare:

JURISDICTION AND VENUE

1. I make this declaration in support of the petitioner's motion for attorney's fees under the Equal Access to Justice Act ("EAJA").

2. **My qualifications to state an opinion.**

3. I have been an active member of the Oregon State Bar since 1985. I have also been an active member of the Washington Bar since 1991.

4. I have been actively involved in immigration law since 1994. I have given presentations at a number of CLE sessions regarding immigration law topics

DECLARATION OF MICHAEL T. PURCELL SUPPORT OF EAJA FEES - 1
Case No. 2:26-cv-00161-BAT

1 including federal litigation through habeas corpus.

2 5. I have handled approximately 145 immigration-related cases in the U.S.
3
4 district courts in the district of Oregon and in the Western District of Washington.

5 6. I was awarded the 2017 Gerald Robinson award for Excellence in
6 Immigration Advocacy by the Oregon chapter of the American Immigration Lawyers
7 Association ("Oregon AILA"). I have also been informed that this April, I am to be
8 awarded the Richard Ginsburg award by Oregon AILA for Outstanding Leadership in
9 Immigrant Rights.
10

11
12 7. I was a co-presenter at an AILA Oregon virtual conference CLE (not yet
13 accredited) on December 9, 2025, on the basics of filing habeas corpus petitions. I
14 prepared extensive written materials for that CLE including a brief bank and
15 emergency habeas corpus tool kit with basic forms in Word format to allow ready use.
16

17 8. I am frequently asked by other lawyers for assistance in their pending or
18 proposed federal habeas cases, as well as training in federal court filings and litigation.
19 This includes lawyers whom I know to be highly skilled in immigration law.
20

21
22 **9. Specialized knowledge and training required.**

23 10. Immigration law is one of the most complicated areas of practice, and
24 most immigration lawyers are reluctant to add the additional complexity of federal
25 court litigation. Often even the best immigration lawyers have little or no familiarity
26

27 //
28

1 with the federal civil procedure rules or the rules of evidence, because those generally
2 do not apply in immigration matters. They also lack familiarity with the CM/ECF
3 system.
4

5 **11. Lack of available lawyers to perform the work.**

6 12. The lack of available lawyers is closely related to the problems of
7 specialized knowledge and special training which I have described above.
8

9 13. In Oregon, my experience has been that almost every lawyer practicing in
10 immigration law is a member of the Oregon AILA. There are about 320 members of
11 Oregon AILA but some of those members are either practicing out of state or are not
12 members of the Oregon State Bar ("OSB").
13

14 14. Based on my research for other cases, my estimate is there about 240
15 lawyers who are both members of OSB and members of AILA. Of these lawyers, I
16 would estimate the number willing and capable of handling a case of the type now
17 before the court to be not more than forty (40), and likely fewer if one looks at the
18 really active cadre of lawyers who do this type of work
19

20 21
22 15. All of the immigration lawyers who I know in Oregon are all overworked,
23 and many have suspended accepting new clients. This makes it all the more difficult to
24 find a lawyer capable of taking on this type of case.
25

26 //

27 //

28
DECLARATION OF MICHAEL T. PURCELL SUPPORT OF EAJA FEES - 3
Case No. 2:26-cv-00161-BAT

1 **16. Reasonable fee rates.**

2 17. The standard Equal Access to Justice ("EAJA") hourly rate for the Ninth
3
4 Circuit for work done in 2025 is \$258.46. I would not accept this case at that rate.

5 18. I am generally familiar with the hourly rates charged for immigration
6
7 services in this state. I am not aware of any lawyer or law firm willing to accept
8 habeas cases at the adjusted statutory rate of \$258.46 per hour.

9 19. The Oregon State Bar publishes a document called the OSB Economic
10
11 Survey. The most recent survey was published in 2022, and it is based on data
12 gathered in November 2021.¹ The survey is relied on by the U.S. District Court in
13 Oregon when setting hourly rates for attorney fee awards.

14
15 20. The survey provides data for a number of areas, such as business and
16
17 corporate litigation, but not for immigration law. I had some experience in business
18 litigation early in my career, and in my opinion, immigration habeas corpus
19 proceedings are at least as complex.

20 21. This is particularly so because they often have to be filed quickly before
21
22 the client can be transferred to another jurisdiction and because the client is in custody
23 and will have a limited ability to assist in the presentation of their case. These are
24 complicating factors not generally present in business and corporate litigation.

25
26 //

27
28 ¹ <https://www.osbar.org/docs/resources/Econsurveys/22EconomicSurvey.pdf>

1 22. Based on my study for other cases, I have found that general practice in
2 the Oregon district court, once it has been shown that an enhanced EAJA rate is
3 appropriate, has been to award the mean or average rate as shown in the Economic
4 Survey. The courts typically allow for an inflation adjustment as well.

5
6 23. On page 44, in Table 37 the survey states that the mean rate in downtown
7 Portland for business litigation was \$474 per hour.

8
9 24. Because that survey data was gathered over four years ago, I think it
10 would be appropriate to adjust for inflation using the cost of living calculator tool from
11 the Bureau of Labor Statistics.² Using that tool, I found that the adjusted value of \$474
12 in November 2021 would be \$554.67 as of January 2026.

13
14 25. Therefore, it is my opinion that a rate of \$550 per hour would be a
15 reasonable fee for the services rendered by petitioner's counsel in this case. It would
16 be what I would request for comparable work in Oregon.

17
18
19 DATED this 18th day of March 2026

20 /s/ Michael T. Purcell

21
22 MICHAEL T. PURCELL
23 WSBA #20707
24 Attorney for petitioner
25 P.O. Box 14209
26 Portland, OR 97293
27 (503) 241-8203
28 mpurcell.law@gmail.com

² https://www.bls.gov/data/inflation_calculator.htm

Exhibit B

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

N-S-) Case No. 2:26-cv-00161-BAT
Petitioner)

vs.)

Laura HERMOSILLO, Seattle Field
Office Director, U.S. Immigration and
Customs Enforcement (ICE), et al.,

) **DECLARATION OF GEOFFREY**
) **DOOLITTLE IN SUPPORT OF MOTION**
) **FOR FEES AND COSTS UNDER THE**
) **EQUAL ACCESS TO JUSTICE ACT**

Respondents)

DECLARATION OF GEOFFREY DOOLITTLE IN
SUPPORT OF MOTION FOR FEES AND
COSTS UNDER THE EQUAL ACCESS
TO JUSTICE ACT-1
Case No. 2:26-cv-00161-BAT

- 1 1. I, Geoffrey Doolittle, under penalty of perjury, do solemnly declare:
- 2 2. I am an attorney and have been licensed to practice law in the State of Oregon since
- 3 2011. I make this declaration based upon my personal knowledge and in support of
- 4 Petitioner's application for attorney's fees under the Equal Access to Justice Act
- 5 ("EAJA").
- 6 3. My practice focuses heavily on complex immigration matters, including federal
- 7 litigation and habeas corpus petitions for detained noncitizens.
- 8 4. I am familiar with the prevailing market rates for legal services in the Pacific
- 9 Northwest, specifically for attorneys handling complex federal immigration litigation.
- 10 5. Federal immigration habeas litigation, particularly when arising on an emergency basis
- 11 to prevent the unlawful detention or transfer of a noncitizen, is a highly specialized
- 12 practice area. It requires a distinctive understanding of the intersection between
- 13 constitutional due process and the intricate statutory framework of the Immigration and
- 14 Nationality Act. Very few practitioners possess the skills and availability to effectively
- 15 litigate these emergency matters.
- 16 6. I am familiar with the EAJA statutory maximum hourly rate, which is currently
- 17 approximately \$258.46 per hour for work performed in 2026.
- 18 7. I do not, and would not, accept a complex federal immigration habeas case at the EAJA
- 19 statutory rate. Furthermore, I am not aware of any qualified attorney or law firm in this
- 20 region with the requisite specialized knowledge and experience who would be willing
- 21 to accept such a case at the statutory rate.
- 22 8. Based on my experience and knowledge of the local legal market, an hourly rate of
- 23 \$550.00 is highly reasonable—and arguably below market—for an attorney with over a
- 24
- 25

DECLARATION OF GEOFFREY DOOLITTLE IN
SUPPORT OF MOTION FOR FEES AND
COSTS UNDER THE EQUAL ACCESS
TO JUSTICE ACT-2
Case No. 2:26-cv-00161-BAT

1 decade of specialized experience handling an emergency federal immigration habeas
2 petition. This rate is well within the prevailing market rates for comparable complex
3 civil litigation in this region.
4
5

6 Executed under penalty of perjury on this 19th day of March, 2026, in Portland, Oregon.
7
8

9 
10

11 Geoffrey Doolittle

12 Doolittle Legal, LLC
13 1201 SW 12th Ave Ste 600
14 Portland OR 97205

15 OR Bar 113700
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DECLARATION OF GEOFFREY DOOLITTLE IN
SUPPORT OF MOTION FOR FEES AND
COSTS UNDER THE EQUAL ACCESS
TO JUSTICE ACT-3
Case No. 2:26-cv-00161-BAT