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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

CINTHYA STEPHANIE ARIAS SALAZAR,

Petitioner,

v.

Warden of ADELANTO DETENTION FACILITY; *Ernesto Santacruz Jr. in his Official Capacity as Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations* ADELANTO DETENTION FACILITY; KRISTI NOEM, *in her official capacity as Secretary of the U.S. Department of Homeland Security;* and PAM BONDI, *in her official capacity as Attorney General of the United States*,

Respondents.

No. 5:25-cv-03236-PA-KES

RESPONDENTS' OPPOSITION TO PETITIONER'S REQUEST FOR ATTORNEY'S FEES

Honorable Percy Andeson
United States District Judge

Honorable Karen E. Scott
United States Magistrate Judge

MEMORANDUM

Pursuant to the Court's Order Granting Petition (Dkt. 7), Respondents hereby oppose Petitioner's request for fees and costs under the Equal Access to Justice Act ("EAJA"). Dkt. 4-1 ("Petition" or "Pet."), p. 13.

Petitioner is not entitled to EAJA fees, because Respondents' position set forth in the Opposition (Dkt. 6) was substantially justified. 28 U.S.C. Sec. 2412(d)(1)(A) (attorney's fees are not allowed if "the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.") "The government's failure to prevail does not raise a presumption that its position was not substantially justified." *Kali v. Bowen,* 854 F.2d 329, 334 (9th Cir. 1988). Here, Respondents were substantially justified in opposing the Petition on the merits. Respondents' arguments that the Court lacked jurisdiction over Petitioner's claims under 8 U.S.C. Sec. 1252; Petitioner failed to exhaust her administrative remedies by appealing the immigration judge's bond decision to the BIA; and Petitioner failed to meet the high bar for injunctive relief were substantially justified because there is no clear and controlling precedent establishing otherwise. Thus, Petitioner is not entitled to an award of attorney's fees under EAJA. Accordingly, Petitioner's request for attorney's fees under EAJA should be denied.

Dated: January 7, 2026

Respectfully submitted,

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