

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROSA PADILLA PAZ,

Petitioner,

v.

JULIO HERNANDEZ, et al.,

Respondent.

CASE NO. 2:26-cv-01394-BAT

**ORDER ON STIPULATED
MOTION FOR EXTENSION OF
TIME**

The parties in this 28 U.S.C. § 2241 immigration habeas corpus action have filed a stipulated motion requesting that the Court extend the deadline for Petitioner's motion for attorney fees and costs under the Equal Access to Justice Act ("EAJA") from August 13, 2026, until 60 days after the Supreme Court issues its decision in *Montoya Palacios v. Liggins*, No. 25-1223. The parties argue there is "good cause" for the extension because

On June 29, 2026, the Supreme Court granted certiorari in *Montoya Palacios*, on the issue of whether the phrase "any civil action" in the EAJA encompasses an action seeking a writ of habeas corpus to challenge civil immigration detention. The parties have conferred and agree that extending Petitioners' EAJA deadline until after the Supreme Court decides *Montoya Palacios* would promote judicial efficiency and conserve judicial resources.

Dkt. 23.

Federal Rule of Civil Procedure 6(b) provides: "When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or

1 notice if the court acts, or if a request is made, before the original time or its extension expires;
2 or (B) on motion made after the time has expired if the party failed to act because of excusable
3 neglect.” “The good cause analysis turns on whether the subject deadlines cannot reasonably be
4 met despite the exercise of diligence.” *McCart-Pollak v. Saevitzon*, No. 2:20-CV-01624-GMN-
5 NJK, 2025 WL 2855122, at *1 (D. Nev. Oct. 7, 2025) (citing *Johnson v. Mammoth Recreations,*
6 *Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (interpreting Rule 16’s good cause standard)); *Guillen v.*
7 *Owens*, No. CV-10-226-PHX-JWS, 2011 WL 6032861, at *1 (D. Ariz. Dec. 5, 2011) (“The
8 Ninth Circuit has equated the good cause standard with the exercise of due diligence.”).

9 Here, the parties argue that the extension, for an extended and as yet unknown period of
10 time, for Petitioner to file the motion for EAJA fees would promote judicial efficiency and
11 conserve judicial resources. Dkt. 23. But the parties do not explain how judicial efficiency alone
12 amounts to “good cause” which, as discussed above, has generally been interpreted to turn on
13 whether the subject deadlines cannot reasonably be met despite the exercise of diligence. Nor do
14 the parties explain how granting such an extension of time would, in fact, promote judicial
15 efficiency and conserve judicial resources.

16 Accordingly, the Court hereby ORDERS:

- 17 (1) The parties’ stipulated motion for an extension of time to file Petitioner’s motion seeking
18 attorney fees and costs under the EAJA until 60 days after the Supreme Court issues its
19 decision in *Montoya Palacios v. Liggins*, No. 25-1223 is DENIED without prejudice. The
20 parties may re-file their motion if they believe they can provide additional legal authority
21 and facts to support their request for relief.
- 22 (2) The Court will, however, extend the deadline for Petitioner to file a motion for EAJA
23 fees to **September 25, 2026**.

1 (3) The Clerk shall provide a copy of this order to counsel for Petitioner and counsel for
2 Respondents.

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4 DATED 25th day of August, 2026.

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7 BRIAN A. TSUCHIDA
8 United States Magistrate Judge
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