

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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)	
VILMA BLANCI ARREAGA BARRIOS)	
("ELIZABETH BRAVO CORTEZ"))	C.A. No. 1:26-cv-10336-BEM
Petitioner,)	
)	
v.)	
)	
PATRICIA H. HYDE, Field Office Director,)	
ICE Enforcement and Removal Operations,)	
Boston/New England Field Office;)	
TODD M. LYONS, Acting Director,)	
U.S. Imm. and Customs Enforcement;)	
and KRISTI NOEM, Secretary,)	
U.S. Department of Homeland Security,)	
Respondents.)	
_____)	

PETITIONER’S AMENDED MOTION FOR ATTORNEYS’ FEES AND EXPENSES
UNDER THE EQUAL ACCESS TO JUSTICE ACT WITH INCORPORATED
MEMORANDUM

Petitioner Vilma Blanci Arreaga Barrios moves, pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), for an award of attorneys’ fees and expenses incurred in litigating her petition for a writ of habeas corpus. On January 29, 2026, this Court granted Ms. Arreaga Barrios’s habeas petition and ordered her immediate release from ICE custody, concluding that there was no lawful basis for her detention, including because she was being held despite no pending removal proceedings or associated process. *See* Dkt. 9–10.

Ms. Arreaga Barrios now seeks recovery of her reasonable attorneys’ fees and expenses incurred in securing that relief. She requests fees for 45.75 hours of attorney time at the EAJA-adjusted hourly rate of \$260.16, plus litigation expenses. This yields a total fee request of

\$11,902.32 in attorneys' fees and \$5.00 in expenses (representing the filing fee for the petition for writ of habeas corpus), for a total EAJA award of \$11,907.32. She also retains the right to seek compensation for the time spent preparing this amended fee application and any additional time spent responding to the government's opposition, if any such opposition is filed.

I. Relevant Facts and Procedural History

Ms. Vilma Blanci Arreaga Barrios was born on December 1, 1976. She has resided in Massachusetts for many years, has lived at a stable residence in Lynn, Massachusetts for approximately eight years, works consistently as a food service worker, and is the mother of three daughters, ages 17, 20, and 24. Ms. Arreaga Barrios entered the United States in 2010 and has remained in the United States since that time.

Ms. Arreaga Barrios's immigration proceedings were predicated on a Notice to Appear ("NTA") that was fundamentally defective, including because it listed the wrong name, wrong country of nationality, wrong date of birth, and contained no charges of removability. On January 8, 2026, the Immigration Judge instructed the Department of Homeland Security ("DHS") to file a corrected NTA within seven days. DHS did not comply. At the next hearing on January 22, 2026, DHS still had not complied, and the Immigration Judge granted Petitioner's motion to terminate the removal proceedings.

Notwithstanding termination of proceedings, ICE continued to detain Ms. Arreaga Barrios in Massachusetts, holding her at the ICE Field Office (Boston/New England Field Office) in Burlington, Massachusetts. ICE detained her under the incorrect identity "Elizabeth Bravo Cortez" rather than her true name, Vilma Blanci Arreaga Barrios. Ms. Arreaga Barrios was provided no bond hearing and no meaningful individualized custody review, even after termination of

proceedings. DHS stated that it “reserved appeal” of the termination order, but no appeal has been filed and none has been served on counsel.

On January 24, 2026, Ms. Arreaga Barrios filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, alleging that ICE was detaining her despite termination of her removal proceedings and without pending removal proceedings or associated process, and seeking emergency relief to prevent transfer or removal and to secure her release. *See* Dkt. 1. That same day, the Court entered an emergency order concerning stay of transfer or removal. *See* Dkt. 2. After the case was reassigned, the Court entered an order concerning service and continued the stay, directing Respondents to answer or otherwise respond by February 2, 2026. *See* Dkt. 4.

On January 27, 2026, Petitioner filed an emergency motion for an order of release, supported by a declaration describing conditions of confinement and the absence of any meaningful custody process. *See* Dkt. 7. On January 29, 2026, the Court entered an electronic order directing Respondents to verify the basic facts concerning Petitioner’s detention and to file copies of any Notices to Appear, Warrants for Arrest of Alien, or Notices of Custody Determination issued in connection with Petitioner’s current detention by 4:00 p.m. that day. *See* Dkt. 9. Later on January 29, 2026, after noting Respondents’ failure to file any response within the time allotted or as ordered, the Court concluded that there was no lawful basis for Petitioner’s detention, granted the habeas petition, and ordered that Ms. Arreaga Barrios be released immediately. *See* Dkt. 10.

On February 12, 2026, this Court issued its Final Judgment. *See* Dkt. 14. This constitutes a final judgment for purposes of EAJA. Accordingly, Ms. Arreaga Barrios files this fee application within thirty days of final judgment, rendering it timely under EAJA. *See* 28 U.S.C. § 2412(d)(1)(B).

II. Argument

A. Ms. Arreaga Barrios is an Eligible and Prevailing Party

To qualify for an award of fees under EAJA, an applicant must be an eligible, prevailing party. 28 U.S.C. § 2412(d)(1)(B). As the record in this case clearly reflects, Ms. Arreaga Barrios satisfies both requirements.

Ms. Arreaga Barrios is an individual whose net worth did not exceed \$2 million at the time this action was filed. She is indigent and has assigned any EAJA fee award to her counsel. Her declaration attesting to her net worth and assignment is included as Exhibit A. Because she is a private individual whose net worth falls below the statutory cap, she is an eligible party under § 2412(d)(2)(B).

A petitioner prevails when she achieves a material alteration of the legal relationship between the parties that is judicially sanctioned. *See Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep't of Health & Human Res.*, 532 U.S. 598, 604–05 (2001). Here, the Court granted Ms. Arreaga Barrios's habeas petition and ordered her released immediately from ICE custody, concluding there was no lawful basis for her detention. *See* Dkt. 10; Dkt. 14. As of January 30, 2026 at approximately 9:30 AM, Ms. Arreaga Barrios was released in compliance with this Court's order. That order, and her subsequent release, materially altered the parties' legal relationship and was issued over Respondents' opposition and failure to justify detention as directed by the Court. Ms. Arreaga Barrios therefore is a prevailing party. *See Oscar v. Gillen*, 595 F. Supp. 2d 166 (D. Mass. 2009); *Castañeda-Castillo v. Holder*, 723 F.3d 48, 63 (1st Cir. 2013).

B. The Government's Position Was Not Substantially Justified

EAJA fees may be denied only if the government meets its burden to show that its position was “substantially justified.” 28 U.S.C. § 2412(d)(1)(A); *Aronov v. Napolitano*, 562 F.3d 84, 89 (1st Cir. 2009). The government’s position must have a reasonable basis in both law and fact. *Oscar v. Gillen*, 595 F. Supp. 2d 166, 170 (D. Mass. 2009). Here, neither Respondents’ pre-litigation conduct nor their litigation position was substantially justified.

Respondents continued to detain Ms. Arreaga Barrios in ICE custody in Burlington, Massachusetts after an Immigration Judge terminated her removal proceedings on January 22, 2026, and while she remained detained under a false identity (“Elizabeth Bravo Cortez”), without providing a bond hearing or any meaningful individualized custody review. Petitioner alleged that she was being held despite no pending removal proceedings or associated process, and the Court promptly ordered Respondents to verify these basic facts and to produce core custody documents (including any Notice to Appear, Warrant for Arrest of Alien, or Notice of Custody Determination) by 4:00 p.m. on January 29, 2026. *See* Dkt. 9. Respondents did not comply with that order. *See* Dkt. 10. Where the Court has directed Respondents to produce the basic documentation that would establish the asserted legal basis for detention, and Respondents fail to do so, continuing detention lacks any reasonable basis in fact and cannot be substantially justified.

Respondents’ litigation stance likewise was not substantially justified. Even after the Court ordered an expedited verification and production of the very documents that would support their asserted authority to detain Ms. Arreaga Barrios, Respondents filed nothing by the Court-ordered deadline, and did not provide the Court with any NTA, warrant, custody determination, or other process supporting continued custody. *See* Dkt. 9–10. The Court therefore concluded that there was no lawful basis for Petitioner’s detention and granted the habeas petition, ordering her

immediate release. *See* Dkt. 10. On this record, Respondents cannot meet their burden to show that their position had a reasonable basis in law and fact. EAJA fees should therefore be awarded.

C. There Are No Special Circumstances That Would Make an Award Unjust

EAJA permits a court to deny fees only if “special circumstances” make an award unjust. 28 U.S.C. § 2412(d)(1)(A). As demonstrated by the record, no such circumstances exist here. Ms. Arreaga Barrios brought this habeas action to challenge her ongoing civil detention and to obtain basic, court-ordered verification of the government’s asserted basis for custody. The Court granted the petition and ordered her immediate release after concluding there was no lawful basis for detention. *See* Dkt. 10; Dkt. 14. Awarding fees in these circumstances advances EAJA’s purpose of ensuring that individuals can vindicate rights and obtain judicial review of unjustified government action without being deterred by the cost of litigation. *See Castañeda-Castillo v. Holder*, 723 F.3d 48, 57–58 (1st Cir. 2013).

D. The Fees and Expenses Sought are Reasonable

EAJA authorizes recovery of “reasonable attorney fees” and “other expenses.” 28 U.S.C. § 2412(d)(1)(A), (2)(A). Ms. Arreaga Barrios’s request is reasonable in both hours and rate.

Attorney Jacob S. Binnall spent 45.75 hours litigating this matter through the habeas petition, emergency motion practice, and this fee application. The hours include consultation with the client; factual investigation concerning the termination of proceedings and the basis (or lack thereof) for continued custody; legal research on the statutory and constitutional limits on civil immigration detention and on this Court’s authority to order immediate relief; drafting the habeas petition and supporting papers; preparing exhibits and declarations; reviewing the Court’s orders;

and preparing this EAJA motion. Counsel's contemporaneous time records are attached as Exhibit B. The total time expended is reasonable given the emergency posture of the case, the accelerated schedule set by the Court, and the need to obtain immediate relief from ongoing detention. Courts routinely approve comparable or greater hours in detention-habeas litigation. *See Oscar v. Gillen*, 595 F. Supp. 2d 166, 171 (D. Mass. 2009) (awarding fees for over 100 hours in a detention-habeas case); *Michelin v. Oddo*, No. 3:23-cv-00022, 2024 WL 5003681 (W.D. Pa. Aug. 26, 2024) (awarding 64.7 hours at the EAJA rate).

The EAJA establishes a statutory rate of \$125.00 per hour for attorneys' services, which courts may adjust for increases in the cost of living. 28 U.S.C. § 2412(d)(2)(A); *Castañeda-Castillo v. Holder*, 723 F.3d 48, 62 (1st Cir. 2013). Counsel calculates the applicable EAJA-adjusted hourly rate by multiplying the statutory base rate of \$125 by the December 2025 Consumer Price Index for All Urban Consumers ("CPI-U"), U.S. City Average, and dividing by 155.7, the CPI-U for March 1996. Using a CPI-U value of 324.054, the resulting EAJA-adjusted hourly rate is \$260.16 per hour. This rate is below prevailing market rates for attorneys with counsel's experience litigating federal habeas and immigration detention matters, and is therefore reasonable. Counsel's declaration provides additional support, including counsel's background and the reasonableness of the requested rate.

Ms. Arreaga Barrios also seeks reimbursement for reasonable litigation expenses totaling \$5.00, consisting of the \$5.00 filing fee for the habeas petition with this Court. This expense is recoverable under EAJA. *See* 28 U.S.C. § 2412(d)(2)(A) (permitting recovery of "fees and other expenses," including "the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project," and litigation-related costs).

The attorney's fees and recoverable expenses in this case are allocated as follows:

Attorney Jacob Binnall:

Attorney Fees – 45.75 hours x \$260.16	=	\$11,902.32
Expenses – Petition for Writ of Habeas Corpus Filing Fee	=	\$5.00
Total fees and expenses recoverable under 28 U.S.C. § 2412(d)(2)(A)	=	\$11,907.32

Together, recoverable attorney's fees and expenses amount to \$11,907.32. Ms. Arreaga Barrios requests this amount or such amount as the Court finds reasonable. She also seeks fees for time spent litigating this fee application and any fees incurred in reply to the government's opposition.

III. Conclusion

For the foregoing reasons, the Court should grant Ms. Arreaga Barrios' motion for attorneys' fees and expenses under the Equal Access to Justice Act. She respectfully requests an award of \$11,902.32 in attorneys' fees and \$5.00 in expenses, for a total of \$11,907.32 plus any additional fees incurred in litigating this motion. She further requests such other relief as the Court deems just and proper.

WHEREFORE, Petitioner respectfully requests that the Court award attorneys' fees and expenses pursuant to 28 U.S.C. § 2412(d) in the amount of \$11,907.32 and award such other and further relief as the Court deems just and proper, including reasonable fees incurred in preparing this application and in responding to any opposition.

Respectfully submitted,

February 12, 2026

s/ Jacob S. Binnall
Jacob S. Binnall, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February, 2026, I caused a true and correct copy of the foregoing Motion for EAJA Fees to be served upon counsel for Respondents by filing the document electronically through the Court's CM/ECF system, which will send notice of such filing to all counsel of record.

s/ Jacob S. Binnall
Jacob S. Binnall, Esq.

CERTIFICATE OF CONFERENCE (L.R. 7.1(a)(2))

Pursuant to Local Rule 7.1(a)(2), undersigned counsel certifies that he conferred with counsel for Respondents, Assistant United States Attorney Michael Sady by telephone on February 6, 2026, and via email on February 10, 2026 regarding this Amended Motion for Attorneys' Fees and Expenses under the Equal Access to Justice Act. Counsel discussed whether the issues presented by the Motion could be resolved or narrowed without court intervention. As of this amended filing, the parties have been unable to resolve or narrow the issues, and Respondents do not assent to the relief requested.

s/ Jacob S. Binnall
Jacob S. Binnall, Esq.