

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA

Alejandro Campos Leon v. Kerry Forestal, Marion County Sheriff, et
al.

Campos Leon · No. 1:25-cv-01774-SEB-MJD · Decided June 24, 2026

SUMMARY

The United States District Court for the Southern District of Indiana grants in part Alejandro Campos Leon's motion for attorneys' fees under the Equal Access to Justice Act. The court finds that the government's litigation position was not substantially justified, rejects the requested hourly rates of \$1,000 and \$800, and awards fees at \$300 per hour. The court awards \$8,490 in full satisfaction of the EAJA claims.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana
WRITING FOR THE COURT	Sarah Evans Barker
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	June 24, 2026
DOCKET	1:25-cv-01774-SEB-MJD
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved for attorneys' fees under the Equal Access to Justice Act after obtaining a writ of habeas corpus. The respondents opposed the motion, arguing that the government's position was substantially justified, that certain claimed tasks were noncompensable, and that the requested hourly rates were excessive.
STANDARD OF REVIEW	Under the EAJA, the court evaluates whether the government's position was substantially justified and whether the requested fees, hours, and rates are reasonable. The fee applicant bears the burden of proving that the hours requested are reasonable.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Alejandro Campos Leon v. Kerry Forestal, Marion County Sheriff, et al.

TOPICS

attorney fees immigration detention administrative law remedies civil procedure

PRACTICE AREAS

immigration law administrative law civil procedure attorneys' fees

QUESTIONS PRESENTED

1. Whether the government's litigation position was substantially justified for purposes of the EAJA.
2. Whether special factors justified an EAJA hourly rate above the statutory rate and, if so, what rate was reasonable.
3. Whether the claimed attorney hours for communicating with the petitioner's family and preparing exhibits were compensable.

HOLDINGS

1. The government's position was not substantially justified because it lacked a reasonable legal basis for defending the automatic-stay regulation and was not substantially justified in arguing that mandatory detention under 8 U.S.C. § 1225(b) applied in the factual circumstances of this case.
2. Special factors justified an hourly rate of \$300 for both attorneys, but did not justify the requested rates of \$1,000 and \$800 per hour.
3. The court declined to reduce the fee award by the two hours challenged by respondents because those tasks could have been critical to developing and supporting the factual basis for the habeas petition, and respondents did not specifically show why attorney performance of those tasks was improper.

KEY QUOTATIONS

"This Court finds that the government's legal position in opposition to Mr. Campos Leon's petition was not substantially justified."

"In promulgating 8 C.F.R. 1003.19(i)(2), DOJ unlawfully empowered DHS to nullify decisions Congress specifically assigned to the attorney general."

"These special factors justify exceeding the statutory rate. They do not justify multiplying the statutory rate by six or eight times."

FACTUAL BACKGROUND

Campos Leon was placed in immigration removal proceedings after entering the United States without inspection or admission and later being arrested on a drunken-driving charge. An immigration judge determined that his detention was governed by 8 U.S.C. § 1226(a), ordered his release on a \$7,500 bond, and DHS invoked 8 C.F.R. § 1003.19(i)(2) to stay that release pending appeal. The district court granted habeas relief, concluding that the automatic-stay regulation unlawfully allowed DHS to override authority assigned by Congress to the Attorney General. Campos Leon's attorneys sought \$27,520 in EAJA fees based on their work on the habeas matter.

PROCEDURAL HISTORY

Campos Leon filed a habeas petition on September 5, 2025, challenging his continued immigration detention and DHS's automatic stay of an immigration judge's bond-release order. The district court granted the habeas petition on September 22, 2025, rejecting the respondents' jurisdictional and statutory arguments and holding the automatic stay regulation unlawful. The court then granted the EAJA fee motion in part and awarded \$8,490 for attorneys' fees, expenses, and costs.

DISPOSITION

other

CASES CITED

- *Golembiewski v. Barnhart*, 382 F.3d 721, 723–24 (7th Cir. 2004)
- *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983)
- *Potdar v. Holder*, 585 F.3d 317, 319 (7th Cir. 2009)
- *Pierce v. Underwood*, 487 U.S. 552, 565, 571–73 (1988)
- *Kholyavskiy v. Holder*, 561 F.3d 689, 691 (7th Cir. 2009)
- *Comm'r, I.N.S. v. Jean*, 496 U.S. 154, 161–62 (1990)
- *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988)
- *Sprinkle v. Colvin*, 777 F.3d 421, 427 (7th Cir. 2015)
- *Blanca L. v. Bisignano*, No. 4:24-CV-04228-SLD-RLH, 2026 WL 1470906, at *3 (C.D. Ill. May 26, 2026)
- *Roell v. Bisignano*, No. 24-CV-446-JDP, 2026 WL 1295674, at *3 (W.D. Wis. May 12, 2026)
- *Bitzegaio v. Dudek*, No. 2:23-CV-00561-JPH-MJD, 2026 WL 1018429, at *4, *6 (S.D. Ind. Apr. 15, 2026)
- *Zachary A. B. v. Bisignano*, No. 4:24-CV-04100-SLD-RLH, 2026 WL 312108, at *2 (C.D. Ill. Feb. 5, 2026)
- *Lea-Max Corp. v. Gould Elecs.*, No. 1:23-cv-000164-GSL-SLC, 2025 WL 1813192, at *3 (N.D. Ind. July 1, 2025)
- *Sisiliano-Lopez v. Lowe*, 448 F. Supp. 3d 419, 427 (M.D. Pa. 2020)