

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Jerson A.D.G. v. Bondi

Jerson A.D.G. · No. Civil No. 26-516 (DWF/SGE); 0:26-cv-00516 · Decided March 19, 2026

SUMMARY

The United States District Court for the District of Minnesota grants Jerson A.D.G.’s motion for attorneys’ fees under the Equal Access to Justice Act. The court concludes that the government was not substantially justified in detaining Petitioner under 8 U.S.C. § 1159 and awards Petitioner’s counsel \$4,125.70.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Donovan W. Frank
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	March 19, 2026
DOCKET	Civil No. 26-516 (DWF/SGE); 0:26-cv-00516
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought attorneys’ fees under the Equal Access to Justice Act after the court granted his habeas petition and ordered his immediate release from immigration detention. Respondents opposed the fee request on the ground that their position was substantially justified.
STANDARD OF REVIEW	Under the EAJA, the court evaluates from the record whether the government’s position was substantially justified; the government bears the burden of proving substantial justification once the prevailing party establishes eligibility.
PRECEDENTIAL VALUE	unknown
PARTIES	Jerson A.D.G. v. Pamela Bondi, in her official capacity as Attorney General of the United States, Kristi Noem, in her official capacity as Secretary of the United States Department of Homeland Security, Todd M. Lyons, in his official capacity as Acting Director of United States Immigration and Customs Enforcement, David Easterwood, in his official capacity as Acting Director, St. Paul Field Office, United States Immigration and Customs Enforcement

TOPICS

attorney fees immigration detention remedies administrative law civil procedure

PRACTICE AREAS

immigration administrative law civil procedure attorney fees

QUESTIONS PRESENTED

1. Whether Petitioner was entitled to attorneys' fees under the Equal Access to Justice Act after prevailing on his habeas petition.
2. Whether the government's underlying detention decision and litigation position were substantially justified under the EAJA.
3. Whether any special circumstances made an award of attorneys' fees unjust.

HOLDINGS

1. Petitioner was entitled to an award of attorneys' fees because he was the prevailing party, satisfied the EAJA eligibility requirements, and the government failed to show that its position was substantially justified or that special circumstances made an award unjust.
2. Respondents' position was not substantially justified, both in arguing that Petitioner could be detained under 8 U.S.C. § 1159 and in arresting and detaining Petitioner.

KEY QUOTATIONS

"To be substantially justified, the government's argument need not be correct, but it must be "justified to a degree that could satisfy a reasonable person."" (Discussion)

"The law is settled and Respondents violated it." (Discussion)

FACTUAL BACKGROUND

U.S. Immigration and Customs Enforcement arrested and detained Petitioner on January 21, 2026. Petitioner filed a habeas petition that day, and the court ordered his immediate release on January 27, 2026. Respondents had justified the detention under 8 U.S.C. § 1159, despite agency guidance and precedent that the court found contrary to that position. Petitioner's counsel represented him pro bono and had received no payment for the time and costs incurred.

PROCEDURAL HISTORY

Petitioner was arrested and detained by Immigration and Customs Enforcement on January 21, 2026, and filed a habeas petition the same day. On January 27, 2026, the court granted the petition and ordered his immediate release. Petitioner then moved for \$4,125.70 in attorneys' fees under the EAJA; the court granted the motion.

DISPOSITION

other

CASES CITED

- Comm’r, Immigr. & Naturalization Serv. v. Jean, 496 U.S. 154, 163 (1990)
- Huett v. Bowen, 873 F.2d 1153, 1155 (8th Cir. 1989)
- Pierce v. Underwood, 487 U.S. 552, 565 (1988)
- Bah v. Cangemi, 548 F.3d 680, 683-84 (8th Cir. 2008)
- U.H.A. v. Bondi, No. 26-cv-417, 2026 WL 558824 (D. Minn. Feb. 27, 2026)

OPINION

Bondi

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Jerson A.D.G., Civil No. 26-516 (DWF/SGE) Petitioner, v.

MEMORANDUM

Pamela Bondi, in her official capacity as OPINION AND ORDER Attorney General of the United States; Kristi Noem, in her official capacity as Secretary of the U.S. Department of Homeland Security; Todd M. Lyons, in his official capacity as Acting Director of the United States Immigration and Customs Enforcement; and David Easterwood, in his official capacity as Acting Director, St. Paul Field Office, U.S. Immigration and Customs Enforcement, Respondents.

INTRODUCTION

This matter is before the Court on Petitioner Jerson A.D.G.’s motion for attorneys’ fees pursuant to the Equal Access to Justice Act (“EAJA”). (Doc. No. 10.) Respondents oppose. (Doc. No. 17.) For the reasons set forth below, the Court grants the motion and awards attorneys’ fees to Petitioner’s counsel in the amount of \$4,125.70.

BACKGROUND

On January 21, 2026, Petitioner was arrested and detained by U.S. Immigration and Customs Enforcement. (Doc. No. 1 ¶ 1.) Petitioner then filed a petition for a writ of habeas corpus (the “Petition”) the same day. (Id. at 19.) On January 27, 2026, the Court granted the Petition and ordered Petitioner’s immediate release from custody. (Doc. No. 7 at 6.) Petitioner now moves for an award of attorneys’ fees pursuant to the EAJA, 28 U.S.C. § 2412, in the amount of \$4,125.70. (Doc. No. 10 at 1.) Petitioner’s counsel represented him on a pro bono basis and has thus far received no payment for time and costs expended. (Doc. No. 14 ¶¶ 4-5.) Petitioner has a net worth of under \$2,000,000. (Id. ¶ 4.)

DISCUSSION

The EAJA provides that a court shall award fees, costs, and other expenses incurred by the

prevailing party in a civil action against the United States¹ “unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.” 28 U.S.C. § 2412(d)(1)(A). The “position of the United States” includes both the underlying agency action and the litigation position. *Id.* § 2412(d)(2)(D). The purpose of the EAJA is to eliminate, for the average person, barriers to challenging unreasonable governmental actions. *Comm’r, Immigr. & Naturalization Serv. v. Jean*, 496 U.S. 154, 163 (1990). A party seeking an award must apply for fees within thirty days of the final judgment. 28 U.S.C. § 2412(d)(1)(B). In the application, they must establish that they 1 For purposes of the EAJA, the “United States” includes both agencies and any official acting in their official capacity. 28 U.S.C. § 2412(d)(2)(C). Respondents are agents of the United States acting in their official capacity, so this action was against the United States. were the prevailing party and are eligible to receive an award, detail the amount of the award sought, and allege that the position of the United States was not substantially justified. *Id.* If the prevailing party meets their burden, the burden shifts to the government to prove that it was substantially justified. *Huett v. Bowen*, 873 F.2d 1153, 1155 (8th Cir. 1989). Respondents do not dispute that Petitioner is the prevailing party, nor do they challenge the amount of fees requested. (See Doc. No. 17.) The only question for the Court is whether Respondents’ position was substantially justified. To be substantially justified, the government’s argument need not be correct, but it must be “justified to a degree that could satisfy a reasonable person.” *Pierce v. Underwood*, 487 U.S. 552, 565 (1988); *Bah v. Cangemi*, 548 F.3d 680, 683-84 (8th Cir. 2008). A court determines whether the position of the United States was substantially justified “on the basis of the record.” 28 U.S.C. § 2412(d)(1)(B). Here, Respondents justified Petitioner’s detention under 8 U.S.C. § 1159.2 (Doc. No. 5.) In doing so, Respondents acted in direct opposition to their own guidance and in disregard of clear caselaw. (See Doc. No. 7 at 4-6 (explaining the deficiencies in Respondents’ arguments).) That is unreasonable governmental conduct. Respondents contend that their position was substantially justified because it is an unsettled issue in the Eighth Circuit. (Doc. No. 17 at 3-4 (citing *U.H.A. v. Bondi*, No. 26-cv-417, 2026 WL 558824 (D. Minn. Feb. 27, 2026)).) It is true that unsettled law 2 Respondents’ position captures both the underlying agency action and the litigation position. For the same reasons that the litigation strategy failed, the underlying action of arresting and detaining Petitioner was not substantially justified. may justify a denial of fees under the EAJA. *Bah*, 548 F.3d at 684. However, the Court disagrees that the legal framework regarding detention of refugees is unsettled. In *U.H.A.*, Judge Tunheim made it abundantly clear that the government’s “position flatly contradicts the plain meaning of § 1159(a) and contravenes forty-five years of agency practice.” 2026 WL 558824, at *1. The law is settled and Respondents violated it. The Court finds that Respondents were not substantially justified in arguing that Petitioner could be detained pursuant to § 1159, nor in the underlying detention of Petitioner. The Court therefore awards \$4,125.70 to Petitioner’s counsel for the work on this case.

ORDER

Based on the foregoing and the record in this case, IT IS HEREBY ORDERED that:

1. Petitioner's motion for attorneys' fees (Doc. No. [10]) is GRANTED.
2. Petitioner's attorney is awarded \$4,125.70 in fees.

Dated: March 19, 2026 s/Donovan W. Frank

DONOVAN W. FRANK

United States District Judge