

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Gabriel Temaj Lopez v. Juan Baltasar

Temaj Lopez v. Baltasar · No. 26-cv-0688-WJM · Decided June 16, 2026

SUMMARY

The United States District Court for the District of Colorado granted Gabriel Temaj Lopez’s motion for attorney’s fees under the Equal Access to Justice Act. The court held that the Government’s position regarding the applicability of 8 U.S.C. § 1225(b) rather than § 1226(a) was not substantially justified and ordered payment of \$4,633 in fees by July 14, 2026.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	William J. Martínez
JURISDICTION	United States District Court for the District of Colorado
DECIDED	June 16, 2026
DOCKET	26-cv-0688-WJM
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved under the Equal Access to Justice Act for an award of attorney's fees after obtaining habeas relief and a bond hearing in a challenge to mandatory immigration detention.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential
PARTIES	Gabriel Temaj Lopez v. Juan Baltasar, in his official capacity as Warden of the Denver Contract Detention Facility, George Valdez, in his official capacity as Field Office Director of U.S. Immigration and Customs Enforcement, Markwayne Mullin, in his official capacity as Secretary of the U.S. Department of Homeland Security, Todd Lyons, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement, Todd Blanche, in his official capacity as Attorney General of the U.S. Department of Justice

TOPICS

- attorney fees
- immigration detention
- statutory interpretation
- immigration
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Temaj Lopez was entitled to attorney's fees under the Equal Access to Justice Act when the Government's position concerning the statutory basis for his mandatory detention was not substantially justified.
2. Whether the requested \$4,633 fee award should be granted when the Government did not dispute the amount.

HOLDINGS

1. A prevailing habeas petitioner may recover attorney's fees under the Equal Access to Justice Act when the Government's position was not substantially justified.
2. The Court granted the uncontested \$4,633 EAJA fee request in its entirety.

KEY QUOTATIONS

“The Court will therefore apply its holding in Morales Lopez to the Motion presently before it.”

“Petitioner's EAJA Motion is GRANTED.”

FACTUAL BACKGROUND

Temaj Lopez was subject to mandatory immigration detention under the Government's interpretation that 8 U.S.C. § 1225(b), rather than § 1226(a), governed his detention. The Court granted his habeas petition and ordered a bond hearing, after which he obtained and posted a \$3,000 bond. He sought \$4,633 in attorney's fees under the Equal Access to Justice Act, and the Government challenged only whether its litigation position was substantially justified.

PROCEDURAL HISTORY

In February 2026, Temaj Lopez filed a habeas petition challenging mandatory detention under the Government's interpretation of 8 U.S.C. §§ 1226 and 1225(b)(2). In March 2026, the Court granted the petition and ordered a bond hearing. Temaj Lopez was granted a \$3,000 bond, which he posted, and then moved for \$4,633 in EAJA attorney's fees. The Government opposed only on substantial-justification grounds and did not dispute the amount requested.

DISPOSITION

other

CASES CITED

- Morales Lopez v. Baltazar, 2026 WL 1587510 (D. Colo. May 29, 2026)

OPINION

Baltazar

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

Judge William J. Martínez Civil Action No. 26-cv-0688-WJM

GABRIEL TEMAJ LOPEZ,

Petitioner, v. JUAN BALTASAR, in his official capacity as Warden of the Denver Contract Detention Facility, et al. Respondents.

ORDER GRANTING ATTORNEY'S FEES

PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT

Before the Court is Petitioner Gabriel Temaj Lopez's Motion for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act ("EAJA") ("Motion") (ECF No. 16). Respondents Juan Baltazar, in his official capacity as Warden of the Denver Contract Detention Facility; George Valdez,¹ in his official capacity as Field Office Director of U.S. Immigration and Customs Enforcement ("ICE"); Markwayne Mullin,² in his official capacity as Secretary of the U.S. Department of Homeland Security; Todd Lyons, in his official capacity as Acting Director of ICE; and Todd Blanche,³ in his official capacity as Attorney General of the U.S. Department of Justice (collectively, 1 George Valdez replaced Robert Hagan as Field Office Director of U.S. Immigration and Customs Enforcement. 2 Markwayne Mullin replaced Kristi Noem as Secretary of the U.S. Department of Homeland Security. 3 Todd Blanche replaced Pamela Bondi as Attorney General of the U.S. Department of Justice. "Respondents" or "the Government"), filed a response. (ECF No. 17.) Temaj Lopez filed a reply. (ECF No. 18.) For the following reasons, the Motion is granted.

I. DISCUSSION

In February 2026, Temaj Lopez filed his habeas corpus petition challenging his mandatory detention under the Government's new interpretation of 8 U.S.C. §§ 1226, 1225(b)(2). (ECF No. 1.) In March 2026, the Court granted that petition and ordered that he be given a bond hearing. (ECF No. 14.) Temaj Lopez was ultimately granted bond in the amount of \$3,000, which he posted. (ECF No. 16 at 5.) He now "moves the Court for an award of \$4,633" under EAJA. (Id. at 1.) The Government opposes the Motion on a single ground: In its view, attorney fees are not available under EAJA in these circumstances because the Government's position was substantially justified. (See ECF No. 17 at 3 (citing 28 U.S.C. § 2412(d)(1)(B), which provides that fees are available to a prevailing party against the Government only if the latter's position in the case not substantially justified).) If the Court rejects this argument, however, the Government "do[es] not dispute the amount of fees sought in this case (totaling \$4,633)." (Id. at 7.) The Court does in fact reject the Government's argument. As explained in its recent Morales Lopez decision, the Court found that the same position the Government has taken in this case—that section 1225(b), and not section 1226(a), applies—was not substantially justified. *Morales Lopez v. Baltazar*, 2026 WL

1587510, at *5 (D. Colo. May 29, 2026). There, the Court held “attorney fees under EAJA are available to Morales Lopez and those similarly situated.” Id. at 9. Notably, the Government does not advance any new or different arguments the Court did not already address and reject in Morales Lopez. The Court will therefore apply its holding in Morales Lopez to the Motion presently before it. For these reasons, and the fact that the Government does not dispute the fee amount sought by Temaj Lopez, the Motion will be granted in its entirety. (ECF No. 16.) II. CONCLUSION Petitioner's EAJA Motion is GRANTED. (ECF No. 16.) The Government is ORDERED to pay Temaj Lopez his attorneys’ fees in the amount of \$4,633 by no later than July 14, 2026. Dated this 16th day of June, 2026. BY, ae COURT: William d-Martinez Senior United States District Judge