

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Adolph Michelin v. Warden Moshannon Valley Correctional Center;
Adewumi Abioye v. Warden Moshannon Valley Processing Center

Michelin · No. 24-2990 and 24-3198 · Decided February 2, 2026

SUMMARY

The United States Court of Appeals for the Third Circuit consolidated appeals concerning attorneys' fee awards under the Equal Access to Justice Act (EAJA) in habeas actions challenging prolonged immigration detention. The court held that a petition under 28 U.S.C. § 2241 challenging civil immigration detention is a "civil action" within the EAJA and affirmed the fee awards. The court also held that the Government's position in the Abioye case was not substantially justified.

CASE DETAILS

COURT	United States Court of Appeals for the Third Circuit
WRITING FOR THE COURT	Ambro, Circuit Judge; Restrepo, Circuit Judge; McKee, Circuit Judge
JURISDICTION	United States Court of Appeals for the Third Circuit
DECIDED	February 2, 2026
DOCKET	24-2990 and 24-3198
DISPOSITION	affirmed
PROCEDURAL POSTURE	The United States appealed two Western District of Pennsylvania orders awarding attorneys' fees and costs under the Equal Access to Justice Act to immigration detainees who prevailed in 28 U.S.C. § 2241 habeas proceedings challenging prolonged detention without individualized bond hearings. The Third Circuit consolidated the appeals.
STANDARD OF REVIEW	The Court reviewed legal questions de novo or plenary and reviewed the District Court's determination that the Government's position was not substantially justified for abuse of discretion.
PRECEDENTIAL VALUE	precedential
PARTIES	Warden Moshannon Valley Correctional Center, Director Philadelphia Field Office Immigration and Customs Enforcement, Director United States Immigration and Customs Enforcement, Secretary United States Department of Homeland Security, Attorney General United States of

America, Warden Moshannon Valley Processing Center, Acting Field Office Director of the Immigration and Customs Enforcement and Removal Operations Philadelphia Field Office, Secretary United States Department of Homeland Security, Attorney General United States v. Adolph Michelin, Adewumi Abioye

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QUESTIONS PRESENTED

1. Whether a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging civil immigration detention is a 'civil action' under the Equal Access to Justice Act.
2. Whether the EAJA waives federal sovereign immunity for attorneys' fee and cost awards in such habeas proceedings.
3. Whether the Government's position in opposing Abioye's request for an individualized bond hearing after more than sixteen months of detention was substantially justified.
4. Whether the District Court abused its discretion in awarding Abioye fees and costs.

HOLDINGS

1. A habeas petition under 28 U.S.C. § 2241 challenging immigration detention is a 'civil action' within the meaning of 28 U.S.C. § 2412(d)(1)(A).
2. The EAJA unambiguously waives federal sovereign immunity for fee and cost awards in § 2241 habeas proceedings challenging immigration detention.
3. The Government's position was not substantially justified because, after more than sixteen months of detention without an individualized bond hearing and with continued detention likely, it lacked a reasonable basis in law for opposing a hearing.

KEY QUOTATIONS

"For these reasons, we hold the EAJA unambiguously applies to habeas challenges to immigration detention under 28 U.S.C. § 2241." (26-27)

"We hold this provision clearly covers petitions for writs of habeas corpus from immigration detention under 28 U.S.C. § 2241, and so it waives federal sovereign immunity to the fee awards issued here." (33-34)

"The Government had no reasonable basis in law for contesting Abioye's petition for a bond hearing after over 16 months in detention without one." (28-29)

FACTUAL BACKGROUND

Abioye, a Nigerian citizen, was detained by ICE after completing a federal conspiracy-to-commit-wire-fraud sentence and remained detained for more than sixteen months without an individualized bond hearing while his removal proceedings and petition for review continued. Michelin, a Jamaican citizen, was detained by ICE for approximately a year without a bond hearing while his immigration case remained pending. Both filed § 2241 habeas petitions, obtained orders requiring bond hearings, were released on bond, and then received attorneys' fees and costs under the EAJA.

PROCEDURAL HISTORY

Abioye and Michelin separately obtained § 2241 writs requiring individualized bond hearings after prolonged immigration detention. Both were released on bond and then received EAJA fee awards after the District Courts found that the Government's positions were not substantially justified. The Government appealed the fee awards, arguing that habeas petitions challenging immigration detention are not EAJA civil actions and, in Abioye's case, that its position was substantially justified.

DISPOSITION

affirmed

CASES CITED

- *Watson v. Mercer*, 33 U.S. (8 Pet.) 88, 110 (1834)
- *Holmes v. Jennison*, 39 U.S. (14 Pet.) 540, 565-67 (1840)
- *Ex parte Tom Tong*, 108 U.S. 556, 559-60 (1883)
- *Banister v. Davis*, 590 U.S. 504, 507 (2020)
- *FDIC v. Meyer*, 510 U.S. 471, 475 (1994)
- *Kirtz v. Trans Union LLC*, 46 F.4th 159, 164 (3d Cir. 2022)
- *FAA v. Cooper*, 566 U.S. 284, 290-91 (2012)
- *Ardestani v. INS*, 502 U.S. 129, 137-38 (1991)
- *United States v. Rutherford*, 120 F.4th 360, 380 n.28 (3d Cir. 2024)
- *Richlin Security Service Co. v. Chertoff*, 553 U.S. 571, 590 (2008)
- *Lackey v. Stinnie*, 604 U.S. 192, 199-200 (2025)
- *Stafford v. Briggs*, 444 U.S. 527, 543 (1980)
- *Santana v. United States*, 98 F.3d 752, 754-56 (3d Cir. 1996)
- *Harris v. Nelson*, 394 U.S. 286, 293-95 (1969)
- *Callwood v. Enow*, 230 F.3d 627, 632 (3d Cir. 2000)
- *German Santos v. Warden Pike County Correctional Facility*, 965 F.3d 203, 206-13 (3d Cir. 2020)
- *Daley v. Ceja*, 158 F.4th 1152, 1155-66 (10th Cir. 2025)
- *O'Brien v. Moore*, 395 F.3d 499, 504-08 (4th Cir. 2005)
- *Obando-Segura v. Garland*, 999 F.3d 190, 193-96 (4th Cir. 2021)

- Barco v. Witte, 65 F.4th 782, 783-85 (5th Cir. 2023)
- In re Hill, 775 F.2d 1037, 1040-41 (9th Cir. 1985)
- Vacchio v. Ashcroft, 404 F.3d 663, 669-72 (2d Cir. 2005)
- Daley v. Federal Bureau of Prisons, 199 F. App'x 119, 121 (3d Cir. 2006)
- Jennings v. Rodriguez, 583 U.S. 281 (2018)

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