

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

<p>MARTIK SARGSYAN and KRISTINE SARGSYAN, <i>Petitioners,</i></p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, JR., Attorney General, <i>Respondent.</i></p>	<p>No. 08-72040</p> <p>Agency Nos. A078-249-396 A078-364-947</p> <p>ORDER</p>
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Filed May 9, 2013

Before: Jerome Farris, John T. Noonan, and  
Jay S. Bybee, Circuit Judges.

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**ORDER**

The motion for attorney’s fee is DENIED. The government’s position was substantially justified.

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NOONAN, Circuit Judge, concurring:

I concur because the statute is clear. I regret the result. An able and experienced lawyer who devoted substantial time to aid persons threatened with deportation is denied

remuneration for her services. At the very least, we should be able to postpone a decision on the fees until the conclusion of the case. The EAJA does not work well when it compels a court to cut off compensation of careful and effective advocacy.