

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MAURICE MARIE DIDON,	:	CIVIL ACTION NO. 1:15-CV-1586
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
ALICIA DOMINGUEZ CASTILLO,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 18th day of October, 2016, upon consideration of the mandate (Doc. 42) of the United States Court of Appeals for the Third Circuit, issued contemporaneously with said court’s opinion (Doc. 42-1) and judgment (Doc. 41) on September 26, 2016, remanding the above-captioned matter to this court to forthwith order the return of minor child A.D. to the United States, and wherein the appellate court vacated this court’s judgment in partial favor of petitioner Maurice Marie Didon (“Didon”) and dismissed Didon’s petition under the Hague Convention on the Civil Aspects of International Child Abduction (“Hague Convention”), which has been implemented into United States law by the International Child Abduction Remedies Act (“ICARA”), 22 U.S.C. § 9001 *et seq.*, and further upon consideration of the motion (Doc. 37) of Didon’s former counsel for attorney fees pursuant to Section 9007 of the ICARA, wherein counsel requests that the court award \$16,319.31 in fees and costs against respondent Alicia Dominguez Castillo (“Castillo”), and the court observing that Section 9007(b)(3) provides: “Any court ordering the return of a

child pursuant to an action brought under section 9003 of this title shall order the respondent to pay necessary expenses incurred by or on behalf of the petitioner . . . unless the respondent establishes that such order would be clearly inappropriate,” 22 U.S.C. § 9007(b)(3), and further observing that fee and cost awards are properly denied when a court of appeals reverses a district court’s return order, see Chafin v. Chafin, 568 U.S. ___, 133 S. Ct. 1017, 1027 (2013); see also Fawcett v. McRoberts, 326 F.3d 491, 501 n.6 (4th Cir. 2003), abrogated on other grounds by Abbott v. Abbott, 560 U.S. 1, 7, 20-22 (2010); In re Prevot, 59 F.3d 556, 558, 567 (6th Cir. 1995), and the court concluding, in light of the Third Circuit’s *vacatur* of this court’s return order and dismissal of Didon’s petition under the Hague Convention, that an award of attorney fees and costs is not supported by Section 9007(b)(3), it is hereby ORDERED that Didon’s motion (Doc. 37) for attorney fees is DENIED.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania