

JUL 29 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KADHIM AL-SHAIBANI,

Plaintiff - Appellant,

v.

ERIC H. HOLDER Jr., Attorney General;
et al.,

Defendants - Appellees.

No. 08-35385

D.C. No. 2:07-cv-00585-MJP

MEMORANDUM*

FAISSAL AL AMRI,

Plaintiff - Appellant,

v.

ERIC H. HOLDER Jr., Attorney General;
et al.,

Defendants - Appellees.

No. 08-35387

D.C. No. 2:07-cv-00590-MJP

ANBAR DIRIR,

Plaintiff - Appellant,

No. 08-35388

D.C. No. 2:07-cv-00596-MJP

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

v.

ERIC H. HOLDER Jr., Attorney General;
et al.,

Defendants - Appellees.

Appeal from the United States District Court
for the Western District of Washington
Marsha J. Pechman, District Judge, Presiding

Submitted July 9, 2009**
Seattle, Washington

Before: BEEZER, O'SCANNLAIN and KLEINFELD, Circuit Judges.

Kadhim Al-Shaibani, Faissal Al Amri and Anbar Dirir (collectively
“Appellants”) appeal the district court’s orders denying their motions for attorney’s
fees and costs under the Equal Access to Justice Act (“EAJA”), 28 U.S.C.
§ 2412(d). We have jurisdiction pursuant to 28 U.S.C. § 1291. We review the
district court’s denial of attorney’s fees and costs for abuse of discretion and its
legal conclusions de novo. *See Carbonell v. INS*, 429 F.3d 894, 897 (9th Cir.
2005). We affirm.

The facts of the cases are known to the parties and we do not repeat them
here.

** The panel unanimously finds this case suitable for decision without
oral argument. *See Fed. R. App. P. 34(a)(2)*.

Appellants argue that the district court’s remand orders had sufficient judicial imprimatur in altering the parties’ legal relationship to render Appellants prevailing parties under EAJA. We agree with the analysis in the district court’s well-reasoned orders denying EAJA fees and costs and its orders denying reconsideration. The district court’s remand orders did not require U.S. Citizenship and Immigration Service “to do something directly benefitting the plaintiff[] that [it] otherwise would not have had to do.” *Id.* at 900 (quotation marks and citation omitted). The district court correctly denied Appellants’ motions for EAJA fees and costs.

AFFIRMED.