

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY

In the Matter of:

LAURA AKAHOSHI, former Chief Compliance Officer
Equal Access to Justice Applicant

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) OCC AA-EC-2018-20
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CLARIFICATION ORDER ON STAY

In light of the United States Supreme Court’s decision denying Laura Akahoshi’s petition for *certiorari*, the Comptroller issues this order to clarify when the stay of Ms. Akahoshi’s Equal Access to Justice Act (“EAJA”) application will expire.

On July 13, 2023 Acting Comptroller Michael J. Hsu stayed Ms. Akahoshi’s EAJA application “until 30 days after the appeal results in a final judgment.” Order Staying EAJA Application During Ninth Circuit Appeal, July 13, 2023. On November 8, 2024 Laura Akahoshi filed a motion to lift the stay, and 10 days later, Enforcement Counsel filed an opposition. *See* Laura Akahoshi’s Notice of Ninth Circuit Decision and Motion to Lift Stay of EAJA Proceedings, November 8, 2024 (“Motion”); *see also* Enforcement Counsel’s Opposition to Laura Akahoshi’s Motion to Lift Stay, November 18, 2024. Ms. Akahoshi then filed with the Supreme Court a petition for *certiorari* of the Ninth Circuit’s dismissal of her appeal on January 21, 2025. On March 24, 2025, the Supreme Court denied Ms. Akahoshi’s petition. *See Akahoshi v. Office of the Comptroller of the Currency*, 2024 WL 4532895 (9th Cir. Oct. 21, 2024), *cert. denied* (S. Ct. 24-790 Mar. 24, 2025).

At no point until the Supreme Court’s order on March 24 had Ms. Akahoshi’s appeal resulted in a “final judgment.” Accordingly, under the clear text of the OCC’s regulations—as

well as the case law that Ms. Akahoshi identifies in the Motion—her EAJA application was not timely until the Court’s order denying her petition. *See* 31 C.F.R. § 6.11 (reimplemented at 12 C.F.R. § 19.218); *Al-Harbi v. INS*, 284 F.3d 1080, 1083-84 (9th Cir. 2002). Now that the Court has denied her petition, her appeal has resulted in a final judgment, and the 30-day period identified in the Comptroller’s Order will begin running from March 24, 2025.

Therefore, on Wednesday, April 23, the stay will automatically be lifted and the ALJ’s order will become the final order of the Agency, unless the Comptroller should direct otherwise.¹

If the parties wish to engage in settlement discussions during the period of the stay, they are encouraged to seek mediation with OFIA Administrative Judge C. Scott Maravilla, who is available to serve as a neutral third-party mediator.

SO ORDERED.

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Rodney E. Hood
Acting Comptroller of the Currency

¹ Ms. Akahoshi has also filed a request for Comptroller review of the ALJ’s order. If the Comptroller accepts this request and exercises his discretion to review the ALJ’s order, he will notify the parties before the expiration of the stay. *See* 31 C.F.R. § 6.15.