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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Ibrakhim Bolotkanov  
  
Petitioner,  
  
v.  
John Cantu, *et al.*,  
  
Respondents.

Case No.: 2:25-cv-03025-KML

**Petitioner's Post-Judgment  
Motion to Enforce the Court's  
Habeas Order or, in the  
Alternative, for Relief Under  
Federal Rule of Civil Procedure  
60(B)**

Petitioner, by and through undersigned counsel, respectfully moves the Court to enforce its Order (Dkt.30) entered December 23, 2025, granting the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, or, in the alternative, for relief pursuant to Federal Rule of Civil Procedure 60(b). This motion is necessary because Respondents' post-judgment conduct has frustrated the effect of the Court's habeas ruling and has resulted in Petitioner's continued detention through an unconstitutional bond determination. In support of this motion, Petitioner states as follows.

On December 23, 2025, this Court granted Petitioner's Petition for Writ of Habeas Corpus. Judgment was entered in favor of Petitioner, and the case was dismissed. The Clerk's Judgment expressly reflects that the petition was granted pursuant to the Court's Order filed that same day.

Following entry of judgment, Respondents did not effectuate Petitioner's release. Instead, on December 30, 2025, an Immigration Judge sitting at the Eloy Immigration Court conducted a bond hearing and expressly found that Petitioner is neither a danger to the community nor a flight risk. Despite these findings, the Immigration Judge set bond in the amount of \$17,000. *See* Exhibit A.

Petitioner lacks the financial ability to post such a bond. He has been detained for more than six months and has not worked during that period. He supports a wife and four dependent children and is well below 150 percent of the federal poverty level<sup>1</sup>. Petitioner's 2024 federal income tax return reflects total household income of \$63,553 for a family of six. *See* Exhibit B. The Immigration Judge did not inquire on the record into Petitioner's ability to pay the bond amount and did not meaningfully consider alternatives to detention ("ATD"), such as electronic monitoring or other conditions of supervised release.

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<sup>1</sup> 150% Federal Poverty Guideline ("FPG") for a family unit of six people is \$64,725 in the Contiguous U.S., *Guide to Judiciary Policy, Vol. 1, Poverty Guidelines* (Jan. 2025), <https://www.uscourts.gov/sites/default/files/2025-01/ifp-monthly-poverty-guidelines-2025.pdf>

Respondents' reliance on this bond determination to continue Petitioner's detention is inconsistent with the Court's habeas ruling and violates binding Ninth Circuit precedent. In *Hernandez v. Sessions*, the Court of Appeals held that due process requires immigration officials to consider a detainee's financial circumstances and alternative conditions of release before setting a bond amount. 872 F.3d 976, 990–91 (9th Cir. 2017). The Ninth Circuit explained that detention based solely on inability to afford bond is constitutionally impermissible because it severs the required relationship between detention and the government's legitimate interests in ensuring appearance at future proceedings. *Id.* at 989–93.

The court further held that when a person's liberty is conditioned on payment of a monetary sum, the adjudicator must consider the individual's financial circumstances and available alternatives to detention to avoid confinement that amounts to punishment for poverty. *Id.* at 991 (citing *Bearden v. Georgia*, 461 U.S. 660, 672–73 (1983)). A bond set without regard to ability to pay and without consideration of alternatives to detention violates due process because it risks prolonged confinement that is not reasonably related to any legitimate governmental purpose. *Hernandez*, 872 F.3d at 990.

Here, the Immigration Judge made the predicate findings necessary for release by determining that Petitioner is neither dangerous nor a flight risk. Having made those findings, due process required an on-the-record inquiry into

Petitioner's ability to pay and meaningful consideration of alternatives to detention before setting any bond. *Id.* at 990–91. The failure to conduct that inquiry renders the bond determination constitutionally deficient.

A bond amount that Petitioner cannot possibly afford is functionally indistinguishable from a denial of bond. The Ninth Circuit has made clear that detention may not be continued “merely because, through no fault of his own, [a detainee] cannot pay” the amount imposed. *Id.* at 989 (quoting *Bearden*, 461 U.S. at 672). By relying on an unaffordable bond imposed without the required procedural safeguards, Respondents have effectively nullified the relief granted by this Court and continued Petitioner's detention through means foreclosed by the Constitution.

This Court retains authority to enforce its habeas judgment and to ensure that its orders are not rendered ineffectual by post-judgment administrative action. *See, e.g., Nken v. Holder*, 556 U.S. 418, 426 (2009) (recognizing courts' authority to ensure the efficacy of their judgments). Alternatively, to the extent clarification or modification of the Court's December 23, 2025, Order is necessary to prevent manifest injustice or to give effect to the relief granted, relief is warranted under Federal Rule of Civil Procedure 60(b)(6).

Accordingly, Petitioner respectfully requests that the Court enforce its December 23, 2025 Order granting habeas relief by directing Respondents to

immediately release Petitioner from custody. Petitioner further requests such other and further relief as the Court deems just and proper.

Dated: December 31, 2025

/s/ Eli Goldmann

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 31, 2025, I electronically filed the foregoing document with the Clerk of the United States District Court for the District of Arizona by using the CM/ECF system, which will send notice of such filing to all parties that have appeared in this case.

Counsel in the case are registered CM/ECF users and thus service will be accomplished by the CM/ECF system.

*/s/ Eli Goldmann*

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