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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 Emergency Motion  
to Strike Respondents' Notice  
of Compliance and For  
Immediate Enforcement of The  
Habeas Judgment, or, in the  
Alternative, for an Order to  
Show Cause**

Petitioner, by and through undersigned counsel, urgently moves for emergency relief striking Respondents' Notice of Compliance (Dkt. 33) and ordering immediate enforcement of this Court's December 23, 2025, habeas judgment. In the alternative, Petitioner requests that the Court issue an order to show cause why Respondents should not be held in contempt for failure to comply

with the Court's order and for submitting a compliance notice premised on a materially false factual assertion.

This motion is urgent. Respondents now assert that Petitioner "has since posted bond electronically," even though Petitioner has not posted any bond, cannot afford the \$17,000 bond imposed, and remains detained. Dkt. 33 at 1. If not promptly corrected, Respondents' representation threatens to moot the Court's habeas judgment while Petitioner remains unlawfully confined.

On December 23, 2025, this Court granted Petitioner's Petition for Writ of Habeas Corpus and entered judgment in his favor. *See* Dkt. 30. Respondents did not release Petitioner following entry of judgment. Instead, on December 30, 2025, an Immigration Judge conducted a bond hearing and, despite finding that Petitioner is neither a danger nor a flight risk, set bond in the amount of \$17,000. *See* Dkt. 32, Exhibit A.

Petitioner lacks the financial ability to post that bond. *See* Dkt. 34, at 2, ¶ 7, Declaration of Petitioner. He has been detained for more than six months, has not worked during that period, and supports a wife and four dependent children. *See id.* at 2, ¶ 8.

On December 31, 2025, Respondents filed a Notice of Compliance asserting, "upon information and belief," that Petitioner "has since posted bond electronically" and that he is being processed for release. Dkt. 33 at 1.

Respondents further contend that because Petitioner has allegedly posted bond, there is “nothing to enforce” and Petitioner’s pending motion is moot. *Id.*

That assertion is false. Petitioner has not posted a bond in this case, has not paid \$17,000 or any amount as bond, and no bond has been paid on his behalf by any third party. *See* Dkt. 34, at 2, ¶ 5-6, Declaration of Petitioner. He remains detained solely because he cannot afford the bond amount imposed. *See id.* at 2, ¶ 7.

Respondents’ Notice of Compliance rests entirely on an unsupported factual premise made only “upon information and belief,” not on personal knowledge or documentary evidence. *See* Dkt. 33. A habeas judgment cannot be rendered moot by an executive-branch assertion that is contradicted by sworn testimony and unaccompanied by proof. Continued detention based on an unaffordable bond that was neither paid nor payable is not compliance with a habeas order granting relief from unlawful custody. *See Hernandez v. Sessions*, 872 F.3d 976, 989–93 (9th Cir. 2017) (holding that detention based solely on inability to afford bond is constitutionally impermissible).

This Court retains inherent authority to enforce its judgments and to ensure that its orders are not rendered ineffectual by post-judgment administrative action. *See Peacock v. Thomas*, 516 U.S. 349, 356 (1996). That authority necessarily includes the power to strike a compliance notice that is factually incorrect and to

order immediate relief where continued detention rests on a false representation. If Respondents' position were accepted, any habeas judgment could be nullified by an unsupported claim of compliance while the petitioner remains in custody.

Immediate action is required. Respondents explicitly argue that their Notice of Compliance moots Petitioner's pending enforcement motion. *See* Dkt. 33 at 1. Absent prompt intervention, Petitioner will remain detained based on a factual assertion that is demonstrably untrue, and the Court's December 23, 2025, judgment risks becoming a dead letter through delay and misrepresentation. *Hernandez* makes clear that detention unsupported by a lawful bond determination is constitutionally intolerable, and that continued confinement under such circumstances cannot be justified by delay. 872 F.3d at 989–90.

Petitioner therefore respectfully requests that the Court strike Respondents' Notice of Compliance as factually incorrect, reject Respondents' mootness argument, and order Respondents to immediately release Petitioner from custody pursuant to the Court's habeas judgment. In the alternative, Petitioner requests that the Court issue an order to show cause requiring Respondents, within twenty-four hours, to demonstrate with competent evidence whether any bond was paid, by whom, in what amount, and on what date.

Dated: January 1, 2026

/s/ Eli Goldmann

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 1, 2026, 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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