

Petitioner's Name: BATRAZ GAEV

Petitioner's attorney and address:

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**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BATRAZ GAEV,

Petitioner,

-against-

TODD M. LYONS, et al.

Respondents.

**NOTICE OF MOTION FOR
RELIEF FROM LOCAL COUNSEL
REQUIREMENT PURSUANT TO
LCvR 83.3(C)**

Case No.: 5:26-cv-00111-G

MOTION BY:

BATRAZ GAEV, Petitioner.

DATE, TIME AND
PLACE OF HEARING:

At the United States District Court for the Western District Of Oklahoma, 200 NW 4th St Oklahoma City, OK 73102 at a date and time to be determined by the Court, conducted virtually.

RELIEF SOUGHT:

An order (1) granting relief from the requirement to associate local counsel under LCvR 83.3(a), pursuant to LCvR 83.3(c), and permitting non-

resident counsel to appear and continue representation without association of Oklahoma local counsel; and (2) Grant such other and further relief as the Court deems just and proper.

SUPPORTING PAPERS:

Undersigned's Affirmation in support of the Instant Motion.

Dated: Port Washington, New York
January 28, 2026

By:



THE LAW OFFICE OF DIANA RUBIN

Diana Rubin Esq.

NY Bar Reg. No. 520-2627

Attorney for Petitioner

BATRAZ GAEV

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**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BATRAZ GAEV,

Petitioner,

-against-

TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement (ICE);
MARCOS CHARLES, in his official capacity as Acting Executive Associate Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement;
ALEJANDRO N. MAYORKAS, Secretary, U.S. Department of Homeland Security;
KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security; and PAM BONDI, in her official capacity as Attorney General of the United States, the WARDEN of DIAMONDBACK CORRECTIONAL FACILITY, in their official capacity as custodian of petitioner, THE WARDEN OF THE FACILITY WHERE PETITIONER IS CURRENTLY DETAINED, in his or her official capacity as custodian of Petitioner

AFFIRMATION IN SUPPORT

Case No.: 5:26-cv-00111-G

Respondents.

BACKGROUND INFORMATION AND ARGUMENT

Petitioner, BATRAZ GAEV (“Petitioner”), by and through undersigned counsel, Diana Rubin, Esq., respectfully moves this Honorable Court for an order (1) granting relief from the requirement to associate local counsel under LCvR 83.3(a), pursuant to LCvR 83.3(c), and permitting non-resident counsel to appear and continue representation without association of Oklahoma local counsel; and (2) Grant such other and further relief as the Court deems just and proper. In support of the instant Motion Petitioner states as follows:

1. By way of background, Petitioner is a citizen of Russia who entered the United States at or near the San Ysidro, CA port of entry (the “Border”) on or about November 26, 2021, and timely applied for asylum thereafter.
2. Shortly thereafter, the Petitioner was released from detention, and he has resided openly and continuously in, upon information and belief, Glendale, CA since then.
3. In or about May 2025, the merits hearing was held in Petitioner’s underlying asylum case, and the Immigration Judge granted asylum to the Petitioner. Subsequently, the government filed an appeal with the Board of Immigration Appeals (“BIA”), which remains pending as of the date of this Petition.
4. The Petitioner was unjustifiably and indiscriminately re-apprehended by officers of U.S. Immigration and Customs Enforcement (“ICE”) on or about November 21, 2025, four years after being released from detention, during a traffic stop. At no time following his entry into the United States or after applying for asylum did the Petitioner engage in any unlawful

activity, commit any criminal offense, or violate any condition of release imposed by immigration authorities.

5. Subsequently, the Petitioner was transferred to the DIAMONDBACK CORRECTIONAL FACILITY (“Detention Facility”) and has been held there continuously since.
6. Subsequently, Petitioner retained the undersigned to represent him in connection with the filing of a petition for a writ of habeas corpus seeking release from detention (the “Petition”).
7. Petitioner is a Russian-speaking individual whose English proficiency is very limited.
8. The undersigned is a New York-based attorney who was admitted to practice law in the Western District of Oklahoma on or about January 21, 2026.
9. Pursuant to Local Civil Rule 83.3 of the Western District of Oklahoma, non-resident attorneys who do not maintain an office in Oklahoma are generally required to associate with local counsel who is admitted to practice before this Court and maintains a law office within the State of Oklahoma. *LCvR 83.3(a)*. However, the Rule expressly provides an exception, authorizing the Court, in its discretion, to grant relief from this requirement upon motion establishing financial hardship, special qualifications of non-resident counsel, or other good cause, provided that out-of-state counsel certifies familiarity with the Local Civil Rules. *LCvR 83.3(c)*.
10. It is respectfully submitted that relief from the local counsel requirement is appropriate under *LCvR 83.3(c)* because the undersigned possesses special qualifications well suited to this matter and because good cause exists to permit the undersigned, as a non-resident counsel, to proceed without association of local counsel.

I. Special Qualifications of Non-Resident Counsel Support Relief Under LCvR 83.3(c)

11. The undersigned is an experienced immigration and litigation attorney who represents clients in multiple jurisdictions throughout the United States, including matters involving detention, removal, and habeas corpus proceedings. The undersigned is familiar with federal practice and procedure and routinely participates/practices in immigration-related proceedings in federal courts nationwide.
12. Importantly, the undersigned is bilingual in Russian and English. Petitioner's first and primary language is Russian, and his English proficiency is limited. Effective communication between me and Petitioner is essential in habeas corpus proceedings, particularly where the petitioner is detained and where factual development, credibility, and understanding of complex legal rights are central to the case. The undersigned's fluency in Russian allows for direct, accurate, and efficient communication with Petitioner without the need for interpreters, reducing the risk of misunderstanding and delay.
13. Given Oklahoma's relatively limited pool of Russian-speaking immigration and federal habeas practitioners, it would be difficult for Petitioner to locate local counsel with comparable linguistic abilities and experience. The undersigned practices in New York, a multicultural and multilingual legal environment, and regularly represents non-English-speaking clients in immigration and federal detention matters.

II. Good Cause Exists to Grant Relief From the Local Counsel Requirement.

14. Additionally, good cause supports granting the requested relief requested in this motion. The undersigned has an established and ongoing attorney-client relationship with Petitioner and has already undertaken substantial work on the matter. The undersigned is fully familiar with

Petitioner's factual background, immigration history, detention circumstances, and the legal issues to be raised in Petitioner's habeas petition.

15. Requiring association with local counsel at this stage would likely result in unnecessary delay, duplication of effort, and additional and unnecessary legal expenses for Petitioner, a person of limited financial means. Petitioner would be required to incur separate retainer fees and ongoing billing for local counsel, including fees for reviewing the record, familiarizing counsel with the facts and legal issues, and coordinating filings, tasks that have already been undertaken by the undersigned. These additional costs would impose a substantial financial burden on Petitioner without providing any material benefit to the efficient resolution of this matter. Moreover, the time required for local counsel to become fully apprised of this matter could slow proceedings in a case where Petitioner's liberty interests are directly at stake, resulting in prejudice to Petitioner, who unjustifiably remains in immigration detention.

16. The undersigned is prepared to proceed immediately and efficiently on Petitioner's behalf. The interests of justice and judicial economy are best served by allowing the undersigned to continue representation without the added complication of associating local counsel.

III. Certification of Familiarity With Local Rules.

17. Pursuant to LCvR 83.3(c), the undersigned hereby certifies familiarity with the Local Civil Rules of the United States District Court for the Western District of Oklahoma and agrees to comply fully with all applicable rules, procedures, and orders of this Court.

CONCLUSION

18. For the foregoing reasons, Petitioner respectfully requests that the Court grant relief under LCvR 83.3(c) and enter an order relieving the undersigned from the requirement to associate

local counsel pursuant to LCvR 83.3(a), and permitting the undersigned to appear and represent Petitioner in this matter without association of Oklahoma local counsel, and grant such other and further relief as the Court deems just and proper

Dated: Port Washington, New York
January 28, 2026

By:



THE LAW OFFICE OF DIANA RUBIN

Diana Rubin Esq.

NY Bar Reg. No. 520-2627

Attorney for Petitioner

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