

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Elina Kerimova of wife
as Next Friend of
[HUSBAND'S Foul Name Rizvan Arsakhanov
Alien Registration Number (A-Number): 
Petitioner,

v.

Warden of OTR Processing Center,
or Officer in Charge, OTR Processing Center,
in his official capacity,
Respondent

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
FEB 04 2026
MITCHELL R. ELFERS
CLERK

26 cv 268 SMD/LF

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

I. INTRODUCTION

Petitioner respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on behalf of her husband, [HUSBAND'S FULL NAME], Rizvan Arsakhanov, who is currently detained by U.S. Immigration and Customs Enforcement (ICE) at OTR Processing Center, New Mexico.

His continued detention is unlawful, prolonged, and life-threatening. The detainee is a critically ill cardiac patient with documented history of:

- Massive myocardial infarction with cardiac arrest in ambulance
- Cardiac arrest during open-heart surgery
- Open-heart surgery with two coronary artery bypass grafts (2 bypasses)
- Daily use of eight prescribed cardiac and blood-pressure medications
- Mandatory cardiology follow-up every six months
- High risk of recurrent myocardial infarction (heart attack)
- Infected with COVID-19 and influenza twice during detention

ICE detention facilities cannot provide the level of specialized care required, and continued detention creates imminent risk of recurrent heart attack, cardiac failure, or death.

II. JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 2241 and the Due Process Clause of the Fifth Amendment.

The detainee is confined within the territorial jurisdiction of this Court.

III. PARTIES

- 1. Petitioner: Elina Kerimova**

wife, filing as *next friend*, as detainee cannot meaningfully access federal court on his own.

- 2. Detainee: [HUSBAND'S NAME], A-Number [REDACTED] currently held at OTR Processing Center, New Mexico.**

- 3. Respondent: Warden or Officer in Charge, OTR Processing Center, in official capacity.**
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IV. FACTUAL BACKGROUND

- 1. Detainee has been held in ICE custody for approximately four months.**
- 2. On September 13, 2024, an Immigration Judge granted asylum.**
- 3. DHS filed an appeal on October 4, 2024.**
- 4. DHS submitted its appellate brief on April 21, 2025.**
- 5. Detainee's attorney filed the final brief on June 2, 2025.**
- 6. Case is currently pending before the BIA.**
- 7. There is no final removal order.**
- 8. Despite the grant of asylum and absence of final removal order, ICE continues to detain the detainee.**
- 9. The detainee has no criminal record and has never engaged in any illegal**

activity. He is a law-abiding, honest, and upstanding individual.

V. MEDICAL CONDITION AND CONDITIONS OF DETENTION

- **Advanced, chronic, life-threatening cardiac disease**
 - **Massive myocardial infarction with cardiac arrest in ambulance**
 - **Cardiac arrest during open-heart surgery**
 - **Open-heart surgery with two coronary artery bypass grafts (2 bypasses)**
 - **Daily use of eight prescribed cardiac and blood-pressure medications**
 - **Mandatory cardiology follow-up every six months**
 - **High risk of recurrent myocardial infarction (heart attack)**
 - **Infected with COVID-19 and influenza twice during detention**
 - **ICE cannot provide adequate specialized care**
 - **Continued detention creates imminent risk of recurrent heart attack, cardiac failure, or death**
 - **Lack of cardiac diet, constant psychological stress, poor living conditions, limited access to cardiology care**
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VI. LEGAL ARGUMENT

A. Prolonged Detention Violates Due Process

- **Detention without a final removal order is arbitrary and punitive**
- **Violates Fifth Amendment**

B. Detention of a Critically Ill Person Is Unconstitutional

- **Life-threatening medical conditions make detention unlawful**
- **ICE cannot mitigate these risks**

C. Immediate Release Is the Only Constitutionally Permissible Remedy

- **No monetary or conditional measure can cure the violation**
 - **Immediate release or humanitarian parole is required**
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VII. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

- 1. Order immediate release from ICE custody without monetary conditions**
- 2. Alternatively, release under humanitarian parole or non-monetary supervision**
- 3. Grant any other relief the Court deems just and proper**

—— I do not have the original medical records of Rezvan. At present, I only possess photographs (copies) of these documents. The originals are in his personal belongings, which are held in detention. I submit these copies to the court for review and certify that they accurately reflect the contents of the originals to the best of my ability, given that I do not have access to the originals."

Attached documents:

- 1. Photocopies of Rezvan's medical records**

VIII. EXHIBITS (Medical Documentation)

- Exhibit 1: Hospital discharge summary, [date]**
- Exhibit 2: Cardiology follow-up report, [date]**
- Exhibit 3: Surgery operative report, [date]**
- Exhibit 4 (optional): Photographs of surgical scars**

The medical documentation attached as Exhibits 1–4 supports the statements regarding the detainee's critical health condition.

Elina

**Wife and Next Friend of [HUSBAND'S NAME] Rizvan Arsakhanov
COUNTRY, France**

Email: elinakerimova73@gmail.com

Date: 01/20/2026

Signature: _____ 