

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA COLUMBUS DIVISION
Case No. 4:26-cv-351-CDL-ALS

TALGATBEK BUSURMANKULOV,

Petitioner,

v.

Warden, STEWART DETENTION CENTER, *et al.*,

Respondents.

MOTION FOR PERMISSION TO PROCEED AS NEXT FRIEND
AND SUPPORTING BRIEF

I, Sulaika Busurmankulova ("Mrs. Busurmankulova"), pursuant to 28 U.S.C. § 2242 and the Court's Order of March 9, 2026, respectfully move for permission to proceed as next friend for my husband, Talgatbek Busurmankulov ("Petitioner"), in the above-captioned habeas corpus proceeding.

As set forth below, the circumstances of Petitioner's detention and the relationship between Petitioner and Mrs. Busurmankulova satisfy the requirements for next-friend standing established in *Whitmore v. Arkansas*, 495 U.S. 149 (1990).

LEGAL STANDARD

Under *Whitmore v. Arkansas*, a person seeking next-friend standing must demonstrate:

1. An adequate explanation—such as inaccessibility, mental incapacity, or other disability—showing why the real party in interest cannot appear on his own behalf; and
2. That the proposed next friend has a significant relationship with the detainee and is truly dedicated to the detainee's best interests.

495 U.S. at 163–64.

Courts within the Eleventh Circuit consistently apply this standard. See Ford v. Haley, 195 F.3d 603, 624 (11th Cir. 1999); Sanchez-Velasco v. Sec’y of Dep’t of Corr., 287 F.3d 1015, 1025 (11th Cir. 2002).

In evaluating such petitions, courts also consider whether detention conditions effectively prevent a detainee from accessing the courts. See Bounds v. Smith, 430 U.S. 817, 828 (1977); Lewis v. Casey, 518 U.S. 343, 351 (1996).

I. PRONG ONE: PETITIONER IS FUNCTIONALLY INACCESSIBLE TO THE COURT

Petitioner’s circumstances make it practically impossible for him to prepare, verify, and file a federal habeas petition without assistance.

A. Linguistic Barriers

Petitioner is a native of Kyrgyzstan and a citizen of Russia and lacks sufficient English proficiency to read or understand the English-language legal forms and instructions provided by the Court.

The habeas petition and related documents must be verified under penalty of perjury pursuant to 28 U.S.C. § 2242. Because Petitioner cannot read or fully understand the documents without translation assistance, he cannot independently review or execute them in compliance with federal procedural requirements.

Courts have recognized that language barriers may significantly impair detainees’ ability to access the courts without outside assistance. See Orantes-Hernandez v. Thornburgh, 919 F.2d 549, 565 (9th Cir. 1990).

B. Financial Hardship and Lack of Counsel

Prior to his detention, Petitioner was the sole financial provider for the family because Mrs. Busurmankulova had recently given birth to the couple's younger child and was caring for and nursing the infant.

Petitioner's detention resulted in the complete loss of household income, leaving the family without financial resources to retain private counsel.

Immigration detainees frequently lack representation due to financial barriers and the remote location of detention facilities. At Stewart Detention Center, access to pro bono legal services is extremely limited, particularly for detainees who require communication in Kyrgyz or Russian.

C. Physical and Practical Barriers

Petitioner is currently detained at Stewart Detention Center in Lumpkin, Georgia, while Mrs. Busurmankulova resides in Round Lake, Illinois, more than 800 miles away.

Mrs. Busurmankulova is the primary caregiver for the couple's two minor children, ages five and one. Financial hardship, childcare responsibilities, and geographic distance make it impossible for her to travel to the detention facility to assist Petitioner in preparing and executing legal filings.

D. Conditions of Detention at Stewart Detention Center

These barriers are compounded by the conditions of confinement at Stewart Detention Center, a remote facility that has been repeatedly criticized in federal oversight reports for limiting detainees' access to legal resources and representation.

See U.S. Dep't of Homeland Security Office of Inspector General, *Concerns about ICE Detainee Treatment and Care at Detention Facilities*, OIG-19-47 (2019).

Courts recognize that such detention conditions may significantly impair detainees' ability to access federal courts without outside assistance.

II. PRONG TWO: MRS. BUSURMANKULOVA HAS A SIGNIFICANT RELATIONSHIP WITH PETITIONER AND IS DEDICATED TO HIS INTERESTS

The second prong of *Whitmore* requires that the proposed next friend demonstrate both a significant relationship with the detainee and dedication to the detainee's best interests.

A. Close Familial Relationship

Mrs. Busurmankulova is Petitioner's wife and the mother of his children. Petitioner's liberty directly affects the integrity and stability of their family.

Courts routinely recognize close family members as appropriate next friends where the detainee cannot access the courts directly. See *Hamdi v. Rumsfeld*, 294 F.3d 598, 604 (4th Cir. 2002); *Davis v. Austin*, 492 F. Supp. 273, 275 (N.D. Ga. 1980).

B. Authorization by Petitioner

Mrs. Busurmankulova is not an uninvited intermeddler. Petitioner expressly authorized and directed her to file the habeas petition because he recognized his inability to navigate the English-language legal system from within detention.

Her actions are therefore undertaken solely to protect Petitioner's liberty interests and the well-being of their family.

C. Persuasive Authority from Recent Immigration Habeas Litigation

Courts have recently granted next-friend standing to spouses under circumstances closely analogous to those presented here.

In *Astafev v. Lyons*, the United States District Court for the Southern District of California granted next-friend standing to the petitioner's wife after finding that detention restrictions, limited access to legal resources, financial hardship, and the detainee's inability to litigate independently justified next-friend representation. See *Astafev v. Lyons*, No. 3:26-cv-00313-RBM-AHG (S.D. Cal. Jan. 2026).

The court further recognized that a spouse acting to protect the interests of the detainee and their minor children demonstrates the dedication and significant relationship required under *Whitmore*.

III. NEXT-FRIEND STANDING IS NECESSARY TO PRESERVE PETITIONER'S HABEAS RIGHTS

If next-friend standing is denied, Petitioner's constitutional right to seek habeas relief would be effectively extinguished by the very detention conditions that prevent him from filing the petition himself.

The writ of habeas corpus exists precisely to ensure that detention cannot place individuals beyond the reach of the courts. Where detention barriers prevent a detainee from accessing the courts directly, next-friend representation ensures that the constitutional guarantee of habeas corpus remains meaningful.

CONCLUSION

For the foregoing reasons, Mrs. Busurmankulova respectfully requests that the Court grant her permission to proceed as next friend for Petitioner Talgatbek Busurmankulov in this habeas corpus proceeding.

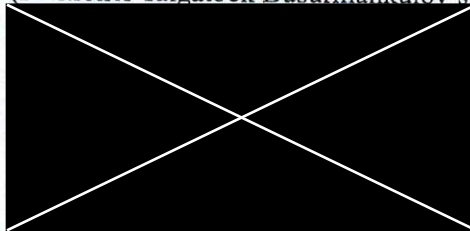
Dated: March 13, 2026

Sulaika Busurmankulova

By / _____ /

Sulaika Busurmankulova

(Petitioner Talgatbek Busurmankulov's Wife)



State of Washington

County of King

I certify that I know or have satisfactory evidence that SULAIIKA BUSURMANKULOVA is the person who appeared before me, and that said person signed this instrument and acknowledged it to be his or her free and voluntary act for the uses and purposes mentioned in the instrument.

Evgeny Ryzhov Notary Public in and for the State of Washington

Evgeny Ryzhov
Notary Public
State of Washington
Commission Number:WA
My Commission Expires
March 24, 2027

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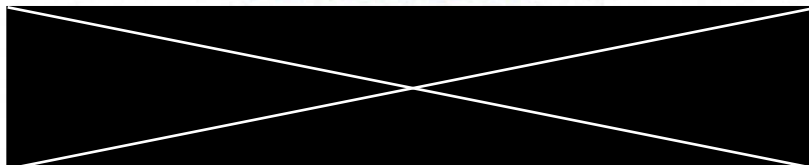
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