

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CIVIL COVER SHEET (JS-44)

'26 CV2084 JES BJW

I. (a) PLAINTIFF

Batal Akhieiadov

(b) County of Residence: Outside U.S.

DEFENDANTS

CHRISTOPHER J. LAROSE, WARDEN, OTAY MESA DETENTION CENTER;
TODD BLANCHE, U.S. ATTORNEY GENERAL;
MARKWAYNE MULLIN, ACTING DIRECTOR OF U.S. DHS;
PATRICK DIVVER, ERO FIELD OFFICE DIRECTOR, SAN DIEGO

County of Residence: San Diego County, California

Attorney:

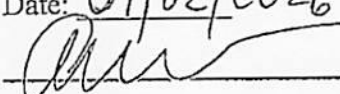
Alexander Markman (CA Bar No. 188330)
1901 First Avenue, Suite 208
San Diego, CA 92101
Phone: 619-232-3401
Email: alexmarkman@yahoo.com

- U.S. Government Defendant
- Nature of Suit: 530 Habeas Corpus
- Origin: Original Proceeding

Cause of Action: 28 U.S.C. § 2241 – Unlawful Immigration Detention

Relief Requested: Immediate Release or Bond Hearing; TRO

Division: San Diego

Date: 04/02/2026



Alexander Markman

PETITION FOR WRIT OF HABEAS CORPUS

AND REQUEST FOR TEMPORARY RESTRAINING ORDER
(28 U.S.C. § 2241)

'26CV2084 JES BJW

BATAL AKHIEIADOV,


Petitioner,

v.

CHRISTOPHER J. LAROSE, WARDEN, OTAY MESA DETENTION CENTER;
TODD BLANCHE, U.S. ATTORNEY GENERAL;
MARKWAYNE MULLIN, ACTING DIRECTOR OF U.S. DHS;
PATRICK DIVVER, ERO FIELD OFFICE DIRECTOR, SAN DIEGO,
Respondents.

I. INTRODUCTION

Petitioner, Batal Akhieiadov, through counsel Alexander Markman (CA Bar No. 188330, 619-232-3401, alexmarkman@yahoo.com), petitions for habeas relief and a Temporary Restraining Order.

Petitioner has been detained at Otay Mesa since **November 2025**, after being taken into custody from the community despite having been **paroled into the United States through CBP One**.

He has now been detained for **over five months without ever receiving a bond hearing**. His detention is unconstitutional.

Petitioner seeks an **immediate bond hearing or release**, and requests a **Temporary Restraining Order ("TRO")** to halt his ongoing unlawful detention.

II. JURISDICTION AND VENUE

Jurisdiction arises under 28 U.S.C. §§ 2241 and 1331.
Venue is proper in the Southern District of California.

III. FACTS

- Detained since November 2025
- Previously paroled via CBP One
- No criminal history
- Pending asylum / withholding / CAT
- **No bond hearing ever provided**
- No flight risk, no danger

IV. LEGAL FRAMEWORK

- Fifth Amendment Due Process applies
- *Zadvydas v. Davis*, 533 U.S. 678 (2001) – detention cannot be indefinite
- *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018) – constitutional challenges allowed
- Prolonged §1226(a) detention requires a bond hearing
- SDCA courts routinely grant relief after several months without hearing

V. CLAIMS

1. Due Process Violation

Prolonged detention without a bond hearing is unconstitutional.

2. Unlawful Detention

Detention is excessive and not reasonably related to purpose.

3. Lack of Procedural Safeguards

No hearing, no review, no due process.

VI. TRO REQUEST

- Irreparable harm: loss of liberty
- Likelihood of success: very high (no hearing at all)
- Balance of equities: favors Petitioner

- Public interest: constitutional compliance

VII. RELIEF REQUESTED

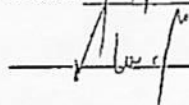
Petitioner requests:

1. Writ of habeas corpus
2. Temporary Restraining Order
3. Bond hearing within 7 days (gov't burden) OR
4. Immediate release
5. Fees and costs

VIII. VERIFICATION

I, Batal Akhiciadov, declare under penalty of perjury that this is true.

Date: 04/02/2026

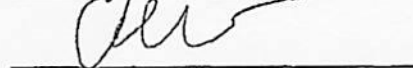


Batal Akhieiadov

IX. COUNSEL SIGNATURE

Alexander Markman
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1901 First Avenue, Suite 208
San Diego, CA 92101
Phone: 619-232-3401
Email: alexmarkman@yahoo.com

Attorney for Petitioner



X. CERTIFICATE OF SERVICE

Served on:

- U.S. Attorney's Office (SDCA)
- ICE Office of Chief Counsel (San Diego)

Date: 04/02/2026

AMS

Alexander Markman
