

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

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**BATAL AKHIEIADOV,**



Petitioner,

v.

**CHRISTOPHER J. LAROSE**, Warden, Otay Mesa Detention Center;

**PATRICK DIVVER**, Field Office Director, ICE ERO San Diego;

**TODD BLANCHE**, United States Attorney General;

**MARKWAYNE MULLIN**, Acting Secretary of Homeland Security,

Respondents.

Case No.: 26-cv-02084-JES-BJW

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## **NOTICE OF REQUEST FOR TEMPORARY RESTRAINING ORDER AND HABEAS RELIEF**

TO RESPONDENTS AND THEIR COUNSEL:

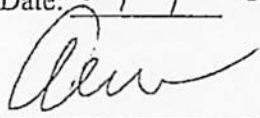
PLEASE TAKE NOTICE that Petitioner Batal Akhieiadov hereby seeks a Temporary Restraining Order and habeas relief pursuant to 28 U.S.C. § 2241.

Petitioner challenges his prolonged immigration detention without a bond hearing in violation of the Due Process Clause of the Fifth Amendment.

Petitioner respectfully requests that this Court:

- Issue a Temporary Restraining Order;
- Issue an Order to Show Cause;
- Order Respondents to provide a bond hearing within seven (7) days at which the government bears the burden by clear and convincing evidence, or alternatively release Petitioner;

This request is based on the accompanying Amended Petition, supporting authorities, and the record in this case.

Date: 04/21/2026  
  
\_\_\_\_\_

Alexander Markman

Attorney for Petitioner

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

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# **AMENDED PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR TEMPORARY RESTRAINING ORDER OR, IN THE ALTERNATIVE, ORDER TO SHOW CAUSE**

(28 U.S.C. § 2241)

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## **I. INTRODUCTION**

Petitioner Batal Akhieiadov challenges his ongoing civil immigration detention as unconstitutional.

Petitioner has been detained at the Otay Mesa Detention Center since approximately November 2025 after being taken into custody despite having previously been paroled into the United States through the CBP One process. Petitioner was detained on the street and his personal possessions, including his car keys and telephone containing asylum evidence were seized and still have not been returned thereby preventing him from even presenting supporting evidence of political asylum eligibility. His car has been towed and cannot be retrieved. He has now been detained for more than five months without ever receiving an individualized bond hearing before an immigration judge.

During this period, the government has not been required to justify his continued detention or demonstrate that he poses a danger or a flight risk. The absence of any meaningful procedural

safeguard renders his detention unconstitutional under the Due Process Clause of the Fifth Amendment.

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## **II. JURISDICTION AND VENUE**

This Court has jurisdiction under 28 U.S.C. §§ 2241 and 1331.

Venue is proper in this District because Petitioner is detained at the Otay Mesa Detention Center.

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## **III. STATUTORY BASIS OF DETENTION**

Petitioner is detained pursuant to 8 U.S.C. § 1226(a), which authorizes discretionary detention pending removal proceedings.

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## **IV. FACTUAL BACKGROUND**

Petitioner was paroled into the United States through the CBP One process.

After entry, Petitioner resided in the community and complied with all requirements.

In or about November 2025, Petitioner was taken into custody and has remained detained at Otay Mesa since that time.

Petitioner has now been detained for more than five months.

Petitioner has been denied access to his personal items including car keys and mobile phone containing evidence for his asylum case. His car has been towed away because he was not even given a chance to give his car keys to his attorney.

Petitioner has no criminal history and does not pose a danger to the community.

Petitioner has applications for asylum, withholding of removal, and protection under the Convention Against Torture pending and has always kept his address up to date with ICE.

Petitioner has never received a bond hearing.

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## V. LEGAL STANDARD

The Fifth Amendment prohibits deprivation of liberty without due process of law.

Civil detention must remain reasonably related to its purpose and may not become excessive or arbitrary.

See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

See *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).

Within the Ninth Circuit, prolonged detention requires a bond hearing at which the government bears the burden by clear and convincing evidence. See *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011); *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017).

District courts within the Southern District of California routinely grant habeas relief where detention becomes prolonged without adequate procedural safeguards. See *Lopez Reyes v. Bonnar*, 362 F. Supp. 3d 762 (S.D. Cal. 2019).

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## **VI. CLAIMS FOR RELIEF**

### **Claim One: Prolonged Detention Without Bond Hearing**

Petitioner's detention exceeds five months without any individualized review.

Due process requires a bond hearing once detention becomes prolonged.

The failure to provide such a hearing renders detention unconstitutional.

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### **Claim Two: Arbitrary Detention**

Petitioner has no criminal history and complied with release conditions.

Continued detention is not reasonably related to its purpose and is excessive.

**Claim Three: Denial of Procedural Due Process**

Petitioner has received no bond hearing and no meaningful review.

This absence of safeguards violates the Constitution.

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**VII. REQUEST FOR ORDER TO SHOW CAUSE**

Petitioner requests that the Court issue an Order to Show Cause requiring Respondents to justify continued detention.

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**VIII. REQUEST FOR TEMPORARY RESTRAINING ORDER**

Petitioner satisfies all factors under *Winter v. NRDC*, 555 U.S. 7 (2008):

- Likelihood of success: prolonged detention without hearing
  - Irreparable harm: loss of liberty
  - Balance: favors Petitioner
  - Public interest: constitutional compliance
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## IX. RELIEF REQUESTED

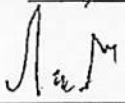
Petitioner respectfully requests:

1. Writ of habeas corpus;
  2. Temporary Restraining Order or Order to Show Cause;
  3. Bond hearing within 7 days with government burden (clear and convincing);
  4. Immediate release if no hearing is provided;
  5. Fees and costs;
  6. Any further relief the Court deems proper.
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## X. VERIFICATION

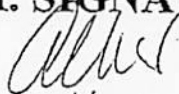
I declare under penalty of perjury that the foregoing is true and correct.

Date: 04/20/2026



Batal Akhieiadov

**XI. SIGNATURE**

 04/21/2026  
Alexander Markman

**XII. CERTIFICATE OF SERVICE**

I certify service on the U.S. Attorney's Office and ICE Office of Chief Counsel.

Date: 04/21/2026



Alexander Markman

**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

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**[PROPOSED] ORDER TO SHOW CAUSE AND  
GRANTING RELIEF**

IT IS HEREBY ORDERED:

1. Respondents shall SHOW CAUSE within \_\_\_ days why the Petition should not be granted;
2. Respondents shall address the legal basis for detention and lack of bond hearing;

3. Petitioner may file a reply within \_\_\_ days;
4. Within seven (7) days, Respondents shall:
  - o Provide a bond hearing with government burden (clear and convincing), OR
  - o Release Petitioner;

IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_

UNITED STATES DISTRICT JUDGE