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Attorney for Petitioner

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

Baisangur Germakhanov,

Petitioner,

v.

Aki, et al.,

Respondents.

CASE No. 26-cv-1397-BJC-VET

**PETITIONER'S NOTICE OF
CHANGED CIRCUMSTANCES AND
REQUEST FOR EXPEDITED
CONSIDERATION OF PETITION**

DISTRICT JUDGE BENJAMIN J. CHEEKS
MAGISTRATE JUDGE VALERIE E. TORRES

TO THE HONORABLE COURT AND ALL PARTIES OF RECORD:

Petitioner Baisangur Germakhanov respectfully apprises the Court of two developments since the close of briefing on his pending Petition for Writ of Habeas Corpus and Motion for Temporary Restraining Order, and respectfully requests an expedited ruling.

First, the matter has stood fully submitted for approximately one month, during which Petitioner's civil immigration detention has continued and now exceeds ten months. Second, as set forth in the accompanying Declaration of Counsel, Petitioner's physical and psychological condition has materially deteriorated.

1. The Petition Is Fully Briefed.

The Petition (ECF No. 1) and Motion for Temporary Restraining Order were filed March 4, 2026 (ECF No. 2). Respondents filed their Return on March 13, 2026 (ECF No. 4). Petitioner filed his Reply shortly thereafter (ECF No. 5). Briefing has been closed for approximately one and a half months, and no ruling has issued. Petitioner remains in continuous custody at the Imperial Regional Detention Facility ("IRDF") in Calexico, California, where he has been detained since

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June 30, 2025—now over ten months.

2. Petitioner's Physical and Psychological Condition Has Continued to Deteriorate in Custody.

As detailed in the accompanying Declaration of Counsel, Petitioner reported in a recent telephonic communication four medical conditions that began or have materially worsened in custody: (1) an untreated knee injury causing ongoing pain; (2) a persistent respiratory illness he attributes to constant air conditioning; (3) a skin rash he believes is related to the facility's water; and (4) a worsening pre-existing gastrointestinal condition he attributes to the food provided. The facility's response has been functionally limited to over-the-counter pain relievers and, episodically, antibiotics; Petitioner has received no outside evaluation, imaging, laboratory diagnostics, specialist care, or dietary accommodation.

Petitioner is also a practicing Muslim whose sincerely held religious obligations prohibit him from appearing unclothed before others. The IRDF housing unit does not partition the toilet or shower areas from the open communal living space, and the showers are not equipped with curtains or any privacy barrier. Each time Petitioner uses the toilet or showers, he is exposed to view by other detainees and by facility staff, including female staff.

The declaration of undersigned counsel, submitted herewith, sets forth these facts under penalty of perjury.

3. Respectful Request.

Petitioner does not seek to displace any matter properly ahead of his on the Court's docket, and he is mindful of the Court's many demands. In light, however, of (i) the fully-briefed status of the Petition, (ii) the ongoing physical harm Petitioner is sustaining in custody, and (iii) the nature of the relief sought, Petitioner respectfully requests that the Court take up the Petition and the Motion at its earliest convenience.

Counsel remains available to provide any supplemental briefing, declaration, or information the Court may find helpful.

Dated: April 29, 2026

Respectfully submitted,
/s/ Magomed Esendirov

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Magomed Esendirov, Esq.
Musaev & Associates, PC

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PETITIONER'S NOTICE OF CHANGED CIRCUMSTANCES AND REQUEST

**DECLARATION OF MAGOMED ESENDIROV IN SUPPORT OF PETITIONER'S
NOTICE OF CHANGED CIRCUMSTANCES**

I, Magomed Esendirov, declare as follows:

1. I am an attorney licensed to practice law in the State of California and admitted to practice before this Court. I am counsel of record for Petitioner in the above-captioned matter. I make this declaration based on my personal knowledge and, where indicated, on statements made to me by Petitioner in the course of my representation. If called as a witness, I could and would competently testify to the matters set forth herein.
2. I submit this declaration in support of Petitioner's Notice of Changed Circumstances and Respectful Request for Expedited Consideration, filed concurrently herewith.
3. On April 29, 2026, I spoke with Petitioner by telephone. The conversation concerned, among other things, his current physical condition and the medical care he has received in custody.
4. During that call, Petitioner reported the following, which I summarize from contemporaneous notes:
 - a. That he sustained an injury to his knee during his confinement at IRDF and continues to experience pain, for which the facility has provided only over-the-counter pain relievers and no orthopedic evaluation, imaging, or physical therapy;
 - b. That he has developed and continues to suffer from a persistent respiratory illness which he attributes to the constantly running air conditioning in his housing unit;
 - c. That he has developed a skin rash, of unknown origin, that began during his detention and which he believes may be related to the facility's water supply, and that he has not been examined by a dermatologist;
 - d. That he has a pre-existing stomach condition which has worsened during his detention, which he attributes to the food served at the facility, and that he has received no specialist evaluation and no dietary accommodation;
 - e. That in response to all of the foregoing complaints, the facility has provided only

PETITIONER'S NOTICE OF CHANGED CIRCUMSTANCES AND REQUEST

1 over-the-counter pain relievers and, in some instances, antibiotics, and has not
2 provided outside medical evaluation, imaging, or laboratory diagnostics;

3 f. That he is a practicing Muslim, and that his sincerely held religious beliefs
4 prohibit him from being unclothed in the presence of others;

5 g. That the housing unit in which he is detained does not separate the toilets or
6 showers from the open living space; that the showers do not have curtains or any
7 other privacy barrier; and that, as a result, he is exposed to view by other detainees
8 and by facility staff, including female staff, every time he uses the toilet or
9 showers.

10 5. I am informed by Petitioner, and believe, that his continued detention under these
11 conditions is causing him ongoing physical and psychological harm.

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

13 Executed on April 29, 2026, at Beverly Hills, California.

14 /s/ Magomed Esendirov

15 MAGOMED ESENDIROV
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