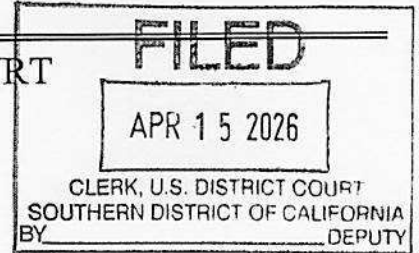


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California



Anna Vialkina;
Evgenii Arakcheev.

Petitioner

v.

Christopher Larose, Warden Otay Mesa Detention
Center;
Field Office Director, ICE San Diego.

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. **'26CV2403 TWR MMP**
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Anna Vialkina and Evgenii Arakcheev
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Otay Mesa Detention Center
(b) Address: 7488 Calzada de la Fuente - San Diego - CA - 92143-9040
- (c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (*explain*): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: U.S. Immigration and Customs Enforcement , Olay Mesa Detention Center , San Diego - CA

(b) Docket number, case number, or opinion number: 

(c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):
Prolonged in Immigration Detention without a bond hearing or release

(d) Date of the decision or action: 07/11/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: Exhaustion of administrative remedies is not required on constitutional claims under 28 U.S.C. § 2241 in Immigration detention cases.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: Same as above

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: Same as above

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 07/11/2025
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?
☒ Yes ☐ No

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If "Yes," provide:

- (1) Date of filing: in process
(2) Case number: in process
(3) Result: in process
(4) Date of result: in process
(5) Issues raised: in process

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
(2) Date of filing: _____
(3) Case number: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
(b) Name of the authority, agency, or court: _____

- (c) Date of filing: _____
(d) Docket number, case number, or opinion number: _____
(e) Result: _____
(f) Date of result: _____
(g) Issues raised: _____

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Prolonged Immigration Detention violated due process under the Fifth Amendment.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Me and my Husband entered in U.S. on July 11, 2025, requested political asylum, passed positive CAT interview, had court hearings, merits set for 02/25/2025, 03/25/2026 (2nd), 03/31/2026 (postponed) and 03/31/2026. Detention ongoing since July 11, 2025, we don't have criminal charges or flight risks.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: Inadequate medical care in detention violated Eighth Amendment and due process.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

I am Anna Vialkina has serious untreated health conditions, both have depression, submitted official medical requests but no adequate treatment, worsening conditions. My husband, Eugenii Arakcheev have depressive disorder and chronicle eczema.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: Detention separates family unit unnecessarily, violating humanitarian norms.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

We are married, prolonged detention harms family unit and mental health.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

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GROUND FOUR: _____

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: _____

Request for Relief

15. State exactly what you want the court to do: Grant the Writ Habeas Corpus and order immediate release on own recognizance or parole. Alternatively, order a prompt bond hearing before an immigration judge with a reasonable bond amount, consider medical and humanitarian family factor for both petitioners.

Declaration Under Penalty Of Perjury

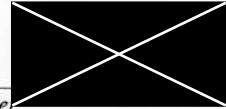
If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 04/03/26



Signature of Petitioner



Signature of Attorney or other authorized person, if any

Otay Mesa Detention Center – San Diego

April 3, 2026

**U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

RE: Habeas Corpus

My name is ANNA VIALKINA, (my A# [REDACTED]) I was born on [REDACTED] in Tula, Russia, Russian nationality. My husband, **EVGENII ARAKCHEEV** (A# [REDACTED]), was born in Bodaibo, Russia, Russian nationality. I am writing with due respect to inform you of the circumstances and events that have occurred to us, therefore, I am filing petition for Habeas Corpus, as I believe there are sufficient legal grounds for release both of us.

Backgrounds:

1. On July 11, 2025, my husband and I arrived at the Otay Mesa port of entry on the Mexico - United States border, where we applied for political asylum (before this, I had been requesting appointment daily through the CBP One app since around the end of November 2024, until this feature was blocked in late January 2025), On July 14, 2025 we were transferred to the Otay Mesa Detention Center – San Diego, where we remain detained until this day, over 8 months.
2. Next, I took the CAT interview on July 24, 2025 and after that received a positive result. I then had several court hearings on September 22, 2025, November 5, 2025 (canceled), November 19, 2025, February 25, 2026, March 25, 2026, March 30, 2026 (postponed), and March 31, 2026. My attorney filed motions to advance the proceedings in an effort to resolve my case more quickly. These repeated delays caused me significant stress and uncertainty.

3. I have depression and Post Traumatic Syndrome Decease (PTSD). I've been prescribed an increased dose of antidepressants and tranquilizers, which already impairing my cognitive functions. I'm feeling increasingly unwell every day in this long-term detention. I'm also severely allergic to the fumes from the cleaning products used in the detention center, which causes my eyes to constantly water and occasionally become runny. I'm not receiving an adequate medical care here which is seriously damaging my health and psyche. For example, I had severe bleeding for about six weeks, along with anemia. I was pale and exhausted and I had to seek adequate medical care the entire time (copy of forms 13-80A3 and 14-5B-ICE are attached). I constantly had to hand-wash the blood off my clothes and bed linens, which left me with worm hands. I believe this is putting pressure on me, I a experiencing a lot of suffering.
4. I believe that my husband and I have enough information, documents, and evidence to substantiate our request for political asylum.
5. Respectfully request that Your Honor in the event that Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) consider me a flight risk, provide clear and convincing evidence to support this claim, otherwise. I request that your allow me to continue our asylum process at liberty and without installing any GPS device on my body because is stigmatization.

Your Honor, we are in such a long detention through no fault our own, Our lawyer provided all the necessary documents in a timely manner and also carried out all the necessary procedures to expedite asylum process.

I have attached to this letter various information that belong to me and my husband, including official documents.

For the above reasons, I respectfully request:

1. That this petition for Habeas Corpus be deemed properly and sufficiently filed.
2. I also request that we be assigned a free federal attorney to handle out Habeas Corpus petition, Unfortunately, we no longer have to resources to hire one, as my husband and I have been in detention for a long time and have no incomes.
3. I request that I be granted either immediate release, given that legal facts that allow for release during Habeas Corpus proceedings have been establishment.
4. In the alternative, order a bond hearing consistent with the court's instructions , and that the bond granted be affordable due the 9th District has considered that if a bond is too high, it is the same that denying. And due lately Immigration Judges have been denying bonds by any reason (most of the time, unlawfully), I respectfully request this Court to order the assigned Immigration Judge to grant bond because all the legal grounds and evidence provided.
5. Order that I not be detained again for the same reasons relating to my asylum case by any authority.
6. I do not want any GPS tracking device placed on my body, because in addition to being stigmatizing, I have proven beyond a doubts that I do not represent any flight risk.

7. I also ask that during the release in detention center, we be given some documents, old valid one or new one, that will allow us to obtain an individual SIM card in the United States, since a personal phone number is an important heed in the modern digital world. And for traveling purposes inside the U.S.
8. Also, You Honor, I ask that my husband and I don't be separated, and that the results of the immigration court in the case of bond-hearing be sent to you for additional review. And, in case the bond is denied, Your Honor please fix the possible mistake of the Immigration Judge.

I declare under penalty or perjury that the foregoing is true and correct,

Sincerely



ANNA VIALKINA



Otay Mesa Detention Center
P. O. BOX 439049
San Diego – CA – 92143-9049
Pod: G Rm: 113