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CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

GABEEV ARTUR

Petitioner

v.

Eric ROKOSKY, Warden Eloy Detention Center
Tood Blanche, Attorney General of the United States

Respondents

Case number:

CV26-06660-PHX-SPL

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN IMMIGRATION CUSTODY

(28 U. S. C. § 2241)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

GABEEV ARTUR **Petitioner** **v.** **Eric ROKOSKY, Warden Eloy Detention Center** **Tood Blanche, Attorney General of the United States** **Respondents**	**Case number:**

Attachment to filed under seal

CONSENT TO ENTRY OF FINAL JUDGMENT BY A MAGISTRATE JUDGE

Consenting to entry of final judgment by a magistrate judge. This Court typically assigns habeas case to a district judge, who in turn refers the case to a magistrate judge for preparation of a report and recommendation (R&R). Once the R&R is filed, the parties may object to the magistrate judge's factual or legal conclusion , and a district judge will review the R&R and the parties objections before entering final judgment in the case.

However, under 28 U.S.C. § 2241, 636(c) the parties may consent to having a magistrate judge preside over their case and enter final judgment in the matter. The Court encourages all parties to consider consenting to allow a magistrate judge to enter final judgment in the case. Consent to a magistrate judge promotes justicial efficiency, allows the case to proceed before a single judge, and avoids the delays associated with preparing and reviewing a report and recommendation

If you agree to consent to a magistrate judge hearing your case and entering final judgment, please indicate in the designated space on this form. If you consent, your case may be decided by either a district judge or a magistrate judge. You will not face any adverse consequences from agreeing or not agreeing to consent to magistrate judge.

I consent to entry of final judgment by a magistrate judge

YES [X] NO [ ]

9/11/2026
DATE

SIGNATURE OF PETITIONER

PERSONAL INFORMATION

1. Your full name:
Gabeev Artur

2. Name used in immigration court (if different from above): N/A

3. A- number: [redacted]

4. Place of detention : **Eloy Detention Center, 1705 E. Hanna Rd Eloy, AZ 85131**

5. What country or countries are you a citizen of
RUSSIA

6 What country or countries does the Government allege you are a citizen of ? **N/A**

CURRENT DETENTION AND IMMIGRATION PROCEEDINGS

Current Detention

7. Date you were taken into present immigration custody: **12/2024**

8. Describe how and where you were taken into immigration custody:

The petitioner entered the U.S on or about 12/2024. Border patrol officers were taken him into ICE custody since then.

Removal Proceedings

9. Do you have an order of removal?

YES [**X**] NO [ ]

If yes , please answer Question 10-17. If no , please skip to Question 18.

10. On what date was the order of removal entered?
7/9/2025

11. To which country or countries were you ordered removal ?
RUSSIA

12 Is the Government trying to remove you to any country other than those listed in the order of removal?

YES [ ] NO [**X**]

a. If yes, to what country or countries is the Government trying to remove you?
N/A

13. Who issued your order of removal?

a. Immigration judge

14. Has an immigration judge granted you relief from removal? (Relief from removal includes withholding of removal under 8 U. S. C. § 1231(b)(3), Immigration and Nationality Act(INA) § 241(B)(3), and protection under the convention Against Torture.

YES [ ] NO [X]

a. If yes, on what date?
N/A

b. If yes, what relief did you get?
N/A

c. If yes did the Government appeal that grant of relief to the Board of Immigration appeals (BIA)?

N/A

d. If yes, has the BIA ruled on the Government's appeal?

N/A

e. If yes, what is the date of the BIA' s ruling?
N/A

15. If an immigration judge issued your order of removal, did you appeal to the BIA?

YES [**X**] NO [ ]

a. If yes, has BIA ruled on your appeal?

YES [**X**] NO [ ]

b. If yes, what is the date of the BIA' s ruling?
N/A

16. Did you or the Government file a petition for review?

YES [ ] NO [**X**]

a. If so, to which circuit court of appeals?
N/A
b. Did the court of appeals stay your removal?

YES [ ] NO [**X**]

c. Is the petition for review still pending?

YES [ ] NO [X]

d. If not, please state whether the court of appeals granted or denied the petition for review and list the date the decision was issued.

BIA dismissed petitioner's appeal on December 29, 2025.

17. Do you have any other pending matter in which you are challenging the Government's removal charge or seeking relief from removal?

YES [ ] NO [**X**]

a. If yes, where is the matter pending?

N/A

Bond Proceedings

18. Have you had a bond hearing before an immigration judge?

YES [ ] NO [X]

a. If yes, on what date?
N/A

b. What did immigration judge decide?
N/A

19. If the immigration judge denied bond/release, did you appeal to the BIA?

YES [ ] NO [**X**]

a. If yes, list the date on which you filed the appeal.
N/A

b. Has the BIA ruled on the appeal?

YES [ ] NO [**X**]

c. If yes, what was the outcome and what was the date of the decision?
N/A

Previous Immigration Detention

20 Before you were detained this time, have you been detained and release from immigration custody?

YES [ ] NO [**X**]

a. **If yes, please describe all the periods you have been in immigration detention**
N/A

21. When you were released before , were you ever subject to any condition of release?
N/A

22. Were you released on:

a. an order of supervision (OSUP)?

YES [ ] NO [**X**]

b. an order of release or recognizance?

YES [ ] NO [**X**]

c. parole?

YES [ ] NO [X]

d. for some other reason?

YES [ ] NO [**X**]

e. Was your prior release order – of whatever kind – revoked?

YES [ ] NO [**X**]

f. If yes, did you receive notice of the revocation?

YES [ ] NO [**X**]

GROUNDS FOR RELIEF

State every ground (reason) that supports your claim that you are being held or restrained unlawfully, State the facts supporting each ground. You may attach additional pages if necessary to provide legal arguments and supporting authority. You may also attach any documents relevant to your claims.

23. **GROUND ONE:**

Prolonged Detention Violates Due Process

Supporting facts:

The Petitioner's continued detention has become prolonged and violates the Due Process Clause of the fifth Amendment. Detention without a meaningful opportunity for release is no longer reasonably related to any legitimate government purpose.

24. GROUND TWO:

Conditions of confinement

The petitioner Gabeev Artur has been detained almost 21 months at Eloy Detention Center Arizona.

The condition of confinement is very hard. The EDC has the dubious distinction of being known as the deadliest immigration detention center in U. S. with at least sixteen reported death

Petitioner has been detained in this facility almost 7 months now.

The detention watch report notes a series of serious concerns at Eloy including but not limited to severe medical deficiencies abuse by guards...unsanitary and inhumane living conditions inadequate diets for those with chronic illnesses like diabetes and delays in accessing specialized medical care. Petitioner drink in this facility chlorinated sink water.

25. **GROUND THREE**

Unlawful detention

The petitioner has been detained at Eloy Detention Center for more than 21 months

The petitioner's appeal was dismissed by BIA and he did not appealed to nine circuit. His detention become unlawfully.

GABEEV ARTUR
A# [redacted]
ELOY DETENTION CENTER
1705 E HANNA ROAD
ELOY ARIZONA 85131

DETAINED

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

GABEEV ARTUR

Petitioner, Pro Se

PETITION UNDER 28 U.S.C. § 2241
FOR A WRIT OF HABEAS CORPUS
BY A PERSON IN FEDERAL CUSTODY

v

Eric ROKOSKY

Warden, Eloy Detention Center;

Todd Blanche,

Acting Attorney General

of the United states

Respondents

I. INTRODUCTION

Petitioner, is a native and citizen of RUSSIA. He was born on [redacted] in (RUSSIA). He entered the United States since approximately December 2024 . He was initially detained at the Saint Louis MISSOURI Detention Center and transferred to the Eloy Detention Center on December/24/2025 since then

II. JURISDICTION

A federal district court is authorized to grant a writ of habeas corpus under 28 U. S. C. § 2241 where the petitioner is in ICE custody under or by color violation of the constitution nor laws or treaties of United States 28 U.S.C.§ 2241(c)(1)(3) Generally challenge to the statutory frame work that permits the alien's detention without bail jennings v. Rodriguez, 583 U.S 281,295 (2018), question of law raised in the application or interpretation of detention statutes leonardo v crawford,646F 3d1157,1160(9TH cir -2011), and [c]laims that the discretionary bond process itself was constitutionally flawed are cognizable in federal court on habeas corpus because thy fit comfortably the scope of **§ 2241** Hernandez v. sessions, 872F 3d976 987 (9 th cir. 2017)(quoting Sing v. Holder, 638F 3d 1196, 12 02 (9 th cir 2011) thus, this court has jurisdiction over the petition.

The petitioner currently detained within this judicial district and challenge the legality of his continued detention under federal law and the United States Constitution.

III. PARTIES

Petitioner is 43 years old native and citizen of RUSSIA currently detained by Immigration and Customs Enforcement. Respondents are the officials responsible for petitioner's custody and detention.

STATEMENT OF FACTS

Petitioner on or about December/2024 was entered the United States and taken into ICE custody.

On July 9, 2025 an Immigration Judge denied Petitioner' s asylum case. There are currently no future hearing scheduled before the Immigration Court. Following that decision, the Petitioner appealed twice the Immigration Judge's decision to the Board of Immigration Appeals. According to EOIR

records, the appeal was received and dismissed by BIA on 12/29/2025.

Petitioner's Detention is Unlawful

Four statutes grant the government authority to detain certain aliens during removal proceedings: **8 U.S.C § § 1225(b). 226(a). 1226(a), 1226(c) and 1231(a) Avilez v. Garland, 69 F, 4 th 525,529(9 th cir,2023)** an alien's place within this statutory scheme can affect whether his detention is mandatory or discretionary, as well as the kind of review process available to him if he wishes to contest the necessity of his detention. Id (quoting Prieto-Romero v. clark, 534F. 3D 1053, 1057, (9 th cir 2008) [W]hen an alien is ordered removal, the Attorney General shall remove, the alien from the Unites States a period of 90 days. As relevant here, the 90 day removal period begins on the date the order of removal becomes administratively final. 8U.S.C § 1231(a)(1) (B)(1). Section 1231 authorizes the detention of inadmissible aliens subject to a final order of removal during and beyond the 90-day removal period. The petitioner was ordered removed to Russia by an immigration judge and petitioner's appeal was dismissed by the BIA on December,29, 2025. Petitioner detention was mandatory during 12/29/2025, final removal order. The petitioner has now been seven months after a final order of removal in ICE custody. The petitioner's detention is unreasonably because it has yet exceeded the six months period adopted by the supreme court in Zadvydas 533 U.S at 701.

PRAYER FOR RELIEF

WHEREFORE, petitioner respectfully requests that the United States district of Arizona-Phoenix division accept and grant the following relief:

a) Assume jurisdiction over this matter;

b) Grant the writ of habeas corpus and order petitioner's immediate release from ICE custody;

c) Grant any other and further relief as the court deems just and proper.

Respectfully submitted this 11 day of September 2026

GABEEV ARTUR

Petitioner, Pro Se

CERTIFICATE OF SERVICE

I, **GABEEV ARTUR**, hereby certify that a copy of the attached document was served to **ICE Headquarters (ERO Removal Division)** via mail at the following address:

Potomac Center North, 500 12th street. Washington D.C. 20536, and also to the **ICE Field Office in Phoenix** via mail to the following address: 2035 N Central Ave Phoenix, AZ 85004 both on the date indicated below.

Signature: 

Date: 9/11/2026