

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Artur Astafev v. Warden, Otay Mesa Detention Center, et al.

Astafev · No. 3:26-cv-00313-RBM-AHG · Decided January 30, 2026

SUMMARY

The United States District Court for the Southern District of California conditionally appoints the Federal Defenders of San Diego, Inc. to represent Artur Astafev in his 28 U.S.C. § 2241 habeas petition. The court finds that his wife has sufficiently established next-friend standing and that appointment of counsel is warranted. The court orders respondents to show cause, establishes a briefing schedule, and prohibits Astafev’s transfer outside the Southern District of California pending further order.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Ruth Bermudez Montenegro
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 30, 2026
DOCKET	3:26-cv-00313-RBM-AHG
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed an emergency petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a motion for appointment of counsel. The district court conditionally appointed counsel, declined to summarily dismiss the petition, ordered respondents to show cause, and prohibited petitioner's transfer outside the Southern District of California pending further ruling.
STANDARD OF REVIEW	Appointment of counsel in a habeas proceeding is committed to the district court's sound discretion, with consideration of the likelihood of success on the merits and the petitioner's ability to articulate claims pro se in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Artur Astafev v. Warden, Otay Mesa Detention Center, et al.

TOPICS

federal habeas corpus

immigration detention

removal proceedings

civil procedure

subject matter jurisdiction

PRACTICE AREAS

federal habeas corpus

immigration detention

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Astafev's wife established standing to proceed as his next friend.
2. Whether the interests of justice warranted appointment of counsel under 18 U.S.C. § 3006A(a)(2).
3. Whether the § 2241 petition warranted summary dismissal at the initial stage.
4. Whether the court should preserve its jurisdiction and the status quo by prohibiting petitioner's transfer outside the Southern District of California while the petition was pending.

HOLDINGS

1. Petitioner's wife sufficiently established next-friend standing because she showed that petitioner was unable to litigate due to restricted access to legal resources and demonstrated a significant relationship with, and dedication to the best interests of, petitioner.
2. The court conditionally appointed Federal Defenders of San Diego, Inc. because petitioner was financially unable to retain counsel and representation was necessary in light of the complexity and potential validity of the issues presented.
3. Summary dismissal was unwarranted at that stage because the petition's allegations were not shown to be vague or conclusory, palpably incredible, patently frivolous, or false.
4. Pending further resolution of the § 2241 petition, petitioner could not be transferred outside the Southern District of California.

KEY QUOTATIONS

““‘next friend’ standing is by no means granted automatically to whomever seeks to pursue an action on behalf of another.”” (at 1)

““Summary dismissal is appropriate only where the allegations in the petition are vague or conclusory, palpably incredible, or patently frivolous or false.”” (at 3)

FACTUAL BACKGROUND

Artur Astafev was detained at the Otay Mesa Detention Center and sought habeas relief under 28 U.S.C. § 2241. His wife filed the petition and motion for appointment of counsel as his next friend, asserting that restrictions on his access to legal resources prevented him from litigating personally. The court found that Astafev lacked funds to retain counsel and that the case presented potentially valid and complex constitutional, statutory, and procedural issues.

PROCEDURAL HISTORY

On January 20, 2026, Artur Astafev's wife filed the § 2241 petition and motion to appoint counsel as his next friend. The court found that next-friend standing was sufficiently established, conditionally appointed Federal Defenders of San Diego, Inc., ordered respondents to respond to the petition, and set a briefing schedule.

DISPOSITION

other

CASES CITED

- Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)
- Terrovona v. Kincheloe, 912 F.2d 1176, 1181-82 (9th Cir. 1990)
- Whitmore v. Arkansas, 495 U.S. 149, 162-63 (1990)
- United States ex rel. Toth v. Quarles, 350 U.S. 11, 13 n.3 (1955)
- Coal. of Clergy, Laws., & Professors v. Bush, 310 F.3d 1153, 1159-60 (9th Cir. 2002)
- Massie ex rel. Kroll v. Woodford, 244 F.3d 1192, 1194 (9th Cir. 2001)
- Kourteva v. INS, 151 F. Supp. 2d 1126, 1128 (N.D. Cal. 2001)
- Doe v. Bondi, Case No. 25-cv-805-BJC-JLB, 2025 WL 1870979, at *1 (S.D. Cal. June 11, 2025)
- United States v. Caputo, Case No. 1:14-CR-00041-JLT-SKO-1, 2023 WL 5207318, at *5 (E.D. Cal. Aug. 14, 2023)