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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 VIKTOR GRISHCHENKO,
12 Petitioner,

13 v.

14 KRISTI NOEM, Secretary of the
Department of Homeland Security, *et al.*,
15 Respondents.
16

Case No. 25-cv-03514-JES-JLB

JOINT SUPPLEMENTAL BRIEF

17
18 The parties jointly provide this supplemental brief in response to the Court's
19 Order Granting Petition for Writ of Habeas Corpus, dated December 18, 2025
20 ("Order"). ECF No. 11. In its Order, the Court ordered Respondents to "immediately
21 release Petitioner from custody, subject to his preexisting bond order." *Id.* at 4:23–24.
22 The Court further ordered that the parties file a Joint Status Report no later than 5:00
23 p.m. on December 18, 2025, confirming that Petitioner has been released. *Id.* at 5:1–2.

24 The immigration judge's May 23, 2025, bond order was auto-stayed—and thus
25 Petitioner has not posted bond—when the Department of Homeland Security reserved
26 on appeal. *See* Declaration of La'Shaniece Wilson, ECF No. 9-1 at ¶ 7. Respondents
27 have been unable to release Petitioner on bond as ordered in the Court's Order because
28 Petitioner has not posted bond, and Respondents will be unable to release Petitioner on

1 the “preexisting bond order” until after Petitioner posts bond. Upon learning of
2 Respondents’ inability to release Petitioner, counsel for Respondents immediately
3 contacted Petitioner’s counsel to engage in meet and confer efforts.

4 Petitioner’s counsel proposes that the Court modify its Order to provide that
5 Petitioner be released from custody subject to an order of supervision under 8 U.S.C.
6 § 1231(a)(3), rather than subject to the immigration judge’s preexisting bond order. For
7 the reasons set forth in their Return (ECF No. 9), Respondents’ position is that Petitioner
8 is not entitled to release from custody. However, in light of the Court’s Order in this
9 case, Respondents defer to the Court’s judgment on whether to modify its Order as
10 requested by Petitioner.¹

11
12 Dated: December 18, 2025

13 Respectfully submitted,

14 s/ Jessie Agastein
15 JESSIE AGATSTEIN
16 Federal Defenders of San Diego, Inc.
17 Attorneys for Petitioner

18 Dated: December 18, 2025

19 Respectfully submitted,

20 ADAM GORDON
21 United States Attorney

22 s/ Matthew Riley
23 MATTHEW RILEY
24 Assistant United States Attorney
25 Attorneys for Respondents

26 ¹ To the extent the Court is inclined to order that Petitioner be released on bond,
27 Respondents respectfully request that bond be processed during a business day, Monday
28 through Friday, between 8 a.m. and 5 p.m., following notice from Petitioner that bond
has been successfully posted. ICE only processes bonds with its website, ICE
CeBONDS. See <https://cebonds.ice.gov/>. Respondents kindly advises Petitioner that
CeBONDS account alerts and messages should be checked on a reasonably regular
basis to stay apprised of important notices and information about any bond that is being
posted.

1 **SIGNATURE CERTIFICATION**

2 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies
3 and Procedures of the United States District Court for the Southern District of
4 California, I hereby certify that the content of this document is acceptable to Jessie
5 Agatstein, counsel for Petitioner, and that I have obtained Ms. Agatstein's authorization
6 to affix her electronic signature to this document.

7 Dated: December 18, 2025

8 *s/ Matthew Riley*
9 MATTHEW RILEY
10 Assistant United States Attorney