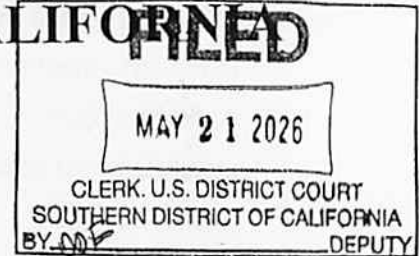


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**



ANNA VIALKINA,
EVGENII ARAKCHEEV,
Petitioners,

v.

CHRISTOPHER LAROSE, Warden Otay
Mesa Detention Center,
Field Office Director, ICE San Diego.
Respondents.

Case No. : 3:26-cv-02403-TWR-MMP

**PETITIONERS' EMERGENCY MOTION TO ENFORCE
THE COURT'S ORDER AND TO REVIEW BOND
DETERMINATION**

Petitioners, Anna Vialkina and Evgenii Arakcheev, proceeding pro se, respectfully move this Court to enforce its prior order granting habeas corpus relief and to conduct a de novo review of the unconstitutionally excessive bond set by the Immigration Court.

I. INTRODUCTION

This Court previously granted Petitioners' writ of habeas corpus and ordered a constitutionally compliant bond hearing. On May 1, 2026, the Immigration Court held the hearing but effectively nullified this Court's order by setting a cost-prohibitive, punitive bond of \$25000 for Evgenii Arakcheev and \$20000 for Anna Vialkina—totaling \$45000 for the family. Because the Government failed to meet its burden, presenting only speculative and legally insufficient assertions of flight risk or danger to the community, and because this sum is impossible for Petitioners to pay, the Immigration Court's decision constitutes a constructive denial of bond and a continuation of Petitioners' unlawful detention.

II. STATEMENT OF UNCONTESTED FACTS

1. This Court entered an order directing the Executive Office for Immigration Review (EOIR) to conduct a constitutionally adequate bond hearing for Petitioners.
2. At the hearing, the Government failed to present any credible or substantial evidence establishing that either Petitioner poses a flight risk or a danger to national security or public safety.
3. Petitioners presented a qualified U.S. sponsor whose documented annual income is approximately \$100,000. Petitioners have no other relatives or financial assets in the United States.
4. Despite the complete absence of risk factors and the sponsor's modest financial profile, the Immigration Judge imposed a total bond of \$45,000.
5. Petitioners did not appeal to the Board of Immigration Appeals (BIA) because BIA processing times currently range from 6 to 12 months. Forcing Petitioners to remain unlawfully detained during a lengthy appeal process renders the administrative remedy futile and inflicts severe, irreparable harm.

III. LAW AND ARGUMENT

A. The Imposed Bond is Unconstitutionally Excessive and Violates Due Process

The Eighth Amendment prohibits excessive bail, and the Fifth Amendment guarantees Due Process. A bond cannot be set so high that it functions as a pretext for perpetual detention. See *Galen v. County of Los Angeles*, 474 F.3d 652, 659 (9th Cir. 2007). By setting a \$45,000 bond for a family with a \$100,000-a-year sponsor—without substantial or credible government evidence justifying detention—the Immigration Court turned the bond hearing into a sham. A bond that is impossible to meet is a constructive denial or release.

B. This Court Retains Jurisdiction to Enforce Its Judgment

A federal district court retains inherent authority to enforce its own orders when a lower tribunal or agency complies only in form but violates the substance of the court's mandate. The Immigration Court's imposition of a predatory bond directly subverts this Court's habeas grant.

C. Exhaustion of Administrative Remedies is Futile

While a BIA appeal technically exists, the exhaustion requirement is excused where the administrative remedy is inadequate or futile. See *Ward v. Chavez*, 678 F.3d 1042, 1045 (9th Cir. 2012). Waiting up to a year in a detention center to appeal a clearly unconstitutional bond is not an effective remedy; it is a continuation of the constitutional violation this Court already sought to cure.

IV. CONCLUSION AND RELIEF REQUESTED

The immigration system is utilizing an insurmountable financial barrier to bypass this Court's ruling and maintain an unjustified detention.

For the forgoing reasons, Petitioners respectfully request that this Court:

1. Enforce its prior Habeas Corpus order;
2. Review the bond determination de novo; and
3. Reduce the bond to a nominal, affordable amount consistent with the sponsor's income, or order Petitioners' immediate release on their Own Recognizance (OR) or Parole.

Dated: May 17, 2026

Respectfully submitted,

Signature:



Anna Vialkina
Petitioner, Pro Se


Otay Mesa Detention Center
P. O. BOX 439049
San Diego – CA – 92143-9049

Signature:



Evgenii Arakcheev
Petitioner, Pro Se


Otay Mesa Detention Center
P. O. BOX 439049
San Diego – CA – 92143-9049