

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, WESTERN DIVISION

Andrei Glickstein v. Warden, Louisiana ICE Processing Center

Glickstein · No. 5:25-cv-00104-DCB-BWR · Decided April 7, 2026

SUMMARY

The magistrate judge recommends dismissing Andrei Glickstein’s 28 U.S.C. § 2241 petition without prejudice. The recommendation is based on Glickstein’s failure to prosecute and failure to obey an order requiring a response to the respondent’s motion to dismiss, after his transfer outside the Southern District of Mississippi.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Western Division
WRITING FOR THE COURT	Bradley W. Rath
JURISDICTION	United States District Court for the Southern District of Mississippi, Western Division
DECIDED	April 7, 2026
DOCKET	5:25-cv-00104-DCB-BWR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation on a 28 U.S.C. § 2241 petition seeking immediate release from immigration detention and Respondent's motion to dismiss.
STANDARD OF REVIEW	A district judge reviews de novo any properly objected-to portion of a magistrate judge's report and recommendation under Federal Rule of Civil Procedure 72(b)(3).
PRECEDENTIAL VALUE	Nonprecedential report and recommendation; not a final adjudication unless adopted by the district judge.
PARTIES	Andrei Glickstein v. Warden, Louisiana ICE Processing Center

TOPICS

- federal habeas corpus
- immigration detention
- removal proceedings
- motions to dismiss
- civil procedure

PRACTICE AREAS

federal habeas corpus

immigration detention

civil procedure

QUESTIONS PRESENTED

1. Whether the § 2241 petition should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) and the Court's inherent authority because Petitioner failed to prosecute the action and failed to obey the Court's order requiring a response to the motion to dismiss.
2. Whether the transfer of Petitioner to Louisiana and the absence of a custodian within the Southern District of Mississippi supported Respondent's motion to dismiss.

HOLDINGS

1. The magistrate judge recommended that the § 2241 petition be dismissed without prejudice because Petitioner failed to prosecute the action and failed to obey the order requiring him to respond to Respondent's motion to dismiss.

KEY QUOTATIONS

“The Petition should be dismissed due to Petitioner’s failure to prosecute and obey the Court’s Order [16] to file a response to Respondent’s Motion to Dismiss.” (2)

“The Petition should be dismissed under Rule 41(b) and the Court’s inherent authority due to Petitioner’s failure to prosecute and obey the Court’s Order to file a response to the Motion to Dismiss on or before March 20, 2026.” (2)

FACTUAL BACKGROUND

Glickstein, a native of the former Soviet Union, entered the United States in 1989 and was ordered removed by an immigration judge in 2003; he did not appeal to the Board of Immigration Appeals. He was taken into immigration custody on May 17, 2025, and filed a § 2241 petition seeking immediate release while detained in Mississippi. After his transfer to Angola, Louisiana, he did not respond to Respondent's motion to dismiss or to the subsequent order requiring a response, and he apparently pursued a separate habeas petition in the Middle District of Louisiana.

PROCEDURAL HISTORY

Glickstein filed a § 2241 petition in the Southern District of Mississippi while detained at the Adams County Detention Center in Mississippi. He was later transferred to a detention center in Angola, Louisiana, and Respondent moved to dismiss on the ground that no custodian within the Southern District of Mississippi had been named or served. After Glickstein failed to respond to the motion, the magistrate judge issued an order to show cause, which he also failed to obey, and recommended dismissal without prejudice for failure to prosecute and failure to comply with the Court's order.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R., 370 U.S. 626, 629-30 (1962)
- Glickstein v. U.S. Immigration and Customs Enforcement et al., 3:26-cv-230-SDD-SDJ (M.D. La. Mar. 3, 2026)
- Douglass v. United Servs. Auto. Assoc., 79 F.3d 1415, 1428-29 (5th Cir. 1996)

OPINION

Glickstein

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

WESTERN DIVISION

ANDREI GLICKSTEIN PETITIONER

V. Cause No. 5:25-cv-00104-DCB-BWR WARDEN, Louisiana ICE Processing RESPONDENT Center

REPORT AND RECOMMENDATION

THIS MATTER is before the Court on the 28 U.S.C. § 2241 Petition [1] filed pro se by Andrei Glickstein and Respondent's Motion to Dismiss [14] because "no custodian within the territorial jurisdiction of the Southern District of Mississippi has been named as a respondent or served with process." Resp't Mot. [14] at 1. Petitioner was ordered to respond to the Motion to Dismiss by March 20, 2026 and did not. The Petition should be dismissed due to Petitioner's failure to prosecute and obey the Court's Order [16] to file a response to Respondent's Motion to Dismiss.

I. BACKGROUND

Petitioner is a native of the Union of the Soviet Socialist Republic who entered the United States illegally in 1989. Pet'r Mem. [3] at 4. On August 18, 2003, an immigration judge ordered that Petitioner be removed from the United States, and Petitioner did not appeal that decision to the Board of Immigration Appeals. Id. at 3-

4. Petitioner was placed on supervised release. Id. at 5. On May 17, 2025, he was taken into custody for removal. Pet. [1] at 4. On October 8, 2025, Petitioner filed his § 2241 Petition in this Court seeking immediate release from U.S. Immigration and Customs Enforcement (ICE) custody. Id. at 7. At the time he filed the Petition, Petitioner was housed at the Adams County Detention Center in Natchez, Mississippi. Resp't Mem. [15] at 2. After he filed the Petition, Petitioner was transferred to a detention center in Angola, Louisiana. Id. "Angola is outside of the confines of the Southern District of Mississippi. The only respondent named in Glickstein's petition is in Angola." Id. On February 13, 2026, Respondent filed a Motion to

Dismiss asserting that the Petition should be dismissed because Petitioner did not name a custodian within the Southern District of Mississippi as a respondent. Resp't Mot. [14] at 1-2. When Petitioner did not respond to the Motion to Dismiss, an Order to Show Cause issued on March 5, 2026, requiring him to file a response to the Motion to Dismiss on or before March 20, 2026. Order [16] at 1-2. The Order to Show Cause warned Petitioner that if he failed to file a timely response, the Petition could be dismissed without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b) and under the Court's inherent authority to dismiss an action sua sponte, *Link v. Wabash R.R.*, 370 U.S. 626, 629-30 (1962). The Court may take judicial notice that Petitioner filed a new § 2241 habeas petition in the Middle District of Louisiana on March 3, 2026. See *Glickstein v. U.S. Immigration and Customs Enforcement et al.*, 3:26-cv-230-SDD-SDJ (M.D. La. Mar. 3, 2026). Petitioner is pursuing habeas relief in the Middle District of Louisiana and is apparently no longer interested in pursuing habeas relief in this Court. The Petition should be dismissed under Rule 41(b) and the Court's inherent authority due to Petitioner's failure to prosecute and obey the Court's Order to file a response to the Motion to Dismiss on or before March 20, 2026.

III. RECOMMENDATION

It is recommended that the Petition be dismissed without prejudice for failure to prosecute and obey the Court's Order [16].

IV. NOTICE OF RIGHT TO OBJECT

Within fourteen days after being served with a copy of this Report and Recommendation, a party may serve and file specific written objections to the proposed findings and recommendations. Fed. R. Civ. P. 72(b)(2). A party may respond to another party's objections within 14 days after being served with a copy of the objections. *Id.* The district judge will determine de novo any part of the Report and Recommendation that has been properly objected to. Fed. R. Civ. P. 72(b)(3). The district judge may accept, reject, or modify the Report and Recommendation; receive further evidence; or return the matter to the magistrate judge with instructions. *Id.* An objecting party must specifically identify the findings, conclusions, and recommendations to which he objects. A district judge need not consider frivolous, conclusive, or general objections. A party who fails to file written objections to the proposed findings, conclusions, and recommendations shall be barred, except upon grounds of plain error, from attacking on appeal any proposed factual finding or legal conclusion adopted by the Court to which he did not object. *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1428-29 (5th Cir. 1996), superseded by statute on other 3 grounds, 28 U.S.C. § 636(b)(1). SIGNED, this the 7th day of April 2026. Bradley W. Rath s/

BRADLEY W. RATH

UNITED STATES MAGISTRATE JUDGE

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