

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PRECEDENTIAL VALUE	Nonprecedential report and recommendation; not a final adjudication unless adopted by the district judge.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)

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