

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, BROWNSVILLE DIVISION

Novikova M. S. and Pribylov A. A. v. Immigration and Customs
Enforcement

Novikova · No. 1:25-cv-234 · Decided March 12, 2026

SUMMARY

A United States magistrate judge recommends dismissing as premature a habeas petition challenging the prolonged detention of two Russian citizens subject to final removal orders. Applying *Zadvydas v. Davis* and related Fifth Circuit authority, the court concludes that the petitioners had been detained for only a little over two months after their removal orders became final and therefore had not reached the presumptively reasonable six-month detention period. The recommendation also advises denying the respondent’s motion for summary judgment as moot and closing the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Brownsville Division
WRITING FOR THE COURT	Karen Betancourt, United States Magistrate Judge
JURISDICTION	United States District Court for the Southern District of Texas, Brownsville Division
DECIDED	March 12, 2026
DOCKET	1:25-cv-234
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on Petitioners' amended petition for a writ of habeas corpus and Respondent's motion for summary judgment.
STANDARD OF REVIEW	The court independently examined subject-matter jurisdiction and ripeness under Federal Rule of Civil Procedure 12(h)(3). A court must dismiss when it determines that subject-matter jurisdiction is lacking.
PRECEDENTIAL VALUE	Nonprecedential report and recommendation; subject to adoption, rejection, or modification by the assigned district judge.
PARTIES	Novikova M. S. and Pribylov A. A., Petitioners v. Immigration and Customs Enforcement, Respondent

TOPICS

immigration detention

removal proceedings

subject matter jurisdiction

procedural due process

civil procedure

PRACTICE AREAS

immigration detention

habeas corpus

federal jurisdiction

constitutional law

QUESTIONS PRESENTED

1. Whether Petitioners' challenge to their post-final-removal-order detention was ripe before six months had elapsed from the date the removal order became final.
2. Whether the court lacked subject-matter jurisdiction over Petitioners' premature detention challenge.
3. Whether Respondent's motion for summary judgment should be denied as moot after dismissal for lack of subject-matter jurisdiction.

HOLDINGS

1. A claim challenging detention under the framework of *Zadvydas v. Davis* is premature and not ripe during the initial six-month period after a removal order becomes final.
2. Because Petitioners' detention claims were not ripe, the court lacked subject-matter jurisdiction and dismissal without prejudice was required.

KEY QUOTATIONS

“Because Petitioners have not been detained for over six months since their removal order became final, their claim is premature.” (Section III)

“These facts are fatal to their claims: they are only a little over two months into the initial six-month period of presumptively valid detention, the Petitioners’ claims are not yet ripe, and the Court therefore lacks subject matter jurisdiction to hear this case.” (Section III)

FACTUAL BACKGROUND

Petitioners are Russian citizens detained at the El Valle Detention Center in Raymondville, Texas. An Immigration Judge entered a removal order on July 9, 2025, and the BIA dismissed Petitioners' appeal on December 31, 2025, making the removal order administratively final. Petitioners filed a habeas petition alleging that their detention was unjustified and prolonged in violation of the Fifth Amendment. At the time of the recommendation, they had been detained for only a little over two months after the removal order became final.

PROCEDURAL HISTORY

An Immigration Judge ordered Petitioners removed on July 9, 2025, and Petitioners appealed to the Board of Immigration Appeals. Novikova initially filed a habeas petition pro se; on December 1, 2025, she amended it to add Pribylov, and the court granted leave to amend. The BIA dismissed the appeal on December 31, 2025. Petitioners challenged their allegedly prolonged detention under the Fifth Amendment Due Process Clause. The

magistrate judge recommended denying the petition as premature, denying Respondent's motion for summary judgment as moot, and closing the case.

DISPOSITION

other

CASES CITED

- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- Arbaugh v. Y & H Corp., 546 U.S. 500, 501 (2006)
- Sample v. Morrison, 406 F.3d 310, 312 (5th Cir. 2005)
- Shields v. Norton, 289 F.3d 832, 835 (5th Cir. 2002)
- Zadvydas v. Davis, 533 U.S. 678, 699, 701 (2001)
- Clark v. Martinez, 543 U.S. 371, 378 (2005)
- Ali v. Department of Homeland Security, 451 F. Supp. 3d 703 (S.D. Tex. 2020)
- Villanueva v. Tate, 801 F. Supp. 3d 689, 703 (S.D. Tex. 2025)
- Andrade v. Gonzales, 459 F.3d 538, 543 (5th Cir. 2006)
- Hersh v. United States ex rel. Mukasey, 553 F.3d 743, 757 (5th Cir. 2008)
- Okpoju v. Ridge, 115 F. App'x 302 (5th Cir. 2004) (per curiam)
- Chance v. Napolitano, 453 F. App'x 535, 536 (5th Cir. 2011) (per curiam)
- Agyei-Kodie v. Holder, 418 F. App'x 317, 318 (5th Cir. 2011)
- Kakhidze v. Venegas, No. 1:25-cv-00136, 2025 WL 2412854, at *3 (S.D. Tex. July 30, 2025)
- Kakhidze v. Venegas, 2025 WL 2411229 (S.D. Tex. Aug. 20, 2025)
- Ruiz v. Brennan, 851 F.3d 464, 472 (5th Cir. 2017)
- Battle v. United States Parole Commission, 834 F.2d 419, 421 (5th Cir. 1987)
- Alexander v. Verizon Wireless Services, L.L.C., 875 F.3d 243, 248 (5th Cir. 2017)