

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Dmitrii Markov v. Christopher J. Larose, Field Office Director, U.S.
Immigration and Customs Enforcement, San Diego Field Office, et al.

Markov · No. 25-CV-3811 JLS (SBC) · Decided January 13, 2026

SUMMARY

The United States District Court for the Southern District of California denied Dmitrii Markov’s 28 U.S.C. § 2241 petition challenging his prolonged immigration detention without a bond hearing. The court held that 8 U.S.C. § 1252(g) did not bar jurisdiction over his due process claim, but concluded that the length of detention, without more, did not establish an unreasonable detention or a significant likelihood that removal would not occur in the reasonably foreseeable future. The petition was denied with leave to amend within 21 days.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Janis L. Sammartino
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 13, 2026
DOCKET	25-CV-3811 JLS (SBC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging prolonged immigration detention without a bond hearing.
STANDARD OF REVIEW	The court evaluated whether it had habeas jurisdiction and whether Petitioner's detention had become unreasonably prolonged in violation of due process. The court considered the total length of detention, the likely duration of future detention, and delays attributable to the petitioner and the government.
PRECEDENTIAL VALUE	Unknown; federal district court order with no reporter citation.
PARTIES	Dmitrii Markov v. Christopher J. Larose, Field Office Director, U.S. Immigration and Customs Enforcement, San Diego Field Office, Kristi Noem, Secretary of the U.S. Department of Homeland Security, Pamela Bondi, Attorney General of the United States, et al.

TOPICS

immigration detention

federal habeas corpus

removal proceedings

procedural due process

subject matter jurisdiction

PRACTICE AREAS

immigration

federal habeas corpus

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(g) deprived the district court of jurisdiction over a habeas petition challenging prolonged immigration detention without a bond hearing.
2. Whether Petitioner's detention under 8 U.S.C. § 1225 had become unreasonably prolonged and therefore violated due process.

HOLDINGS

1. Section 1252(g) did not strip the district court of jurisdiction because Petitioner challenged prolonged detention and the denial of a bond hearing, not the decision to commence removal proceedings, adjudicate his case, or execute a removal order.
2. Petitioner failed to establish that his detention was unreasonably prolonged or that there was good reason to believe there was no significant likelihood of removal in the reasonably foreseeable future; the length of detention, without more, did not render the detention unreasonable.

KEY QUOTATIONS

“Section 1252(g) should be read “narrowly” as to apply “only to three discrete actions that the Attorney General may take: her ‘decision or action’ to ‘commence proceedings, adjudicate cases, or execute removal orders.’”” (opinion at 2)

“The Court finds Petitioner has not established that his detention is unreasonably prolonged based on delay or that there is “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.”” (opinion at 3)

FACTUAL BACKGROUND

Dmitrii Markov, a Russian national, entered the United States through the CBP One program on January 13, 2024, and was thereafter detained by ICE and placed in removal proceedings as an applicant for admission. An Immigration Judge denied his request for a bond hearing on jurisdictional grounds, and Markov remained detained without a bond hearing. He alleged that his prolonged detention violated the Immigration and Nationality Act and the Fifth Amendment Due Process Clause, while also asserting that his merits hearing had been postponed five times because of the government.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition challenging his detention by ICE without a bond hearing. Respondents filed an opposition, and Petitioner filed a traverse. The district court denied the petition, with leave to amend within twenty-one days.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

Petitioner may file an amended petition within twenty-one days of entry of the order.

CASES CITED

- Alvarez–Barajas v. Gonzales, 418 F.3d 1050, 1052 (9th Cir. 2005)
- Nadarajah v. Gonzales, 443 F.3d 1069, 1076 (9th Cir. 2006)
- Jennings v. Rodriguez, 138 S. Ct. 830 (2018)
- Alvarez v. Sessions, 338 F. Supp. 3d 1042, 1048–49 (N.D. Cal. 2018)
- Ibarra-Perez v. United States, No. 24-631, 2025 WL 2461663, at *6–7 (9th Cir. Aug. 27, 2025)
- Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482, 487 (1999)
- Walters v. Reno, 145 F.3d 1032, 1052–53 (9th Cir. 1998)
- Garcia v. Noem, No. 25-CV-2180-DMS-MMP, 2025 WL 2549431, at *4 (S.D. Cal. Sept. 3, 2025)
- Singh v. Barr, 400 F. Supp. 3d 1005 (S.D. Cal. 2019)
- Lopez v. Garland, 631 F. Supp. 3d 870, 879–80 (E.D. Cal. 2022)
- Zadvydas v. Davis, 533 U.S. 678, 701 (2001)