

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Prokopev v. LaRose et al.

Case No. 25-cv-3441-JES-MSB (S.D. Cal. Dec. 10, 2025) · No. 25-cv-3441-JES-MSB · Decided December 10, 2025

SUMMARY

The United States District Court for the Southern District of California grants Nikita Prokopev’s application to proceed in forma pauperis in a 28 U.S.C. § 2241 habeas petition. The court orders respondents to show cause, sets a briefing schedule, and stays petitioner’s removal from the United States or the district pending further order to preserve jurisdiction.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	James E. Simmons Jr.
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 10, 2025
DOCKET	25-cv-3441-JES-MSB
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and an application to proceed in forma pauperis. The court granted in forma pauperis status, ordered respondents to show cause, set a briefing schedule, and stayed petitioner's removal pending further order.
PRECEDENTIAL VALUE	nonprecedential interim district-court order
PARTIES	Nikita Prokopev v. Christopher LaRose, Gregory Archambeault, Kristi Noem, Pamela Bondi

TOPICS

- federal habeas corpus
- removal proceedings
- injunctions
- subject matter jurisdiction
- immigration

PRACTICE AREAS

- immigration law
- federal habeas corpus
- civil procedure

QUESTIONS PRESENTED

1. Whether petitioner should be permitted to proceed in forma pauperis.
2. Whether respondents should be required to respond to the § 2241 habeas petition.
3. Whether the court should stay petitioner's removal to preserve jurisdiction and the status quo while the petition and the court's subject-matter jurisdiction remained pending.

HOLDINGS

1. Petitioner was permitted to proceed in forma pauperis because he attested that he lacked the means to pay the filing fee.
2. Respondents were ordered to show cause why the petition should not be granted and to file a written response by December 15, 2025; petitioner was permitted to file an optional traverse by December 17, 2025.
3. The court stayed petitioner's removal from the United States or the Southern District of California unless and until the court ordered otherwise, in order to preserve jurisdiction and the status quo pending resolution of the matter.

KEY QUOTATIONS

“Federal courts retain jurisdiction to preserve the status quo while determining whether it has subject matter jurisdiction over a case and while a petition is pending resolution from the court.” (at 2)

“the power to issue injunctive relief to prevent irreparable harm to the applicant and to preserve [] jurisdiction over the matter.” (at 2)

FACTUAL BACKGROUND

Nikita Prokopev filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and represented that he lacked the means to pay the \$5 filing fee. The order indicates that petitioner faced possible removal from the United States or the Southern District of California while the court considered the petition.

PROCEDURAL HISTORY

The matter came before the district court on petitioner's § 2241 habeas petition and application to proceed in forma pauperis. No merits determination was made; the court directed respondents to respond by December 15, 2025, allowed an optional traverse by December 17, 2025, and stayed removal to preserve jurisdiction while the petition remained pending.

DISPOSITION

other

CASES CITED

- Doe v. Bondi, Case No. 25-cv-805-BJC-JLB, 2025 WL 1870979, at *2 (S.D. Cal. June 11, 2025)

- A.M. v. LaRose et al., 25-cv-01412, ECF No. 2 (S.D. Cal. June 4, 2025)
- A.A.R.P. v. Trump, 605 U.S. 91, 97 (2025)
- Nguyen v. Scott, No. 2:25-CV-01398, 2025 WL 2097979, at *3 (W.D. Wash. July 25, 2025)

OPINION

Prokohev

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 NIKITA PROKOPEV, Case No.: 25-cv-3441-JES-MSB 12 Petitioner, ORDER: 13 v.

(1) GRANTING MOTION TO

14 CHRISTOPHER LAROSE; GREGORY

PROCEED IN FORMA PAUPERIS; ARCHAMBEAULT; KRISTI NOEM; 15

and PAMELA BONDI,

(2) REQUIRING A RESPONSE TO

16 Respondents. THE PETITION FOR WRIT OF 17 HABEAS CORPUS; 18

(3) SETTING BRIEFING

19 SCHEDULE; AND

20

(4) STAYING REMOVAL OF

21 PETITIONER TO PRESERVE

JURISDICTION

22 23 [ECF Nos. 1, 2] 24 25 Before the Court is Petitioner Nikita Propokev's ("Petitioner")
 Petition for Writ of 26 Habeas Corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. Concurrently,
 Petitioner also 27 filed a completed application to proceed in forma pauperis in which he attests he
 has no 28 means to pay the \$5.00 filing fee. ECF No. 2. Accordingly, the Court GRANTS 1 ||
 Petitioner's motion to proceed in forma pauperis. The Clerk shall file the Petition for a Writ 2 ||of
 Habeas Corpus without prepayment of the filing fee. 3 Respondents are hereby ORDERED TO
 SHOW CAUSE as to why the Petition 4 should not be granted by filing a written Response by
 December 15, 2025. Petitioner MAY 5 || FILE an optional Traverse in support of the Petition by
 December 17, 2025. 6 To preserve the Court's jurisdiction pending a ruling in this matter,
 Petitioner shall 7 ||not be removed from the United States or this District unless and until the Court
 orders 8 || otherwise. See Doe v. Bondi, Case. No. 25-cv-805-BJC-JLB, 2025 WL 1870979 at *2
 (S.D.

9 June 11, 2025) ("Federal courts retain jurisdiction to preserve the status quo while

10 || determining whether it has subject matter jurisdiction over a case and while a petition is 11 ||
 pending resolution from the court.") (citing cases); A.M. v. LaRose et al., 25-cv-01412, 12 ||ECF

No. 2 (S.D. Cal. June 4, 2025) (“Pursuant to Petitioner’s request for a Temporary 13 || restraining order, the Court hereby (1) RESTRAINS and ENJOINS Respondents, their 14 || agents, employees, successors, attorneys, and all persons in active concert and participation 15 || with them, from removing Petitioner A.M. from the United States or this District pending 16 || further order of this Court’); see also A.A.R.P v. Trump, 605 U.S. 91, 97 (2025) (finding 17 federal courts have “the power to issue injunctive relief to prevent irreparable harm to 18 || the applicant and to preserve [] jurisdiction over the matter.”); Nguyen v. Scott, No. 2:25- 19 || CV-01398, 2025 WL 2097979, at *3 (W.D. Wash. July 25, 2025) (enjoining the 20 || Respondents from removing Petitioner without approval from the court). 21 IT IS SO ORDERED. 22 || Dated: December 10, 2025 23 “ur Sin, 24 Honorable James E. Sunmons Jr. 5 United States District Judge 26 27 28