

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, LAFAYETTE DIVISION

**Simin Nicholas Shaw v. Judge S. Maurice Hicks, Jr., U.S.
Immigration & Customs Enforcement, and Magistrate Judge Perez-
Montes**

Shaw · No. 6:26-CV-00587 · Decided April 2, 2026

SUMMARY

The United States District Court for the Western District of Louisiana issued a memorandum order in Simin Nicholas Shaw’s petition for habeas corpus under 28 U.S.C. § 2241, seeking release from immigration detention. The court directed service of the petition and ordered the respondents to file a response with summary-judgment evidence within 21 days after service, followed by a 14-day period for the petitioner to submit contradictory evidence.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Lafayette Division
WRITING FOR THE COURT	Joseph H. L. Perez-Montes
JURISDICTION	United States District Court for the Western District of Louisiana, Lafayette Division
DECIDED	April 2, 2026
DOCKET	6:26-CV-00587
DISPOSITION	other
PROCEDURAL POSTURE	Petition for writ of habeas corpus under 28 U.S.C. § 2241 by an immigration detainee seeking release from detention. The court ordered respondents to respond and directed the parties to submit summary-judgment evidence concerning the lawfulness of the detention.
STANDARD OF REVIEW	The court will determine after completion of the record whether genuine issues of material fact exist that would preclude summary judgment and require an evidentiary hearing.
PRECEDENTIAL VALUE	Unpublished memorandum order addressing case-management and briefing procedures; precedential status is not stated in the opinion.

PARTIES

Simin Nicholas Shaw v. Judge S. Maurice Hicks, Jr., U.S. Immigration & Customs Enforcement, Magistrate Judge Perez-Montes

TOPICS

federal habeas corpus

immigration detention

summary judgment

immigration

civil procedure

PRACTICE AREAS

immigration law

federal habeas corpus

civil procedure

QUESTIONS PRESENTED

1. Whether the court should require respondents to answer a § 2241 habeas petition challenging immigration detention.
2. What briefing and summary-judgment procedure should govern the initial determination of whether Shaw is entitled to habeas relief.

HOLDINGS

1. The court may, in its discretion, order a respondent to file an answer, motion, or other response to a § 2241 habeas petition, and it exercised that discretion here by ordering respondents to respond.
2. The court established a 21-day deadline for respondents to file a response with summary-judgment evidence and a 14-day period for Shaw to submit contradictory summary-judgment evidence concerning the lawfulness of his detention.

KEY QUOTATIONS

“After the record is complete and delays have run, the Court will determine if genuine issues of material fact exist, which preclude summary judgment and necessitate an evidentiary hearing.”

“If no hearing is necessary, a Report and Recommendation will be issued without further notice.”

FACTUAL BACKGROUND

Simin Nicholas Shaw is an immigration detainee held at the South Louisiana ICE Processing Center in Basile, Louisiana. He filed a pro se petition under 28 U.S.C. § 2241 seeking release from detention. The order does not resolve the lawfulness of the detention; it establishes a briefing and evidentiary schedule.

PROCEDURAL HISTORY

Shaw filed a pro se § 2241 habeas petition while detained at the South Louisiana ICE Processing Center. Before ruling on entitlement to habeas relief, the court directed service of the petition and order, required respondents to file a response with summary-judgment evidence within 21 days after service, and allowed Shaw 14 days to submit contradictory evidence. The court stated that it would later determine whether factual disputes required an evidentiary hearing and, if not, issue a Report and Recommendation.

DISPOSITION

other

CASES CITED

- 552 U.S. 264, 278 (2008)
- 2018 WL 4869383, at *1 (W.D. La. 2018)
- 2008 WL 835764, *2 (E.D. Cal. 2008)
- 162 F. Supp. 2d 575, 577 (N.D. Tex. 2001)
- 952 F. Supp. 348 (S.D. W.Va. 1997)
- 2020 WL 1848073, at *1 (E.D. La. Apr. 18, 2020)

OPINION

a UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA LAFAYETTE DIVISION SIMIN NICHOLAS SHAW #A070-399- CIVIL DOCKET NO. 6:26-CV-00587 873, SEC P Petitioner VERSUS JUDGE S. MAURICE HICKS, JR. U S IMMIGRATION & CUSTOMS MAGISTRATE JUDGE PEREZ-MONTES ENFORCEMENT, Respondents MEMORANDUM ORDER Before the Court is a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1) filed by pro se Petitioner Simin Nicholas Shaw (“Shaw”), an immigration detainee at the South Louisiana ICE Processing Center in Basile, Louisiana.

Shaw seeks release from detention. A court may order a respondent to file an answer, motion, or other response, in its discretion. 28 U.S.C. § 2243; Rule 4 of the Rules Governing § 2254 Cases,; 552 U.S. 264, 278 (2008);, 6:18-CV-00544, 2018 WL 4869383, at *1 (W.D. La. 2018) (Hanna, M.J.)¹. And this Court has determined that a 21 day briefing schedule is reasonable and appropriate in similar cases.

1 Under Rule 1(b), the Rules Governing § 2254 Cases also apply to § 2241 habeas cases., 2008 WL 835764, *2 (E.D. Cal. 2008);, 162 F. Supp. 2d 575, 577 (N.D. Tex. 2001);, 952 F. Supp. 348 (S.D. W.Va. 1997); Accordingly, to determine whether Shaw is entitled to relief, THE CLERK IS DIRECTED to serve a summons, a copy of the Petition (ECF No. 1), and a copy of this Order, by certified mail, on: (1) the United States through the United States Attorney for the Western District of Louisiana; (2) the United States Attorney General; (3) DHS/ICE through its Office of General Counsel; and (4) the Warden where Shaw is detained.

IT IS ORDERED that a Response be filed within 21 days following the date of service of the Petition on the United States Attorney for the Western District of Louisiana, with summary judgment evidence regarding the lawfulness of his detention. IT IS FURTHER ORDERED that Petitioner shall have 14 days following the filing of Respondents’ answer to produce contradictory summary judgment evidence on the issue of the lawfulness of his detention.

After the record is complete and delays have run, the Court will determine if genuine issues of material fact exist, which preclude summary judgment and necessitate an evidentiary hearing. If no hearing is necessary, a Report and Recommendation will be issued without further notice. SIGNED on Thursday, April 2, 2026. fy JOSEPH H.L. PEREZ-MONTES UNITED STATES MAGISTRATE JUDGE v. Gusman, 20-CV-449, 2020 WL 1848073, at *1 (E.D.

La. Apr. 18, 2020) (“District courts are therefore free to apply these rules to habeas petitions brought under 28 U.S.C. § 2241”).

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