

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PRECEDENTIAL VALUE	Unpublished memorandum order addressing case-management and briefing procedures; precedential status is not stated in the opinion.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)

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