

**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

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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