

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

Belal Mohtashami v. Shay Rice et al.

Mohtashami · No. 1:26-CV-00618 · Decided May 6, 2026

SUMMARY

The United States District Court for the Western District of Louisiana addresses Belal Mohtashami’s pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his post-removal-order detention. The Court directs service of the petition and requires the government to respond within 21 days with evidence concerning the finality of the removal order, the likelihood of removal, travel-document efforts, and the lawfulness of detention. Mohtashami may reply within seven days, after which the Court will determine whether an evidentiary hearing or further proceedings are necessary.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Alexandria Division
WRITING FOR THE COURT	David J. Ayo, United States Magistrate Judge
JURISDICTION	United States District Court for the Western District of Louisiana, Alexandria Division
DECIDED	May 6, 2026
DOCKET	1:26-CV-00618
DISPOSITION	other
PROCEDURAL POSTURE	Petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging post-removal-order immigration detention. The court issued an initial memorandum order directing service and requiring the government to respond; it did not decide the merits of the petition.
STANDARD OF REVIEW	The court will determine after briefing whether genuine issues of material fact exist that would preclude summary judgment and require an evidentiary hearing.
PRECEDENTIAL VALUE	unpublished
PARTIES	Belal Mohtashami v. Shay Rice et al.

TOPICS

immigration detention

federal habeas corpus

removal proceedings

summary judgment

civil procedure

PRACTICE AREAS

immigration law

federal habeas corpus

immigration detention

QUESTIONS PRESENTED

1. Whether the court should require the respondents to respond to Mohtashami's § 2241 petition challenging post-removal-order detention.
2. Whether the court may apply the Rules Governing § 2254 Cases to this § 2241 habeas proceeding.
3. What factual issues the government must address in responding to the detention challenge, including the finality of the removal order, the likelihood of removal in the reasonably foreseeable future, and the legality of detention.

HOLDINGS

1. The court exercised its discretion to require the respondents to file a response to the habeas petition and to support that response with evidence addressing the lawfulness and continuance of Mohtashami's detention.
2. The court applied the Rules Governing § 2254 Cases as procedurally applicable to the § 2241 habeas petition.

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.”

FACTUAL BACKGROUND

Belal Mohtashami is an immigration detainee held at the Central Louisiana ICE Processing Center in Jena, Louisiana. He sought release from detention following a removal order, and the court required the government to address whether the removal order was final, whether removal was significantly likely in the reasonably foreseeable future, and whether the detention was otherwise lawful, including efforts to obtain travel documents.

PROCEDURAL HISTORY

Mohtashami, an immigration detainee, filed a § 2241 petition seeking release from post-removal-order detention. The court directed service on the United States, the Attorney General, DHS/ICE, and the detention facility warden, ordered a response supported by summary-judgment evidence within 21 days, allowed petitioner seven days to reply, and reserved determination of whether an evidentiary hearing or report and recommendation would be necessary.

DISPOSITION

CASES CITED

- Danforth v. Minnesota, 552 U.S. 264, 278 (2008)
- Maniar v. Warden Pine Prairie Corr. Ctr., 6:18-CV-00544, 2018 WL 4869383, at *1 (W.D. La. 2018)
- Hickey v. Adler, 2008 WL 835764, at *2 (E.D. Cal. 2008)
- Castillo v. Pratt, 162 F. Supp. 2d 575, 577 (N.D. Tex. 2001)
- Wyant v. Edwards, 952 F. Supp. 348 (S.D. W.Va. 1997)
- Taylor v. Gusman, 20-CV-449, 2020 WL 1848073, at *1 (E.D. La. Apr. 13, 2020)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA ALEXANDRIA DIVISION BELAL MOHTASHAMI #A244-550-893 CASE NO. 1:26-CV-00618 SEC P VERSUS JUDGE JAMES D. CAIN, JR. SHAY RICE ET AL MAGISTRATE JUDGE DAVID J. AYO MEMORANDUM ORDER Before the Court is a PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 [Doc. 1] filed by pro se Petitioner Belal Mohtashami (“Mohtashami”), an immigration detainee at the Central Louisiana ICE Processing Center in Jena, Louisiana.

Mohtashami seeks his release from post-removal order detention. A court may order a respondent to file an answer, motion, or other response, in its discretion. See generally 28 U.S.C. § 2243; Rule 4 of the Rules Governing § 2254 Cases; *Danforth v. Minnesota*, 552 U.S. 264, 278 (2008); *Maniar v. Warden Pine Prairie Corr. Ctr.*, 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 with seven days to reply is reasonable and appropriate in similar cases. To determine whether Mohtashami is entitled to relief, THE CLERK IS DIRECTED to serve a summons, a copy of the PETITION [Doc. 1], and a copy of this ORDER, by certified mail, on: (1) the United States through the United States Attorney for the Western District 1 Under Rule 1(b), the Rules Governing § 2254 Cases also apply to § 2241 habeas cases.

See *Hickey v. Adler*, 2008 WL 835764, *2 (E.D. Cal. 2008); *Castillo v. Pratt*, 162 F. Supp. 2d 575, 577 (N.D. Tex. 2001); *Wyant v. Edwards*, 952 F. Supp. 348 (S.D. W.Va. 1997); see also *Taylor v. Gusman*, 20-CV-449, 2020 WL 1848073, at *1 (E.D. La. Apr. 13, 2020) (“District courts are therefore free to apply these rules to habeas petitions brought under 28 U.S.C. § 2241.”). of Louisiana; (2) the United States Attorney General; (3) DHS/ICE through its Office of General Counsel; and by regular mail on (4) the Warden where Mohtashami is detained.

IT IS ORDERED that a response be filed within 21 days after service on the United States Attorney for the Western District of Louisiana, with summary judgment evidence indicating whether Petitioner's order of removal is final, whether there is a significant likelihood of removal in the reasonably foreseeable future, and whether Petitioner's detention is otherwise lawful.

This evidence shall include information regarding efforts made to obtain travel documents from any country. IT IS FURTHER ORDERED that Petitioner shall have seven days to reply. 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. THUS DONE in Chambers on this 6th day of May, 2026. UNITED STATES MAGISTRATE JUDGE