

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA

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

Civil Action No. 26-0587 (W.D. La. May 7, 2026) · No. Civil Action No. 26-0587; 6:26-cv-00587 · Decided
May 7, 2026

SUMMARY

The United States District Court for the Western District of Louisiana denied Simin Nicholas Shaw’s motion to terminate mandatory Immigration and Customs Enforcement detention. The court concluded that the requested immediate release was injunctive relief duplicating the merits sought in Shaw’s habeas petition and should not be granted through a preliminary motion.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana
WRITING FOR THE COURT	S. Maurice Hicks, Jr.
JURISDICTION	United States District Court for the Western District of Louisiana
DECIDED	May 7, 2026
DOCKET	Civil Action No. 26-0587; 6:26-cv-00587
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought injunctive relief terminating mandatory ICE detention and obtaining immediate release while her federal habeas petition challenging continued detention remained pending.
STANDARD OF REVIEW	Whether to grant or deny a temporary restraining order is committed to the district court's discretion; extraordinary injunctive relief requires satisfaction of the four TRO factors.
PRECEDENTIAL VALUE	unknown; memorandum order from a federal district court
PARTIES	Simin Nicholas Shaw v. Judge S. Maurice Hicks, Jr., U.S. Immigration & Customs Enforcement, Magistrate Judge Perez-Montes

TOPICS

immigration detention

federal habeas corpus

injunctions

removal proceedings

civil procedure

PRACTICE AREAS

immigration law

federal habeas corpus

injunctive relief

civil procedure

QUESTIONS PRESENTED

1. Whether Shaw was entitled to injunctive relief terminating her mandatory ICE detention and ordering her immediate release while her habeas petition remained pending.
2. Whether a temporary restraining order or preliminary injunction may be used to obtain an advance ruling on the ultimate merits of a pending habeas petition rather than to preserve the status quo.

HOLDINGS

1. Preliminary injunctive relief should not conclusively resolve the legal disputes presented in the underlying action; it is intended to preserve the status quo until a trial or other final disposition.
2. Shaw was not entitled to a temporary restraining order because she did not establish a basis for the extraordinary injunctive relief requested, which sought immediate release and an advance merits determination.

KEY QUOTATIONS

“A ruling on the instant Motion should not resolve the legal disputes in this case.” (at *2)

“Petitioner's motion for injunctive relief is essentially a motion to decide the habeas petition now.” (at *2)

FACTUAL BACKGROUND

A final order of removal was entered against Shaw on February 18, 2014. She was detained at the South Louisiana ICE Processing Center in Basile, Louisiana. Shaw's habeas petition challenged the legality of her continued detention and sought immediate release, and her present motion to terminate mandatory ICE detention requested substantially identical relief.

PROCEDURAL HISTORY

A final order of removal was entered against Shaw on February 18, 2014. Shaw filed a petition for a writ of habeas corpus on February 24, 2026, challenging her continued detention, and previously filed a motion to terminate mandatory ICE detention that was denied on April 9, 2026. She filed the present motion seeking substantially identical relief, which the district court denied because it sought an advance merits ruling on the habeas petition through injunctive relief.

DISPOSITION

other

CASES CITED

- *Misquitta v. Warden Pine Prairie ICE Processing Center*, 353 F. Supp. 518, 521 (W.D. La. Nov. 16, 2018)
- *Piedmont Heights Civic Club, Inc. v. Moreland*, 637 F.2d 430 (5th Cir. 1981)
- *Moore v. Brown*, 868 F.3d 398, 402 (5th Cir. 2017)
- *Albright v. City of New Orleans*, 46 F. Supp. 2d 523, 532 (E.D. La. 1999)
- *Suburban Propane, L.P. v. D & S GCTX LLC*, 2025 WL 2429087, at *2 (W.D. Tex. 2025)
- *Anderson v. Jackson*, 556 F.3d 351, 355-56 (5th Cir. 2009)
- *Pema Sherpa v. Judith Almodovar, et al.*, No. 3:25-CV-01718 SEC P, 2026 WL 74401, at *2 (W.D. La. Jan. 9, 2026)
- *Lackey v. Stinnie*, 604 U.S. 192, 193, 200 (2025)
- *Canal Authority of the State of Florida v. Callaway*, 489 F.2d 567, 573 (5th Cir. 1974)
- *Garcia-Aleman v. Thompson*, No. SA-25-CV-00886-OLG-HJB, 2025 WL 3769302, at *1 (W.D. Tex. Oct. 30, 2025)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA LAFAYETTE DIVISION SIMIN NICHOLAS SHAW CIVIL ACTION NO. 26-0587 VERSUS JUDGE S. MAURICE HICKS, JR. U.S. IMMIGRATION & CUSTOMS MAGISTRATE JUDGE PEREZ-MONTES ENFORCEMENT MEMORANDUM ORDER Before the Court is a Motion to Terminate Mandatory ICE Detention (Record Document 22) filed by the pro se habeas petitioner in this case, Simin Nicholas Shaw (“Petitioner”).¹ A final order of removal was entered as to Petitioner on February 18, 2014.

See Record Document 22 at 2. She is presently detained at the South Louisiana ICE Processing Center in Basile, Louisiana. See *id.* On February 24, 2026, Petitioner filed a Petition for Writ of Habeas Corpus. See Record Document 1.

In the Habeas Petition, Petitioner challenges the legality of her continued detention and seeks immediate release from custody. See Record Document 1-2 at 8. Likewise, in the instant Motion, Petitioner seeks substantially identical relief— namely, termination of her mandatory ICE detention. See Record Document 22 at 4. Like her previously filed Motion to Terminate Mandatory ICE Detention, Petitioner’s request in the instant Motion is one for injunctive relief.

An applicant for a Temporary Restraining Order (“TRO”) must demonstrate each of the following: (1) a substantial likelihood his cause will succeed on the merits, (2) a substantial threat of irreparable injury ¹ In February 2026, Petitioner filed her first Motion to Terminate Mandatory ICE Detention. See Record Document 3.

The motion was denied on April 9, 2026. See Record Document 16. if the injunction is not granted, (3) the threatened injury outweighs the threatened harm the injunction may do to the

opposing party, and (4) granting the injunction will not disserve the public interest. See *Misquitta v. Warden Pine Prairie ICE Processing Center*, 353 F. Supp. 518, 521 (W.D. La. Nov.

16, 2018) (citing *Piedmont Heights Civic Club, Inc. v. Moreland*, 637 F.2d 430 (5th Cir. 1981)). The decision of whether to grant or deny a TRO lies in the district court's discretion. See *Moore v. Brown*, 868 F.3d 398, 402 (5th Cir. 2017). Courts should deny such motions more often than not. See *Albright v. City of New Orleans*, 46 F.Supp.2d 523, 532 (E.D. La. 1999) (explaining that temporary restraining orders are "extraordinary relief and rarely issued."); see also *Suburban Propane, L.P. v. D & S GCTX LLC*, 2025 WL 2429087, at *2 (W.D.

Tex. 2025) (holding that the extraordinary relief under Rule 65 must be "unequivocally show[n]."); see also *Anderson v. Jackson*, 556 F.3d 351, 355–56 (5th Cir. 2009) ("Only under 'extraordinary circumstances' will this court reverse the denial of a preliminary injunction."). Petitioner once again seeks injunctive relief that mirrors the relief requested in her Habeas Petition, that is, immediate release from ICE detention.

In *Pema Sherpa v. Judith Almodovar, et al.*, another judge within this District decided a similarly situated case, stating: The Supreme Court, very recently, reminded lower courts that preliminary injunctions are, as their name suggests, preliminary and should "not conclusively resolve legal disputes." *Lackey v. Stinnie*, 604 U.S. 192, 200 (2025).

In other words, they should not be used to rule on the final, merits question. Rather, TROs and preliminary injunctions help "preserve the status quo until a trial" or other final disposition is rendered. *Id.* at 193. That begs the question: what does it mean to preserve the status quo? While the words "status quo" do not appear within Rule 65..., it is implicit in the "irreparable harm" prong....

Irreparable harm must also take away "the court's ability to render a meaningful decision on the merits." *Canal Auth. of the State of Florida v. Callaway*, 489 F.2d 567, 573 (5th Cir. 1974); see also Samuel L. Bray, *The Purposes of the Preliminary Injunction*, 78 Vand. L. Rev. 809, 823-26 (2025) (concluding the same after probing Founding-era sources). Put differently, "[t]here is always a status quo.

There should not be a preliminary injunction to protect it, however, unless the court's ability to render a meaningful decision on the merits would otherwise be in jeopardy." *Callaway*, 489 F.2d at 573. No. 3:25-CV-01718 SEC P, 2026 WL 74401, at *2 (W.D. La. Jan. 9, 2026). A ruling on the instant Motion should not resolve the legal disputes in this case.

Thus, to the extent Petitioner asks for an order of immediate release from custody, the Court views this request as an effort to obtain a ruling on the merits of her Habeas Petition through injunctive relief. Petitioner's motion for injunctive relief is essentially a motion to decide the habeas petition

now. See *Garcia-Aleman v. Thompson*, No. SA-25-CV-00886-OLG- HJB, 2025 WL 3769302, at *1 (W.D.

Tex. Oct. 30, 2025). Accordingly, IT IS ORDERED that Petitioner's Motion to Terminate Mandatory ICE Detention (Record Document 22) is hereby DENIED. THUS DONE AND SIGNED, in Shreveport, Louisiana, this 7th day of May, 2026. ~§. MAURICE HICKS, JR. 7 UNITED STATES DISTRICT JUDGE