

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

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civil procedure

PRACTICE AREAS

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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)

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