

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Abhishek Rashmi Shah v. Don Jones, et al.

Shah · No. CIV-25-1238-D · Decided January 8, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma adopted a magistrate judge's Report and Recommendation and dismissed Abhishek Rashmi Shah's 28 U.S.C. § 2241 habeas petition as moot. The dismissal followed notice that Shah had been deported to India and was no longer in the custody of U.S. Immigration and Customs Enforcement, and no timely objection was filed.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Timothy D. DeGiusti
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	January 8, 2026
DOCKET	CIV-25-1238-D
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241. After a magistrate judge recommended dismissal as moot because Petitioner had been deported and was no longer in ICE custody, the district court adopted the Report and Recommendation and dismissed the action.
STANDARD OF REVIEW	The court applied waiver principles based on the failure to timely object to the magistrate judge's Report and Recommendation and adopted the recommendation.
PRECEDENTIAL VALUE	Unknown; district court order designated per curiam, with no reporter citation or stated precedential designation.

TOPICS

- federal habeas corpus
- immigration detention
- deportation
- removal proceedings

PRACTICE AREAS

immigration

federal habeas corpus

immigration detention

civil procedure

QUESTIONS PRESENTED

1. Whether the petition should be dismissed as moot after Petitioner was deported and was no longer in ICE custody.
2. Whether Petitioner's failure to timely object to the magistrate judge's Report and Recommendation waived further review of the issues addressed in that recommendation.

HOLDINGS

1. A party who fails to timely object to a magistrate judge's Report and Recommendation, after being informed of the objection procedure and consequences, waives further review of the issues addressed in the recommendation.
2. The § 2241 petition was moot because Petitioner had been deported and was no longer in the custody of U.S. Immigration and Customs Enforcement.

KEY QUOTATIONS

“For the reasons explained by Judge Mitchell in the R and R, the Court finds this action should be dismissed as moot.” (Order)

“This action is DISMISSED AS MOOT.” (Order)

FACTUAL BACKGROUND

Abhishek Rashmi Shah filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. While the petition was pending, Respondents notified the court that Shah had been deported to India on November 17, 2025, and was no longer in the custody of U.S. Immigration and Customs Enforcement. Shah did not timely object to the magistrate judge's recommendation that the petition be dismissed as moot.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition, and the matter was referred to Magistrate Judge Suzanne Mitchell. Respondents notified the court that Petitioner had been deported to India on November 17, 2025. The magistrate judge recommended dismissal as moot. Petitioner filed no timely objection, so the district court found that he waived further review of the issues addressed in the Report and Recommendation, adopted it in full, and dismissed the action as moot.

DISPOSITION

dismissed

CASES CITED

- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)

- United States v. 2121 East 30th Street, 73 F.3d 1057, 1060 (10th Cir. 1996)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA ABHISHEK RASHMI SHAH,)) Petitioner,)) v.) Case No. CIV-25-1238-D) DON JONES, et al.,)) Respondents.) ORDER Petitioner Abishek Rashmi Shah filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. [Doc. No. 1].

The matter was referred to United States Magistrate Judge Suzanne Mitchell for initial proceedings in accordance with 28 U.S.C § 636(b)(1)(B) and (C). [Doc. No. 4]. On November 18, 2025, Judge Mitchell ordered Respondents to file a response to the Petition. [Doc. No. 8].

On December 4, 2025, Respondents filed a notice in which they informed the Court that Petitioner had been deported to India on November 17, 2025. [Doc. No. 12]. On December 16, 2025, Judge Mitchell issued a Report and Recommendation (“the R and R”) recommending the Court dismiss as moot the Petition because the Petitioner was no longer in the custody of U.S. Immigration and Customs Enforcement.

The case file shows no timely objection to the R and R nor request for an extension of time, even though Petitioner was expressly informed of his right to object, the procedure for doing so, and the consequences of failing to object.

Therefore, the Court finds that Petitioner has waived further review of all issues addressed in the R and R. See *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); see also *United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

For the reasons explained by Judge Mitchell in the R and R, the Court finds this action should be dismissed as moot. IT IS THEREFORE ORDERED that the R and R [Doc. No. 14] is ADOPTED in its entirety. This action is DISMISSED AS MOOT. A separate judgment of dismissal shall be entered. IT IS SO ORDERED this 8" day of January, 2026. Ay 0. OPE TIMOTHY D. DeGIUSTI
Chief United States District Judge