

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

Moses Onyango Okoth v. Judge Edwards et al.

Okoth · No. 1:26-CV-01411 · Decided May 4, 2026

SUMMARY

The United States District Court for the Western District of Louisiana directs service of a pro se immigration detainee’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court orders the respondents to file a response within 21 days after service, including summary judgment evidence concerning the lawfulness of the detention, and permits the petitioner seven days to reply. The order states that the court will determine whether an evidentiary hearing is necessary and, if not, issue a report and recommendation.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Alexandria Division
WRITING FOR THE COURT	Carol B. Whitehurst
JURISDICTION	United States District Court for the Western District of Louisiana, Alexandria Division
DECIDED	May 4, 2026
DOCKET	1:26-CV-01411
DISPOSITION	other
PROCEDURAL POSTURE	A federal immigration detainee filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 seeking release from prolonged detention. The court issued a memorandum order directing service and requiring the government to respond with summary-judgment evidence concerning the lawfulness of the detention.
STANDARD OF REVIEW	The court stated that, after the record was complete, it would determine whether genuine issues of material fact existed that would preclude summary judgment and require an evidentiary hearing.
PRECEDENTIAL VALUE	Unpublished memorandum order; precedential status not identified in the opinion.

PARTIES

Moses Onyango Okoth v. Judge Edwards, Chief Counsel, U.S. DHS-ICE, et al.

TOPICS

federal habeas corpus

immigration detention

summary judgment

civil procedure

PRACTICE AREAS

immigration

federal habeas corpus

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the court should require the respondents to answer a § 2241 petition challenging the lawfulness of immigration detention.
2. Whether a 21-day period for the government's response and a seven-day period for the petitioner's reply were reasonable and appropriate.

HOLDINGS

1. The court may, in its discretion, direct a respondent to file an answer, motion, or other response to a habeas petition, and it directed the respondents to respond to Okoth's petition.
2. A 21-day period for the government's response, followed by a seven-day period for the petitioner's reply, was reasonable and appropriate for this detention challenge.

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.” (unpaginated)

FACTUAL BACKGROUND

Moses Onyango Okoth was an immigration detainee at Winn Correctional Center in Winnfield, Louisiana. He filed a § 2241 petition seeking release from allegedly prolonged detention.

PROCEDURAL HISTORY

Okoth filed a § 2241 habeas petition while detained at Winn Correctional Center. Before adjudicating entitlement to relief, the court directed the clerk to serve the petition and order on the specified federal respondents and the warden, ordered a response within 21 days after service, allowed Okoth seven days to reply, and stated that it would determine whether an evidentiary hearing was necessary after the record was complete.

DISPOSITION

other

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

Okoth

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

MOSES ONYANGO OKOTH #A087- CIVIL ACTION NO. 1:26-CV-01411

686-062 SEC P

VERSUS JUDGE EDWARDS

CHIEF COUNSEL U S D H S - I C E MAGISTRATE JUDGE CAROL B.

ET AL WHITEHURST

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 Moses Onyango Okoth ("Okoth"), an immigration detainee at Winn Correctional Center in Winnfield, Louisiana. Okoth seeks release from prolonged 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 is reasonable and appropriate in similar cases. 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"). Accordingly, to determine whether Okoth 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 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 Okoth 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 detention. 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. Signed at Lafayette, Louisiana on this 4th day of May, 2026. 'CAROL B.WHITEHURST sits

UNITED STATES MAGISTRATE JUDGE