

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Valentina Jimenez Osorio o/b/o Marlon Danilo Osorio Zapata v.
Director, Delaney Hall Detention Facility, et al.

Osorio · No. Civil Action No. 26-359 (JXN); 2:26-cv-00359 · Decided February 4, 2026

SUMMARY

The United States District Court for the District of New Jersey administratively terminated a § 2241 habeas matter brought by Valentina Jimenez Osorio as next friend of immigration detainee Marlon Danilo Osorio Zapata. The court held that Osorio had not shown why the detainee could not file on his own behalf and, as a non-attorney, could not represent him without counsel. The court denied the next-friend request without prejudice and permitted reopening upon submission of a signed petition by the detainee or a counseled motion satisfying the next-friend requirements.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Julien Xavier Neals
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 4, 2026
DOCKET	Civil Action No. 26-359 (JXN); 2:26-cv-00359
DISPOSITION	other
PROCEDURAL POSTURE	A pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 was filed by Valentina Jimenez Osorio as the purported next friend of immigration detainee Marlon Danilo Osorio Zapata. The court screened the petition and denied the request to proceed as next friend without prejudice, administratively terminating the matter while allowing either Osorio or the detainee to cure the defects within thirty days.
STANDARD OF REVIEW	The court applied the screening standard under Rule 4 of the Rules Governing Section 2254 Cases, as made applicable to § 2241 petitions through Rule 1(b), asking whether it plainly appeared from the petition and exhibits that the petitioner was not entitled to relief.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; persuasive value only.

PARTIES

Valentina Jimenez Osorio o/b/o Marlon Danilo Osorio Zapata v.
Director, Delaney Hall Detention Facility, et al.

TOPICS

immigration detention

standing

civil procedure

due process

immigration

PRACTICE AREAS

Habeas corpus

Immigration detention

Federal civil procedure

Legal representation and next-friend standing

QUESTIONS PRESENTED

1. Whether Valentina Jimenez Osorio established the requirements to proceed as the immigration detainee's next friend in a § 2241 habeas proceeding.
2. Whether a nonattorney may represent another party in federal court as a next friend without retaining an attorney.
3. What disposition was appropriate when the purported next friend failed to establish standing and authorization to litigate on the detainee's behalf.

HOLDINGS

1. A purported next friend must clearly establish why the real party in interest cannot appear on his own behalf, must demonstrate dedication to the real party's best interests, and must satisfy the applicable relationship and authorization requirements. Osorio failed to satisfy the first requirement because she did not explain why the detainee could not file the petition himself.
2. A nonattorney may not represent another party in federal court merely by styling himself or herself as a next friend.
3. The request to proceed as next friend was denied without prejudice, and the matter was administratively terminated subject to reopening if the identified defects were timely cured.

KEY QUOTATIONS

"The burden is on the 'next friend' clearly to establish the propriety of his status and thereby justify the jurisdiction of the court."

"A non- attorney cannot represent another party, even if acting as a next friend."

FACTUAL BACKGROUND

Marlon Danilo Osorio Zapata was detained at Delaney Hall Detention Center in Newark, New Jersey, after being arrested by the Department of Homeland Security on December 6, 2025. The petition alleged that his detention without an individualized bond hearing violated due process. Valentina Jimenez Osorio filed the petition as his purported next friend but did not explain why he could not file personally or provide evidence that he was incompetent to do so.

PROCEDURAL HISTORY

Osorio submitted the § 2241 petition on January 12, 2026, challenging the detainee's detention without an individualized bond hearing and seeking to litigate on his behalf as a next friend. The district court determined that Osorio had not shown why the detainee could not file on his own behalf and had not established authorization to represent another person. The court administratively terminated the matter and provided procedures for reopening.

DISPOSITION

other

CASES CITED

- *McFarland v. Scott*, 512 U.S. 849, 856 (1994)
- *Whitmore v. Arkansas*, 495 U.S. 149, 161–64 (1990)
- *Dyer ex rel. Dyer v. Warden of S. Woods State Prison*, No. 25-14807, 2025 WL 2783868, at *2 (D.N.J. Sept. 30, 2025)
- *Figueroa v. Rivera*, 147 F.3d 77, 82 (1st Cir. 1998)
- *Berrios v. New York City Hous. Auth.*, 564 F.3d 130, 132 (2d Cir. 2009)
- *Lattanzio v. COMTA*, 481 F.3d 137, 139 (2d Cir. 2007)
- *Schlemmer v. Cent. Intelligence Agency*, 804 F. App'x 127, 128 n. 2 (3d Cir. May 13, 2020)
- *Kerrigan*, No. 2021 WL 6424641, at *2
- *Burton v. United States*, No. 20-5322, 2020 WL 2899496, at *2 (D.N.J. June 3, 2020)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY VALENTINA JIMENEZ OSORIO o/b/o MARLON DANILO OSORIO ZAPATA, Civil Action No. 26-359 (JXN) Petitioner, v. MEMORANDUM AND ORDER DIRECTOR, DELANEY HALL DETENTION FACILITY, et al., Respondents. NEALS, District Judge Before the Court is a pro se Petition for Writ of Habeas Corpus (“Petition”) pursuant to 28 U.S.C. § 2241, brought by Valentina Jimenez Osorio (“Osorio”) as “next friend” of petitioner Marlon Danilo Osorio (“Petitioner”), an immigration detainee confined at Delaney Hall Detention Center in Newark, New Jersey.

(See generally ECF Nos. 1, 1-1.) The \$5.00 filing fee has been paid. The Court is required, pursuant to Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 through Rule 1(b), to screen the petition and determine whether it “plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief.” Pursuant to this rule, a district court is “authorized to dismiss summarily any habeas petition that appears legally insufficient on its face.” *McFarland v. Scott*, 512 U.S. 849, 856 (1994).

On January 12, 2026, Osorio submitted the Petition as what the Court construes as Petitioner's "next friend." (See ECF Nos. 1, 1-1.) According to the Petition, Petitioner is currently detained at Delaney Hall Detention Center after being arrested by the Department of Homeland Security ("DHS") on December 6, 2025. (ECF No. 1 at 1-2.)

The Petition argues that Petitioner's detention without an individualized bond hearing violates his due process rights. (Id. at 2.) Osario seeks to file the Petition as a "next friend" on Petitioner's behalf. The federal habeas statute requires that a petition for a writ of habeas corpus "shall be in writing signed and verified by the person for whose relief it is intended or someone acting in his behalf." 28 U.S.C. § 2242; see also Rule 2(c)(5) of the Rules Governing Section 2254 Cases in the United States District Courts (applicable to § 2241 petitions through Rule 1(b) and requiring the petition to be signed under penalty of perjury or by a person authorized to sign it for the petitioner under § 2242).

In limited circumstances, persons unable to prosecute their own action may have third persons—"next friends"—stand in for them. See *Whitmore v. Arkansas*, 495 U.S. 149, 161–62 (1990). "First, a 'next friend' must provide an adequate explanation — such as inaccessibility, mental incompetence, or other disability — why the real party in interest cannot appear on his own behalf to prosecute the action." Id. at 163. "Second, the 'next friend' must be truly dedicated to the best interests of the person on whose behalf he seeks to litigate, and it has been further suggested that a 'next friend' must have some significant relationship with the real party in interest." Id. at 163–64. "The burden is on the 'next friend' clearly to establish the propriety of his status and thereby justify the jurisdiction of the court." Id. at 164. "[N]ext friend" standing "'is by no means granted automatically to whomever seeks to pursue an action on behalf of another,' id. at 163, and next friend habeas petitions are 'rare.'" *Dyer ex rel.*

Dyer v. Warden of S. Woods State Prison, No. 25-14807, 2025 WL 2783868, at *2 (D.N.J. Sept. 30, 2025) (citing *Figueroa v. Rivera*, 147 F.3d 77, 82 (1st Cir. 1998)). Osario fails to meet the first "next friend" requirement. Osario does not explain why Petitioner cannot bring this Petition on his own behalf. (See generally ECF Nos. 1, 1-1.)

Although Petitioner is in immigration detention, Petitioner may file a Petition pro se. Osorio has not provided evidence that Petitioner is otherwise incompetent to file a petition on his own. In addition, "[i]n the federal courts, 'parties may plead and conduct their own cases personally or by counsel.' This provision authorizes only 'two types of representation: 'that by an attorney admitted to the practice of law by a governmental regulatory body and that by a person representing himself.'"" *Berrios v. New York City Hous.*

Auth., 564 F.3d 130, 132 (2d Cir. 2009) (quoting 28 U.S.C. § 1654; *Lattanzio v. COMTA*, 481 F.3d 137, 139 (2d Cir. 2007)). In other words, Petitioner can appear on his own behalf or with an

attorney to represent him. “A non- attorney cannot represent another party, even if acting as a next friend.” *Schlemmer v. Cent. Intelligence Agency*, 804 F. App’x 127, 128, n. 2 (3d Cir.

May 13, 2020). Osorio has provided no evidence that he is an attorney. As a result, Osorio, as a lay person, cannot pursue this case as a “next friend” without retaining an attorney. “In other words, Petitioner can appear on his own behalf... [,] with an attorney to represent him,” or with a next friend who has retained an attorney. *Kerrigan*, No. 2021 WL 6424641, at * 2 (quoting *Burton v. United States*, No. 20-5322, 2020 WL 2899496, at *2 (D.N.J.

June 3, 2020)). For all of those reasons, the Court will deny Osorio’s request to pursue this case as Petitioner’s next friend. Petitioner may reopen this matter by timely submitting a signed Petition on his own behalf. Alternatively, Osorio may reopen this matter if he can show why Petitioner cannot pursue this Petition on his own behalf and that Osorio has retained an attorney and filed a counseled motion to proceed at Petitioner’s “next friend.” Accordingly, IT IS, on this 4th day of February 2026, ORDERED that the Clerk of the Court shall ADMINISTRATIVELY TERMINATE this matter; it is further ORDERED that Osorio’s request to pursue this matter as Petitioner’s “next friend” is DENIED without prejudice; Orsorio may renew the request (1) upon the submission of an explanation why Petitioner cannot file a Petition on his own behalf, (2) after hiring an attorney, and (3) and filing a counseled motion to proceed as “next friend” within thirty (30) days from the date of this Order; it is further ORDERED that alternatively, Petitioner has thirty (30) days from the date of this Order to submit a signed Petition on his own behalf; and it is further ORDERED that the Clerk of the Court shall serve a copy of the Order upon Petitioner by regular U.S. mail. _____ JULIEN XAVIER NEALS United States District Judge