

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

Grenier Rivero-Tapanes v. Warden

Rivero-Tapanes · No. 2:26-cv-00286-SPC-DNF · Decided February 11, 2026

SUMMARY

The United States District Court for the Middle District of Florida dismissed without prejudice a pro se habeas petition challenging immigration detention. The court found that the petition was unsigned and did not properly identify a respondent, and allowed the petitioner 21 days to file a signed and verified amended petition or establish the propriety of next-friend status.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	February 11, 2026
DOCKET	2:26-cv-00286-SPC-DNF
DISPOSITION	dismissed
PROCEDURAL POSTURE	The petitioner filed a pro se petition for a writ of habeas corpus challenging immigration detention. The district court dismissed the petition without prejudice because it was unsigned and did not identify a proper respondent, while granting 21 days to file an amended petition.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Grenier Rivero-Tapanes v. Warden

TOPICS

- federal habeas corpus
- immigration detention
- pleadings
- civil procedure

PRACTICE AREAS

- immigration
- federal habeas corpus
- civil procedure

QUESTIONS PRESENTED

1. Whether an unsigned habeas petition satisfies 28 U.S.C. § 2242 when the person filing or preparing it has not established next-friend status.
2. Whether the petition was deficient under 28 U.S.C. § 2242 because it did not identify the person having custody over the petitioner and the authority for that custody.
3. Whether the deficient petition should be dismissed without prejudice with an opportunity to amend.

HOLDINGS

1. A habeas petition must be signed and verified by the person seeking relief or by a properly established next friend; merely labeling the preparer an "Authorized Representative" does not establish next-friend status.
2. A habeas petition must identify the person who has custody over the petitioner and the claim or authority supporting that custody, if known; the petition's failure to identify a respondent was an independent defect warranting dismissal.
3. The petition was dismissed without prejudice because it was unsigned and failed to identify a proper respondent, and the petitioner was permitted to file a compliant amended petition within 21 days.

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."

"For these reasons, Rivero-Tapanes's petition is DISMISSED without prejudice."

FACTUAL BACKGROUND

The petitioner alleged that he was unlawfully detained by immigration authorities because his removal was not reasonably foreseeable. The petition was unsigned; instead, the preparer typed "Authorized Representative." The petition also failed to identify a respondent or explain the authority by which the named respondent had custody over the petitioner.

PROCEDURAL HISTORY

Grenier Rivero-Tapanes filed a petition alleging that immigration authorities were unlawfully detaining him because there was no significant likelihood of removal in the reasonably foreseeable future. The court dismissed the petition without prejudice and permitted a signed and verified amended petition to be filed within 21 days.

DISPOSITION

dismissed

CASES CITED

- Whitmore v. Arkansas, 495 U.S. 149, 162-64 (1990)
- Rumsfeld v. Padilla, 542 U.S. 426, 435 n.8 (2004)

- Masingene v. Martin, 424 F. Supp. 3d 1298, 1302 (S.D. Fla. 2020)

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