

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION

Gilberto Santos Pineda v. Warden, Caroline Detention Facility

Pineda v. Warden · No. 3:26cv229 (DJN) · Decided April 13, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia denied without prejudice and dismissed an immigration-detention habeas petition under 28 U.S.C. § 2241 because the petitioner's wife did not establish next-friend standing and the petitioner had not signed the filings. The court also denied pending motions without prejudice and directed the Clerk to mail the petitioner a copy of the opinion and a standardized § 2241 petition form.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	David J. Novak
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	April 13, 2026
DOCKET	3:26cv229 (DJN)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention, filed by the petitioner's wife as a purported next friend.
STANDARD OF REVIEW	The purported next friend bears the burden of clearly establishing the propriety of next-friend status as a basis for the court's jurisdiction.
PRECEDENTIAL VALUE	unpublished
PARTIES	Gilberto Santos Pineda v. Warden, Caroline Detention Facility

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a detainee's wife may file a § 2241 habeas petition as a next friend without establishing that the detainee is unable to appear on his own behalf.
2. Whether the unsigned petition complied with Rule 2(c)(5) of the Rules Governing § 2254 Cases as applied to a § 2241 petition.

HOLDINGS

1. A purported next friend must clearly establish both why the real party in interest cannot appear on his own behalf and that the purported next friend is dedicated to the real party's best interests and has a significant relationship with that person. The petitioner's wife did not make the required showing merely by alleging that Petitioner was detained.
2. Because the purported next friend did not establish authorization or standing to sign and file the petition, the petition failed to comply with Rule 2(c)(5) and could not proceed.

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.” (at 2)

“The simple fact that Petitioner is detained is not sufficient to show that Petitioner cannot appear on his own behalf to prosecute the action.” (at 2)

FACTUAL BACKGROUND

Gilberto Santos Pineda was detained at the Caroline Detention Facility and sought to challenge his immigration detention through a § 2241 petition. His wife, Thania L. Gomez Milla, filed the petition as a purported next friend, but Pineda did not sign any submission. The petition did not establish that Pineda was inaccessible, mentally incompetent, disabled, or otherwise unable to prosecute the action himself.

PROCEDURAL HISTORY

Petitioner's wife filed a § 2241 petition on his behalf, but Petitioner did not sign the petition or other submissions. The court concluded that the wife had not established next-friend standing or shown that Petitioner was unable to appear on his own behalf. The petition and outstanding motions were denied without prejudice, and the action was dismissed without prejudice.

DISPOSITION

dismissed

CASES CITED

- Aguayo v. Harvey, 476 F.3d 971, 976 (D.C. Cir. 2007)

- Hamdi v. Rumsfeld, 294 F.3d 598, 603-04 (4th Cir. 2002)
- Whitmore v. Arkansas, 495 U.S. 149, 163-64 (1990)
- Francis v. Warden, FCC Coleman-USP, 246 F. App'x 621, 623 (11th Cir. 2007)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA
 Richmond Division GILBERTO SANTOS PINEDA, Petitioner, v. Civil No. 3:26cv229 (DJN)
 WARDEN, CAROLINE DETENTION FACILITY, Respondent. MEMORANDUM OPINION
 The Court has received a Petition for Writ of Habeas Corpus filed on behalf of Petitioner, challenging his immigration detention. (“Petition,” ECF No. 1.)

Petitioner’s wife, Thania L. Gomez Milla, filed the Petition for Petitioner, purportedly as a “next friend.” Petitioner did not sign any of the submissions. Rule 2(c)(5) of the Rules Governing §2254 Cases requires that petitions pursuant to 28 U.S.C. § 2254 “be signed under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner under 28 U.S.C. § 2242.” Rules Governing § 2254 Cases in U.S. District Courts, Rule 2(c)(5).¹ The Advisory Committee Notes to Rule 2(c) explain: “The Committee envisions that the courts will apply third-party, or ‘next-friend,’ standing analysis in deciding whether the signer was actually authorized to sign the petition on behalf of the petitioner.” *Id.*, Advisory Committee Notes, 2004 Amend. “[A] next friend does not himself become a party to the habeas corpus action in which he participates, but simply pursues the cause 1 Rule 1(b) of the Rules Governing § 2254 Cases permits this Court to apply the Rules Governing § 2254 Cases to petitions under 28 U.S.C. § 2241.

Rule 1(b), Rules Governing § 2254 Cases; see *Aguayo v. Harvey*, 476 F.3d 971, 976 (D.C. Cir. 2007). on behalf of the detained person, who remains the real party in interest.” *Hamdi v. Rumsfeld*, 294 F.3d 598, 603 (4th Cir. 2002) (some internal quotation marks omitted) (quoting *Whitmore v. Arkansas*, 495 U.S. 149, 163 (1990)). “[T]he availability of next friend standing as an avenue into federal court is strictly limited.” *Id.* To establish “next friend” standing, (1) the “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,” and (2) the “next friend” must also establish that he is “truly dedicated to the best interests of the person on whose behalf he seeks to litigate” and has “a significant relationship with the real party in interest.” *Id.* at 603–04 (some internal quotation marks omitted) (quoting *Whitmore*, 495 U.S. 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 603 (some internal quotation marks omitted) (quoting *Whitmore*, 495 U.S. at 164).

Ms. Milla does not show that she qualifies as “next friend” and, therefore, the Petition fails to comply with Rule 2(c)(5). The simple fact that Petitioner is detained is not sufficient to show that Petitioner cannot appear on his own behalf to prosecute the action. *Hamdi*, 294 F.3d at 603–04

(requiring showing of “inaccessibility, mental incompetence, or other disability — why the real party in interest cannot appear on his own behalf to prosecute the action”); cf. *Francis v. Warden, FCC Coleman-USP*, 246 F. App’x 621, 623 (11th Cir.

2007) (finding “blanket assertion” that petitioner was her husband and was incarcerated insufficient to show that petitioner could not initiate the petition from prison and that she was next friend).^{2 2} Indeed, the Court has received pro se § 2241 petitions filed by detainees in the Caroline Detention Center.

Accordingly, the Petition (ECF No. 1) will be DENIED WITHOUT PREJUDICE, and the action will be DISMISSED. The outstanding Motions (ECF Nos. 2, 3) will be DENIED WITHOUT PREJUDICE. Nevertheless, in order to expedite any further § 2241 petition filed by Petitioner himself, the Clerk is DIRECTED to mail a copy of this Memorandum Order and a standardized form for filing a § 2241 petition to Petitioner at the Caroline Detention Center.³ If Petitioner wishes to pursue a § 2241 petition, he should complete and return the form to the Court.

Petitioner must sign the form himself. Any § 2241 petition will be opened as a new civil action. An appropriate order will accompany this Memorandum Opinion. Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Petitioner. /s/ David J. Novak United States District Judge Richmond, Virginia Date: April 13, 2026 ³ The Court should mail this Memorandum Order and a standardized § 2241 petition form to Petitioner at the Caroline Detention Center with the “A” number, “216-538-722.” (See ECF No. 1, at 1.)