

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

Dolly Bello, Next Friend for Petitioner, Maique Gonzalez v. Pam  
Bondi, Attorney General of the United States, et al.

Maique · No. 2:26-cv-127-KCD-NPM · Decided February 3, 2026

SUMMARY

The United States District Court for the Middle District of Florida dismissed without prejudice a 28 U.S.C. § 2241 habeas petition filed by Dolly Bello as next friend of detained petitioner Maique Gonzalez. The court held that Bello failed to establish the requirements for next-friend standing, including an adequate explanation for Gonzalez's inability to litigate on his own behalf. The court directed the Clerk to enter judgment, terminate pending motions as moot, and close the case.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                    |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Florida, Fort Myers Division                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Kyle C. Dudek                                                                                                                                                                                                                                                                                                                      |
| JURISDICTION          | United States District Court for the Middle District of Florida, Fort Myers Division                                                                                                                                                                                                                                               |
| DECIDED               | February 3, 2026                                                                                                                                                                                                                                                                                                                   |
| DOCKET                | 2:26-cv-127-KCD-NPM                                                                                                                                                                                                                                                                                                                |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | Dolly Bello, acting as next friend for detained Cuban national Maique Gonzalez, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and an emergency motion for a temporary restraining order. The district court dismissed the petition without prejudice because Bello failed to establish next-friend standing. |
| STANDARD OF REVIEW    | The court applied the legal requirements for next-friend standing and determined whether the petition could be considered in light of the resulting jurisdictional defect.                                                                                                                                                         |
| PRECEDENTIAL VALUE    | Unpublished district court order; precedential status is not identified in the opinion.                                                                                                                                                                                                                                            |

TOPICS

standing

federal habeas corpus

immigration detention

subject matter jurisdiction

civil procedure

## PRACTICE AREAS

Federal habeas corpus

Immigration detention

Federal jurisdiction

## QUESTIONS PRESENTED

1. Whether Dolly Bello established the requirements for next-friend standing to file a habeas petition on behalf of Maique Gonzalez.
2. Whether the district court could exercise jurisdiction over the petition when Bello lacked next-friend standing.

## HOLDINGS

1. A would-be next friend must adequately explain why the real party cannot litigate personally, such as because of mental incompetence or lack of access to the courts, and must show genuine dedication to the real party's interests.
2. Because Bello failed to establish next-friend status, she lacked standing to initiate the habeas action on Gonzalez's behalf, and the petition had to be dismissed without prejudice.

## KEY QUOTATIONS

*"To demonstrate "next friend" status is warranted, the would-be next friend must (1) provide an adequate explanation for the necessity of the designation, such as the real party's mental incompetence or lack of access to the courts and (2) show she is "truly dedicated to the interests" of the real party." (162-63)*

*"Because Bello does not demonstrate the propriety of "next friend" status, she lacks standing to initiate this action on Gonzalez's behalf."*

## FACTUAL BACKGROUND

Maique Gonzalez, a Cuban national, was detained by Immigration and Customs Enforcement at Alligator Alcatraz. His spouse, Dolly Bello, filed a § 2241 habeas petition as his purported next friend and asserted that detention conditions and lack of access to legal materials and mail prevented Gonzalez from filing himself. The court found no indication that Gonzalez was mentally incompetent or otherwise denied access to the courts, and found Bello's assertion unsupported.

## PROCEDURAL HISTORY

Bello initiated a federal habeas action on Gonzalez's behalf while Gonzalez was detained by Immigration and Customs Enforcement. The court determined that Bello had not shown either a sufficient necessity for next-friend designation or that she was truly dedicated to Gonzalez's interests in the legally required sense. The petition was dismissed without prejudice, pending motions were terminated as moot, and the case was closed.

## DISPOSITION

dismissed

#### CASES CITED

- Whitmore v. Arkansas, 495 U.S. 149, 162-63 (1990)
- Francis v. Warden, FCC Coleman-USP, 246 F. App'x 621, 622 (11th Cir. 2007)
- Weber v. Garza, 570 F.2d 511, 514 (5th Cir. 1978)

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