

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

Roxana Aguilar on behalf of detainee Roberto Antonio Ballester  
Ramos v. Warden, Alligator Detention Center, US Attorney General

Aguilar v. Warden · No. 2:26-cv-158-KCD-DNF · Decided February 4, 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 Roxana Aguilar on behalf of her detained spouse, Roberto Antonio Ballester Ramos. The court held that Aguilar had not established next-friend standing and, alternatively, could not represent Ramos pro se because she was not alleged to be an attorney.

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 4, 2026                                                                                                                                                                                                                                                                     |
| DOCKET                | 2:26-cv-158-KCD-DNF                                                                                                                                                                                                                                                                  |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Roxana Aguilar filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 on behalf of immigration detainee Roberto Antonio Ballester Ramos. The court considered whether Aguilar could proceed as Ramos's next friend and whether she could represent him without counsel. |
| PRECEDENTIAL VALUE    | unknown                                                                                                                                                                                                                                                                              |
| PARTIES               | Roxana Aguilar on behalf of detainee Roberto Antonio Ballester Ramos v. Warden, Alligator Detention Center, US Attorney General                                                                                                                                                      |

TOPICS

- federal habeas corpus
- immigration detention
- standing
- subject matter jurisdiction
- civil procedure

## PRACTICE AREAS

immigration

habeas corpus

civil procedure

constitutional law

## QUESTIONS PRESENTED

1. Whether Aguilar established the requirements to proceed as Ramos's next friend in a habeas action.
2. Whether Aguilar could represent her spouse pro se in the action even if next-friend status were established.

## HOLDINGS

1. Aguilar lacked standing to initiate the habeas action because she did not adequately explain why next-friend status was necessary or show that Ramos was unable to litigate on his own behalf.
2. Aguilar could not represent her spouse in the action without counsel because a nonlawyer may not appear pro se on behalf of another person.

## 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."*

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

*"What is more, even if there was next-friend status, Aguilar does not claim to be a lawyer. So she cannot represent her spouse in this action."*

## FACTUAL BACKGROUND

Roberto Antonio Ballester Ramos was detained by Immigration and Customs Enforcement at Alligator Alcatraz. His spouse, Roxana Aguilar, filed the § 2241 petition on his behalf, but alleged neither that Ramos was mentally incompetent nor that he lacked access to the courts. Aguilar also did not claim to be a lawyer.

## PROCEDURAL HISTORY

Aguilar initiated a federal habeas action on Ramos's behalf. The district court concluded that she had not established next-friend standing and could not represent Ramos pro se even if next-friend status existed. The court dismissed the petition without prejudice, terminated pending motions as moot, and closed the case.

## 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)
- Warner v. Sch. Bd. of Hillsborough Cnty., Fla., No. 23-12408, 2024 WL 2053698, at \*2 (11th Cir. May 8, 2024)
- Marcia Turner v. Neptune Towing & Recovery, Inc., No. 8:09-CV-1071-T-27AEP, 2011 WL 2981786, at \*2 (M.D. Fla. July 22, 2011)
- Bey on behalf of Baxter v. Fla., No. 4:24CV517/MW/ZCB, 2025 WL 351425, at \*1 n.2 (N.D. Fla. Jan. 6, 2025)

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