

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)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA FORT MYERS DIVISION ROXANA AGUILAR on behalf of detainee ROBERTO ANTONIO BALLESTER RAMOS, Plaintiff, Case No. 2:26-cv-158-KCD-DNF v. WARDEN, ALLIGATOR DETENTION CENTER, US ATTORNEY GENERAL, Defendants. / ORDER Before the Court is a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 filed by Roxana Aguilar, on behalf of Roberto Antonio Ballester Ramos, who is being detained by Immigration and Customs Enforcement at Alligator Alcatraz.

(Doc. 1.) An “[a]pplication for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf.” 28 U.S.C. § 2242. The latter part of this provision codifies the common law tradition of permitting a “next friend” to litigate on behalf of a person who, because of incompetence, is unable to initiate a habeas action himself.

See Whitmore v. Arkansas, 495 U.S. 149, 162 (1990). But “[n]ext friend’ standing is by no means granted automatically[.]” Id. at 163. 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.

Id. Aguilar has not met this standard. Although Aguilar is Ramos’s spouse, there is no allegation that Ramos is mentally incompetent or has been denied access to the courts. Even so, this Court sees numerous pro se petitioners in immigration custody seeking relief who face the same conditions as Ramos and are able to litigate their petition. At bottom, Aguilar offers nothing to show that Gonzalez warrants any special protection by a next friend to litigate on his behalf.

Because Aguilar does not demonstrate the propriety of “next friend” status, she lacks standing to initiate this action on Ramos’s behalf. See Francis v. Warden, FCC Coleman-USP, 246 F. App’x 621, 622 (11th Cir. 2007) (“Absent ‘next friend’ status, an individual lacks Article III standing to file a petition on another’s behalf, thus stripping the district court of jurisdiction to consider the petition.”); Weber v. Garza, 570 F.2d 511, 514 (5th Cir.

1978) (“[W]hen the application for habeas corpus filed by a would be ‘next friend’ does not set forth an adequate reason or explanation of the necessity for resort to the ‘next friend’ device, the court is without jurisdiction to consider the petition.”). 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.

See Warner v. Sch. Bd. of Hillsborough Cnty., Fla., No. 23-12408, 2024 WL 2053698, at *2 (11th Cir. May 8, 2024) (“[A] parent cannot represent a child pro se.”); 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) “Under Rule 17(c), a representative does not have the right to appear on behalf of a minor or an incompetent person unless that representative is represented by counsel.”); 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). Accordingly, it is ORDERED: 1. The Petition (Doc. 1) is DISMISSED without prejudice. 2. The Clerk shall enter judgment dismissing this case without prejudice, terminate any pending motions as moot, and close the case. ORDERED in Fort Myers, Florida on February 4, 2026. KyleC.Dudek ~~ United States District Judge