

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Arian Casas Sanchez v. Warden, Otay Mesa Detention Center

Case No. 26-cv-0520-AGS-VET · No. 26-cv-0520-AGS-VET · Decided February 5, 2026

SUMMARY

The United States District Court for the Southern District of California authorized Griselle Casas to act as next friend for Arian Casas Sanchez in a 28 U.S.C. § 2241 habeas petition challenging his immigration detention. The court held that the petition stated a potentially cognizable claim concerning prolonged detention without a bond hearing and ordered the respondent to file a return. The court also directed that future filings by the next friend must be made through counsel or by Casas Sanchez himself, and scheduled briefing and oral argument.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Andrew G. Schopler
JURISDICTION	United States District Court for the Southern District of California
DECIDED	February 5, 2026
DOCKET	26-cv-0520-AGS-VET
DISPOSITION	other
PROCEDURAL POSTURE	A non-attorney next friend filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging Casas Sanchez's immigration detention. The court granted the request to act as next friend, screened the petition, found it sufficiently cognizable to warrant a response, and ordered the respondent to file a return.
STANDARD OF REVIEW	At habeas screening, the court determines whether the petition presents a sufficiently cognizable and nonfrivolous claim to warrant a response; summary dismissal is appropriate when it plainly appears from the petition and attachments that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	Unpublished district court order; generally nonprecedential
PARTIES	Arian Casas Sanchez v. Warden, Otay Mesa Detention Center

TOPICS

immigration detention

federal habeas corpus

immigration

civil procedure

PRACTICE AREAS

immigration detention

federal habeas corpus

civil procedure

QUESTIONS PRESENTED

1. Whether Griselle Casas established standing to act as Casas Sanchez's next friend in filing the § 2241 petition.
2. Whether a next friend who is not an attorney may continue to represent a habeas petitioner in court without counsel.
3. Whether the petition's claim that Casas Sanchez was detained under 8 U.S.C. § 1226(a) without a bond hearing was sufficiently cognizable and nonfrivolous to warrant a response.

HOLDINGS

1. Griselle Casas established next-friend standing because Casas Sanchez was allegedly unable to litigate his own cause due to limited English proficiency and restricted access to legal resources, and she had a significant family relationship with him and was dedicated to protecting his legal rights.
2. Although next-friend status authorized Griselle Casas to file the original petition, it did not authorize her to proceed without counsel or represent Casas Sanchez in subsequent filings and arguments.
3. The petition was not frivolous or clearly noncognizable and therefore warranted a return from the respondent.

KEY QUOTATIONS

“In order to establish next-friend standing, the putative next friend must show: (1) that the petitioner is unable to litigate his own cause due to mental incapacity, lack of access to court, or other similar disability; and (2) the next friend has some significant relationship with, and is truly dedicated to the best interests of, the petitioner.” (at 1)

“Although “next friend” status permits Ms. Casas to file the original petition on Casas Sanchez’s behalf, “the statute does not authorize the ‘next friend’ to proceed without an attorney.”” (at 2)

“But “as long as a petition has any potential merit, it is not so frivolous or incredible as to justify summary dismissal[.]”” (at 2)

FACTUAL BACKGROUND

Casas Sanchez entered the United States on September 30, 2021, was taken into custody, and was later released on his own recognizance. Immigration and Customs Enforcement detained him again on September 23, 2025, and he remained detained when the petition was filed. He alleged that his removal order was pending appeal and that his prolonged detention without a bond hearing was unlawful.

PROCEDURAL HISTORY

Casas Sanchez was detained by Immigration and Customs Enforcement and, through his sister-in-law Griselle Casas, filed a § 2241 habeas petition alleging prolonged detention without a bond hearing. The court accepted the petition as filed by a qualified next friend, prohibited the next friend from further representing him without counsel, and ordered a return, traverse, and oral argument on the petition.

DISPOSITION

other

CASES CITED

- Whitmore v. Arkansas, 495 U.S. 149, 163-64 (1990)
- Coalition of Clergy, Laws., & Professors v. Bush, 310 F.3d 1153, 1159-60 (9th Cir. 2002)
- Morrison v. Tuolumne Cnty. Sheriff, No. 1:25-CV-01591-JLT-EPG-HC, 2025 WL 3268269, at *1 (E.D. Cal. Nov. 24, 2025)
- Hinojosa v. Warden, SATF/SP, No. 2:22-cv-1780 DB P, 2023 WL 2874169, at *2 (E.D. Cal. Apr. 10, 2023), report and recommendation adopted, No. 2:22-cv-01780-KJM DB P, 2023 WL 4711303 (E.D. Cal. July 24, 2023)
- Neiss v. Bludworth, 114 F.4th 1038, 1045 (9th Cir. 2024)
- Mosqueda v. Noem, No. 5:25-cv-02304 CAS (BFM), 2025 WL 2591530, at *5 (C.D. Cal. Sept. 8, 2025)
- Vazquez v. Feeley, No. 2:25-cv-01542-RFB-EJY, 2025 WL 2676082, at *11 (D. Nev. Sept. 17, 2025)

OPINION

Arian CASAS SANCHEZ v. WARDEN, OTAY MESA DETENTION CENTER
PER CURIAM.

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF CALIFORNIA

3 Arian CASAS SANCHEZ, Case No.: 26-cv-0520-AGS-VET Petitioner,

4 ORDER GRANTING REQUEST TO

v. ACT AS NEXT FRIEND AND

5

ORDERING RESPONSE

WARDEN, OTAY MESA DETENTION

6

CENTER,

7 Respondent. 8

9 Petitioner Adrian Casas Sanchez, through his sister-in-law Griselle Casas, seeks a 10 writ of habeas corpus under 28 U.S.C. § 2241 to free Casas Sanchez from immigration 11 detention. The Court concludes that Ms. Casas is authorized to file the petition on Casas 12 Sanchez’s behalf, and the petition warrants a return. 13 A. Next Friend 14 An “[a]pplication for a writ of habeas corpus

shall be in writing signed and verified 15 by the person for whose relief it is intended or by someone acting in his behalf.” 28 U.S.C. 16 § 2242 (emphasis added). But such “‘next friend’ standing is by no means granted 17 automatically to whomever seeks to pursue an action on behalf of another.” *Whitmore v. 18 Arkansas*, 495 U.S. 149, 163 (1990). “In order to establish next-friend standing, the 19 putative next friend must show: (1) that the petitioner is unable to litigate his own cause 20 due to mental incapacity, lack of access to court, or other similar disability; and (2) the next 21 friend has some significant relationship with, and is truly dedicated to the best interests of, 22 the petitioner.” *Coalition of Clergy, Laws., & Professors v. Bush*, 310 F.3d 1153, 1159–60 23 (9th Cir. 2002). Because it contravenes the normal concepts of Article III standing, the 24 “burden is on the ‘next friend’ clearly to establish the propriety of his status and thereby 25 justify the jurisdiction of the court.” *Whitmore*, 495 U.S. at 164. 26 Ms. Casas has carried her burden as to both prongs: she swears Casas Sanchez has 27 “limited English proficiency” and “restricted access to legal resources.” (ECF 7, at 10.) 28 1 Moreover, Ms. Casas asserts that she is Casas Sanchez’s “sister-in-law,” has “a close 2 family relationship with him,” and is “acting solely to protect his legal rights.” (Id.) 3 So, the Court accepts the petition signed by Ms. Casas. (ECF 1.) Although “next 4 friend” status permits Ms. Casas to file the original petition on Casas Sanchez’s behalf, 5 “the statute does not authorize the ‘next friend’ to proceed without an attorney.” *Morrison 6 v. Tuolumne Cnty. Sheriff*, No. 1:25-CV-01591-JLT-EPG-HC, 2025 WL 3268269, at *1 7 (E.D. Cal. Nov. 24, 2025). Going forward, she may not file anything else or represent her 8 brother-in-law in court unless she retains counsel. See *Hinojosa v. Warden, SATF/SP*, No. 9 2:22-cv-1780 DB P, 2023 WL 2874169, at *2 (E.D. Cal. Apr. 10, 2023) (requiring ‘next 10 friend “be represented by counsel in order to proceed as a ‘next friend’ because pro se 11 litigants have no authority to represent anyone other than themselves”), report and 12 recommendation adopted, No. 2:22-cv-01780-KJM DB P, 2023 WL 4711303 (E.D. Cal.

13 July 24, 2023). All future filings and arguments must be made by counsel or by Casas 14 Sanchez in his pro se capacity. 15 B. Screening 16 At this stage, Casas Sanchez need only make out a claim that is sufficiently 17 cognizable to warrant a response. See Rules Governing Section 2254 Cases in the United 18 States District Courts, Rule 4 (authorizing summary dismissal “if it plainly appears from 19 the petition and any attached exhibits that the petitioner is not entitled to relief”); id., Rule 20 1(b) (permitting court to apply Rules Governing Section 2254 Cases to any “habeas corpus 21 petition”). In this context, the relevant federal rules permit “summary dismissal of claims 22 that are clearly not cognizable.” *Neiss v. Bludworth*, 114 F.4th 1038, 1045 (9th Cir. 2024) 23 (cleaned up). But “as long as a petition has any potential merit, it is not so frivolous or 24 incredible as to justify summary dismissal[.]” Id. 25 On “September 30, 2021,” Casas Sanchez entered the United States, was taken into 26 custody, and was released on his “own recognizance.” (ECF 1, at 17.) Four years later, on 27 “09/23/2025,” he was detained by “U.S. Immigration and Customs Enforcement,” where 28 he remains. (Id. at 2.) He claims that his final removal order is “pending appeal,” and thus 1 final. (/d.) As result, he argues that his “[p]rolonged detention

without a bond hearing” 2 unlawful. (/d. at 6.) 3 This argument is not frivolous. As described in his petition, it appears Casas Sanchez 4 ||may be held under 8 U.S.C. § 1226(a), which includes the right to a bond hearing. If so, 5 || functionally identical cases across the country have been found to have a “likelihood of 6 ||success on the merits” or have resulted in the writ being issued. See, e.g., Mosqueda v. 7 || Noem, No. 5:25-cv-02304 CAS (BFM), 2025 WL 2591530, at *5 (C.D. Cal. Sept. 8, 2025) 8 ||(“[T]he Court concludes that petitioners are likely to succeed on the merits of their claims 9 || because section 1226(a), not section 1225(b)(2), likely governs their detention.”); Vazquez 10 ||v. Feeley, No. 2:25-cv-01542-RFB-EJY, 2025 WL 2676082, at *11 (D. Nev. Sept. 17, 11 2025) (same). 12 So, by February 17, 2026, respondent must file its return. Any traverse by petitioner 13 be filed by February 24, 2026. The Court will hold oral arguments on the petition 14 March 3, 2026, at 1:00 p.m. If Casas Sanchez is not represented by counsel by that 15 |time, respondent’s counsel must coordinate his remote appearance, preferably by 16 || videoconference. 17 || Dated: February 5, 2026 19 Hon. rew G. Schopler United States District Judge 20 21 22 23 24 25 26 27 28