

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

**Humberto Ramon Perez Pellerano, by Next Friend Juana Gutierrez
v. Warden, Florida Soft Side South and U.S. Attorney General**

Perez Pellerano v. Warden · No. 2:26-cv-242-JES-DNF · Decided February 10, 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 Juana Gutierrez on behalf of detained individual Humberto Ramon Perez Pellerano. The court held that Gutierrez had not established next-friend standing and could not represent Pellerano as a nonlawyer.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
WRITING FOR THE COURT	John E. Steele
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	February 10, 2026
DOCKET	2:26-cv-242-JES-DNF
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 filed by Juana Gutierrez on behalf of Humberto Ramon Perez Pellerano, who was detained by Immigration and Customs Enforcement.
PRECEDENTIAL VALUE	unpublished
PARTIES	Humberto Ramon Perez Pellerano, by Next Friend Juana Gutierrez v. Warden, Florida Soft Side South, U.S. Attorney General

TOPICS

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

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether Juana Gutierrez established next-friend standing to file a habeas petition on behalf of Pellerano.
2. Whether Gutierrez, as a nonlawyer, could represent Pellerano in the habeas action.
3. Whether the petition should be dismissed when the purported next friend lacks standing and authority to represent the detainee.

HOLDINGS

1. A purported next friend must adequately explain why the real party cannot litigate personally, such as because of incompetence or lack of access to the courts, and must demonstrate dedication to the real party's interests. Because Gutierrez made no showing of incompetence or lack of access, she did not qualify as Pellerano's next friend and lacked standing to initiate the petition.
2. A nonlawyer may not represent another person in federal court merely because representatives may sue on behalf of another under Rule 17(c); the right of self-representation under 28 U.S.C. § 1654 does not extend to representing another person's interests.

KEY QUOTATIONS

“But “[n]ext friend’ standing is by no means granted automatically[.]” (495 U.S. at 163)

“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.”

“does not extend to the representation of the interests of others”

FACTUAL BACKGROUND

Humberto Ramon Perez Pellerano was detained by Immigration and Customs Enforcement at Alligator Alcatraz. Juana Gutierrez filed a § 2241 habeas petition on his behalf as a purported next friend. The petition did not allege that Pellerano was mentally incompetent or had been denied access to the courts, and Gutierrez did not claim to be a lawyer.

PROCEDURAL HISTORY

Gutierrez filed a § 2241 habeas petition as Pellerano's purported next friend. The district court concluded that she had not established next-friend standing and could not represent Pellerano as a nonlawyer. The court dismissed the petition without prejudice, terminated pending motions as moot, entered judgment, 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)
- Timson v. Sampson, 518 F.3d 870, 873 (11th Cir. 2008)

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