

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

Yohany Hernandez Hernandez v. Warden, Alligator Detention
Center, Ochopee, FL, US Attorney General

Case No. 2:26-cv-488-KCD-NPM · No. 2:26-cv-488-KCD-NPM · Decided February 24, 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 Flavia Pulgaron Solves on behalf of detained individual Yohany Hernandez Hernandez. The court held that Solves had not established standing as a next friend and, even if she had, could not represent Hernandez without being 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 24, 2026
DOCKET	2:26-cv-488-KCD-NPM
DISPOSITION	dismissed
PROCEDURAL POSTURE	A petition for a writ of habeas corpus under 28 U.S.C. § 2241 was filed by Flavia Pulgaron Solves on behalf of detained petitioner Yohany Hernandez Hernandez. The district court dismissed the petition without prejudice because Solves did not establish next-friend standing and, even if she had, could not represent Hernandez without counsel.
STANDARD OF REVIEW	The court applied the statutory and constitutional requirements for next-friend standing and representation in a habeas proceeding.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Yohany Hernandez Hernandez v. Warden, Alligator Detention Center, Ochopee, FL, US Attorney General

TOPICS

standing federal habeas corpus immigration detention civil procedure

PRACTICE AREAS

immigration detention federal habeas corpus civil procedure standing

QUESTIONS PRESENTED

1. Whether Solves established next-friend standing to file a habeas petition on Hernandez Hernandez's behalf.
2. Whether Solves could represent Hernandez Hernandez in the action without being represented by counsel.

HOLDINGS

1. A would-be next friend must adequately explain why next-friend designation is necessary and demonstrate a genuine dedication to the real party's interests. Because Solves alleged neither Hernandez's incompetence nor his lack of access to the courts, she failed to establish next-friend status and lacked standing to initiate the habeas action.
2. Even if Solves had established next-friend status, she could not represent Hernandez in the action because she did not claim to be a lawyer and a representative may not appear for a minor or incompetent person without representation by counsel.

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.” (Order)

“Because Solves does not demonstrate the propriety of “next friend” status, she lacks standing to initiate this action on Hernandez’s behalf.” (Order)

FACTUAL BACKGROUND

Yohany Hernandez Hernandez was detained by Immigration and Customs Enforcement. Flavia Pulgaron Solves, identified as his family member, filed a § 2241 habeas petition on his behalf. The petition did not allege that Hernandez was mentally incompetent or lacked access to the courts, and Solves did not claim to be a lawyer.

PROCEDURAL HISTORY

Solves filed the § 2241 petition on Hernandez Hernandez's behalf while he was detained by Immigration and Customs Enforcement. The court determined that Solves failed to demonstrate the necessity for next-friend status or that Hernandez was unable to litigate for himself, and further determined that Solves could not represent him because she was not alleged to be a lawyer. The petition was dismissed without prejudice, judgment was ordered entered, 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)
- 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 YOHANY HERNANDEZ HERNANDEZ, Case No. 2:26-cv-488-KCD-NPM Plaintiff, v. WARDEN, ALLIGATOR DETENTION CENTER, OCHOPEE, FL, US ATTORNEY GENERAL, Defendants. / ORDER Before the Court is a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 filed by Flavia Pulgaron Solves, on behalf of Yohany Hernandez Hernandez, who is being detained by Immigration and Customs Enforcement.

(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. Solves has not met this standard. Although she is Hernandez’s family member, there is no allegation that Hernandez 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 Hernandez and are able to litigate their petition. At bottom, Solves offers nothing to show that Hernandez warrants any special protection by a next friend to litigate on his behalf.

Because Solves does not demonstrate the propriety of “next friend” status, she lacks standing to initiate this action on Hernandez’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, Solves does not claim to be a lawyer. So she cannot represent Hernandez in this action.

See *Weber*, 570 F.2d at 514; *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 24, 2026. KyleC.Dudek United States District Judge