

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)

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