

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

Augusto Laza Cuesta, By Next Friend Zunilda Perez v. Warden,
Alligator Alcatraz Detention Facility, et al.

Laza Cuesta · No. 2:26-cv-284-JES-DNF · Decided February 12, 2026

SUMMARY

The United States District Court for the Middle District of Florida dismissed without prejudice a § 2241 habeas petition filed by Zunilda Perez on behalf of her detained husband, Augusto Laza Cuesta. The court held that Perez had not established next-friend standing and could not represent Cuesta as a nonlawyer under 28 U.S.C. § 1654.

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 12, 2026
DOCKET	2:26-cv-284-JES-DNF
DISPOSITION	dismissed
PROCEDURAL POSTURE	A habeas petition under 28 U.S.C. § 2241 was filed by Zunilda Perez on behalf of her detained husband. The district court dismissed the petition without prejudice because Perez lacked next-friend standing and could not represent Cuesta as legal counsel.
PRECEDENTIAL VALUE	Unknown
PARTIES	Augusto Laza Cuesta, by Next Friend Zunilda Perez v. Warden, Alligator Alcatraz Detention Facility, et al.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Zunilda Perez established next-friend standing to file a habeas petition on behalf of Augusto Laza Cuesta.
2. Whether Zunilda Perez could represent Cuesta as legal counsel in the habeas action.

HOLDINGS

1. A would-be next friend must adequately explain why next-friend designation is necessary and demonstrate dedication to the real party's interests; because Perez alleged neither Cuesta's mental incompetence nor his lack of access to the courts, she did not establish next-friend status and lacked standing to initiate the petition.
2. A nonlawyer may not represent another person as legal counsel in federal court; Rule 17(c) does not confer a right to act as legal counsel for another person, and 28 U.S.C. § 1654's right of self-representation does not extend to representing the interests of others.

KEY QUOTATIONS

“To demonstrate that “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.”

“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.”

“although 28 U.S.C. § 1654 allows parties to conduct their own cases personally, that right “does not extend to the representation of the interests of others””

FACTUAL BACKGROUND

Augusto Laza Cuesta was detained by Immigration and Customs Enforcement at Alligator Alcatraz. His spouse, Zunilda Perez, filed a § 2241 habeas petition on his behalf, but the petition did not allege that Cuesta was mentally incompetent or lacked access to the courts. Perez also did not claim to be a lawyer.

PROCEDURAL HISTORY

Zunilda Perez filed a § 2241 petition on behalf of Augusto Laza Cuesta, who was detained by Immigration and Customs Enforcement at Alligator Alcatraz. The district court determined that Perez had not established the requirements for next-friend status and was not authorized to represent Cuesta, then 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)
- Timson v. Sampson, 518 F.3d 870, 873 (11th Cir. 2008)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA FORT MYERS
DIVISION AUGUSTO LAZA CUESTA, BY Next Friend Zunilda Perez- Spouse, Petitioner, v.
Case No. 2:26-cv-284-JES-DNF WARDEN, ALLIGATOR ALCATRAZ DETENTION
FACILITY, et al., Respondents. / OPINION AND ORDER Before the Court is a 28 U.S.C. § 2241
petition for writ of habeas corpus filed by Zunilda Perez.

(Doc. 1). She files the petition on behalf of her husband, Augusto Laza Cuesta, who is being detained by Immigration and Customs Enforcement at Alligator Alcatraz. (Id.). 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 that “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.* Zunilda Perez has not met this standard. There is no allegation that Laza Cuesta is mentally incompetent or has been denied access to the courts.

Because Perez does not demonstrate the propriety of “next friend” status, she lacks standing to initiate this action on Laza Cuesta’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.”).

In addition, while Rule 17(c) of the Civil Rules of Civil Procedure provides for certain representatives to sue on behalf of another, it does not confer on those representatives a right to act as legal counsel for somebody else. Perez does not claim to be a lawyer, and she cannot represent Laza Cuesta in this action. See *Timson v. Sampson*, 518 F.3d 870, 873 (11th Cir.

2008)(noting that although 28 U.S.C. § 1654 allows parties to conduct their own cases personally, that right “does not extend to the representation of the interests of others”). 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. DONE AND ORDERED in Fort Myers, Florida on February 12, 2026. JGH = STEELE x SHYICR UNITED STATES DISTRICT JUDGE

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