

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, SOUTH BEND DIVISION

Song Mai v. Joseph Edlow, et al.

Cause No. 3:26-CV-178-CCB-SJF (N.D. Ind. Feb. 10, 2026) · No. 3:26-CV-178-CCB-SJF · Decided February 10, 2026

SUMMARY

The United States District Court for the Northern District of Indiana dismissed a habeas corpus petition filed by Desiree Thien on behalf of Song Mai under 28 U.S.C. § 2241. The court held that Thien could not proceed as Mai’s next friend because Mai had demonstrated that he could assert his rights independently, and it dismissed the action as duplicative of Mai’s separate habeas proceeding.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Cristal C. Brisco
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	February 10, 2026
DOCKET	3:26-CV-178-CCB-SJF
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 filed by a non-attorney on behalf of an allegedly detained individual; the district court reviewed the petition under Rule 4 of the Rules Governing Section 2254 Cases.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the court must dismiss a habeas petition if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief in the district court.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Song Mai v. Joseph Edlow, et al.

TOPICS

federal habeas corpus

standing

immigration detention

civil procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether a non-attorney may file a habeas petition on behalf of another person as a next friend when the real party in interest is able to assert his rights independently.
2. Whether the court should dismiss a habeas petition that is duplicative of a parallel habeas proceeding already filed by the real party in interest.

HOLDINGS

1. A non-attorney may not proceed as a next friend when the real party in interest is able to assert his rights on his own; because Mai had filed a separate habeas petition himself, Thien did not properly file this petition on his behalf.
2. The court may dismiss a complaint or petition that duplicates a parallel action already pending in federal court, and this petition was properly dismissed because Mai had already initiated a duplicative habeas proceeding.

KEY QUOTATIONS

“The burden is on the next friend clearly to establish the propriety of his status and thereby justify the jurisdiction of the court.”

“These limitations on the next friend doctrine are driven by the recognition that it was not intended that the writ of habeas corpus should be availed of, as matter of course, by intruders or uninvited meddlers, styling themselves next friends.”

FACTUAL BACKGROUND

Desiree Thien filed and signed a habeas petition purporting to represent Song Mai, who was allegedly in ICE custody at the Miami Correctional Facility. Thien was not an attorney admitted to practice in the district and asserted that Mai could not file from the facility. The court noted that Mai had already filed his own habeas petition in *Mai v. English*, demonstrating that he could assert his rights independently.

PROCEDURAL HISTORY

Desiree Thien signed and filed a § 2241 habeas petition on behalf of Song Mai, claiming that Mai was unlawfully detained by Immigration and Customs Enforcement. The court determined that Thien could not proceed as Mai's next friend because Mai had demonstrated his ability to litigate by filing a separate habeas petition on his own behalf. Because Mai's separate proceeding made this action duplicative, the court dismissed the petition and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Wilson v. Lane, 870 F.2d 1250, 1255 (7th Cir. 1989)
- Whitmore v. Arkansas, 495 U.S. 149, 164 (1990)
- McReynolds v. Merrill Lynch & Co., 694 F.3d 873, 888 (7th Cir. 2012)
- Mai v. English, No. 3:26-CV-171 (N.D. Ind. filed Feb. 9, 2026)

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