

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, VALDOSTA DIVISION

**Amy Tooke o/b/o R.Z.M. v. Warden, Irwin County Detention Center,
et al.**

No. 7:26-cv-38-WLS-ALS (M.D. Ga. Feb. 27, 2026) · No. 7:26-cv-38-WLS-ALS · Decided February 27, 2026

SUMMARY

The court declines to grant Amy Tooke next-friend status to pursue a 28 U.S.C. § 2241 habeas petition on behalf of detained R.Z.M. because the application does not adequately explain why R.Z.M. cannot litigate on his own behalf. The court gives Tooke 21 days to file a motion, supporting declaration, and optional brief addressing the requirements for next-friend standing, or alternatively to submit a petition signed by R.Z.M.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Valdosta Division
WRITING FOR THE COURT	Alfreda L. Sheppard
JURISDICTION	United States District Court for the Middle District of Georgia, Valdosta Division
DECIDED	February 27, 2026
DOCKET	7:26-cv-38-WLS-ALS
DISPOSITION	other
PROCEDURAL POSTURE	Amy Tooke filed a purported petition for a writ of habeas corpus under 28 U.S.C. § 2241 as next friend for detained individual R.Z.M. The court found the allegations insufficient to establish next-friend status and ordered Tooke either to file a motion and supporting declaration addressing the requirements for next-friend standing or to have R.Z.M. sign and submit his own petition.
STANDARD OF REVIEW	The court evaluated whether the allegations adequately established the prerequisites for next-friend standing under federal habeas law.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Amy Tooke o/b/o R.Z.M. v. Warden, Irwin County Detention Center, et al.

TOPICS

standing

federal habeas corpus

immigration detention

civil procedure

PRACTICE AREAS

Federal habeas corpus

Immigration detention

Civil procedure

QUESTIONS PRESENTED

1. Whether Tooke's allegations were sufficient to establish her entitlement to proceed as next friend for R.Z.M. in a § 2241 habeas proceeding.
2. What procedural opportunity and submissions should be required to cure the deficiency in the purported next-friend filing.

HOLDINGS

1. Tooke did not establish entitlement to next-friend status because her generalized allegations about detention, limited access to legal resources, and unspecified filing barriers did not adequately explain why R.Z.M. could not appear and prosecute the action on his own behalf.
2. The court did not immediately dismiss the matter; instead, it afforded Tooke one opportunity to cure the next-friend deficiency or to submit a petition signed by R.Z.M.

KEY QUOTATIONS

“One prerequisite to such standing, however, is that the next friend “provide an adequate explanation – such as inaccessibility, mental incompetence, or other disability – why the real party in interest cannot appear on his own behalf to prosecute the action.”” (Unpaginated order)

“The burden is on the applicant to be “next friend” to establish the entitlement to that status.” (Unpaginated order)

FACTUAL BACKGROUND

R.Z.M. was detained at the Irwin County Detention Center in Ocilla, Georgia. Amy Tooke, identifying herself as R.Z.M.'s spouse and asserting that he authorized her to act on his behalf, filed a § 2241 application as his next friend. She alleged that detention limited his access to legal resources and created barriers to filing and litigating independently, but provided no specific explanation of his inability to appear on his own behalf.

PROCEDURAL HISTORY

The court received the § 2241 application on February 27, 2026. Tooke asserted that R.Z.M. was detained, had limited access to legal resources, and had authorized her to act on his behalf, but she did not seek permission to proceed as next friend. The court gave her twenty-one days to cure the deficiency by filing a motion, brief, and declaration or by submitting a petition signed by R.Z.M.; failure to comply could result in a recommendation that the matter be dismissed.

DISPOSITION

CASES CITED

- Francis v. Warden, FCC Coleman-USP, 246 F. App'x 621, 622 (11th Cir. 2007)
- Ford v. Haley, 195 F.3d 603, 624 (11th Cir. 1999)
- Whitmore v. Arkansas, 494 U.S. 149, 163-64 (1990)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION AMY TOOKE o/b/o R.Z.M.,1: Petitioner,: v.: Case No. 7:26-cv-38-WLS-
ALS: 28 U.S.C. § 2241 WARDEN, IRWIN COUNTY: DETENTION CENTER, et al.,:
Respondents.: _____ ORDER On February 27, 2026, the Court received a purported application for habeas corpus relief under 28 U.S.C. § 2241 filed by Amy Tooke as next friend for R.Z.M., who is currently detained at Irwin County Detention Center in Ocilla, Georgia.

(ECF No. 1). Ms. Tooke did not seek permission to file the application as next friend for R.Z.M., but in the application, Ms. Tooke contends that she has a “significant relationship with” R.Z.M. as his spouse, and that he has “expressly authorized Ms. Tooke to act on his behalf[.]” (ECF No. 1, at 2). Ms. Tooke asserts that R.Z.M. “has limited access to legal resources, and [he] faces significant barriers to filing and litigating this matter independently from custody.” (ECF No. 1-1, at 2).

Having considered Ms. Tooke’s allegations, the Court finds that her allegations contain insufficient information to support granting Ms. Tooke next friend status. A person acting as “next friend” may file a habeas petition on behalf of another who is unable to seek relief himself. *Francis v. Warden, FCC Coleman-USP*, 246 F. App’x 621, 622 (11th Cir. 2007) (citing *Ford v. Haley*, 195 F.3d 603, 624 (11th Cir.

1999)); see also 28 U.S.C. § 2242 1 The Clerk is directed to update the docket to reflect the Court’s modification to the style of this case. (“Application 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.”). One prerequisite to such standing, however, is that the next friend “provide an adequate explanation – such as inaccessibility, mental incompetence, or other disability – why the real party in interest cannot appear on his own behalf to prosecute the action.” *Francis*, 246 F. App’x at 622 (quoting *Whitmore v. Arkansas*, 494 U.S. 149, 163 (1990)).

Further, “the ‘next friend’ must be truly dedicated to the best interests of the person on whose behalf [she] seeks to litigate,” and “it has been further suggested that a ‘next friend’ must have some significant relationship with the real party in interest.” *Whitmore*, 494 U.S. at 163-64.

The burden is on the applicant to be “next friend” to establish the entitlement to that status. *Id.* at 164. Here, Ms. Tooke has not met this standard. While she contends that R.Z.M. is unable to file his own application for habeas relief because of his detention, which limits his access to legal resources, and causes unnamed barriers to filing and litigating this case while he is detained, that is the reality – however unfortunate it may be – for virtually all individuals facing immigration detention.

This Court, like a great many other courts across the country, receives daily filings from individuals detained by the nation’s immigration enforcement programs. Consequently, the Court will afford Ms. Tooke one opportunity to file a motion requesting permission to proceed as next friend and which addresses the requirements to show next friend status by an unsworn declaration under the penalty of perjury in accordance with the requirements of 28 U.S.C. § 1746.

With her motion to proceed as next friend, Ms. Tooke may also submit a brief no longer than three (3) pages with her argument for next friend status. Alternatively, Ms. Tooke may have R.Z.M. complete and sign his petition.

The Clerk is directed to forward a blank § 2241 petition to Ms. Tooke for R.Z.M.’s use. The motion, briefing and declaration, or the petition signed by R.Z.M., shall be due within twenty-one (21) days of the date of this Order. Failure to comply with this Order may result in the Court recommending the dismissal of this matter. SO ORDERED, this 27th day of February, 2026. s/ ALFREDA L. SHEPPARD UNITED STATES MAGISTRATE JUDGE