

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

**Mauro Humberto Lopez Aleman v. Warden, Florida Soft Side South  
et al.**

Lopez Aleman · No. 2:26-cv-00129-SPC-NPM · Decided February 6, 2026

SUMMARY

The United States District Court for the Middle District of Florida held that the petitioner’s sister could proceed as his next friend in a habeas action under 28 U.S.C. § 2241. The court dismissed the petition without prejudice because it lacked sufficient factual detail to show that the petitioner’s removal was not reasonably foreseeable under *Zadvydas v. Davis*, while granting 21 days to file an amended petition.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Middle District of Florida, Fort Myers Division                                                                                                                                                                                                                                                                                        |
| JURISDICTION       | United States District Court for the Middle District of Florida, Fort Myers Division                                                                                                                                                                                                                                                                                        |
| DECIDED            | February 6, 2026                                                                                                                                                                                                                                                                                                                                                            |
| DOCKET             | 2:26-cv-00129-SPC-NPM                                                                                                                                                                                                                                                                                                                                                       |
| DISPOSITION        | dismissed                                                                                                                                                                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE | A detained person’s sister filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 as his purported next friend. The district court recognized the sister’s next-friend standing but dismissed the petition without prejudice because it lacked sufficient factual allegations to support a claim that continued detention violated the Fifth Amendment. |
| STANDARD OF REVIEW | The court required the habeas petitioner to make an initial factual showing that there was good reason to believe removal was not significantly likely in the reasonably foreseeable future. It also applied the rule that conclusory allegations unsupported by specific facts do not warrant habeas relief or an evidentiary hearing.                                     |
| PRECEDENTIAL VALUE | nonprecedential district court opinion                                                                                                                                                                                                                                                                                                                                      |
|                    |                                                                                                                                                                                                                                                                                                                                                                             |

## PARTIES

Mauro Humberto Lopez Aleman v. Warden, Florida Soft Side South et al.

## TOPICS

immigration detention

federal habeas corpus

removal proceedings

procedural due process

civil procedure

## PRACTICE AREAS

immigration detention

federal habeas corpus

civil procedure

constitutional law

## QUESTIONS PRESENTED

1. Whether the detainee's sister could proceed as his next friend in a § 2241 habeas action.
2. Whether the petition adequately alleged that continued detention violated the Fifth Amendment because removal was not reasonably foreseeable.
3. Whether conclusory allegations concerning the likelihood of removal were sufficient to warrant habeas relief or an evidentiary hearing.

## HOLDINGS

1. A purported next friend may proceed when she adequately explains why the detainee cannot litigate on his own behalf and demonstrates dedication to the detainee's best interests. The court held that Belkis Lopez satisfied those requirements.
2. The petition did not establish a basis for habeas relief because it failed to allege facts showing good reason to believe that removal was not significantly likely in the reasonably foreseeable future.
3. Bare or conclusory allegations, without supporting specific facts, are insufficient to establish entitlement to habeas relief or even to an evidentiary hearing.

## KEY QUOTATIONS

*“The burden is on the ‘next friend’ clearly to establish the propriety of h[er] status and thereby justify the jurisdiction of the court.”* (495 U.S. at 164)

*“if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute.”* (533 U.S. at 700-01)

*“when his claims are merely conclusory allegations unsupported by specifics”* (941 F.2d at 1559)

## FACTUAL BACKGROUND

Lopez Aleman was detained and claimed that his continued immigration detention violated the Fifth Amendment because his removal was not reasonably foreseeable. His sister stated under oath that he lacked meaningful access to mail and legal materials and could not prepare, sign, or file court documents while detained. The petition omitted material information, including his native country, entry details, the date his removal order became final, prior detention periods, and government efforts to effect removal.

## PROCEDURAL HISTORY

Belkis Lopez filed the § 2241 petition on behalf of her detained brother, Mauro Humberto Lopez Aleman. The court accepted her sworn declaration as establishing that she could act as his next friend. The court then dismissed the petition without prejudice and granted Lopez Aleman 21 days to file an amended petition containing additional facts.

## DISPOSITION

dismissed

## REMAND INSTRUCTIONS

No remand. Lopez Aleman may file an amended petition within 21 days of the order; otherwise, the court will enter judgment and close the case without further notice.

## CASES CITED

- Whitmore v. Arkansas, 495 U.S. 149, 162-64 (1990)
- Zadvydas v. Davis, 533 U.S. 678, 700-01 (2001)
- Fahim v. Ashcroft, 227 F. Supp. 2d 1359, 1365 (N.D. Ga. 2002)
- Tejada v. Dugger, 941 F.2d 1551, 1559 (11th Cir. 1991)

## OPINION

Mauro Humberto Lopez Aleman v. Warden, Florida Soft Side South et al.

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

MAURO HUMBERTO LOPEZ

ALEMAN,

Petitioner, v. Case No.: 2:26-cv-00129-SPC-NPM

WARDEN, FLORIDA SOFT SIDE

SOUTH et al., Respondents, /

## OPINION AND ORDER

Before the Court is Mauro Humberto Lopez Aleman’s pro se Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doc. 1). Lopez Aleman’s sister Belkis Lopez filed the petition on his behalf. “Application for a writ of habeas corpus shall be in writing and verified by the person for whose relief it is intended or someone acting in his behalf.” 28 U.S.C. § 2242. The latter part of that statutory provision codifies the common law tradition of permitting a “next friend” to litigate on behalf of a detained person who is unable to seek relief himself, “usually because of mental incompetence or inaccessibility.” Whitmore v. Arkansas, 495 U.S. 149, 162 (1990). But “next

friend' standing is by no means granted automatically to whomever seeks to pursue an action on behalf of another." Id. 1t 163. The "next friend" must adequately explain why the detainee cannot appear on his own behalf to prosecute the action, and she must be truly dedicated to the best interests of the detainee. Id. "The burden is on the 'next friend' clearly to establish the propriety of h[er] status and thereby justify the jurisdiction of the court." Id. at 164. In a sworn declaration, Belkis Lopez states Lopez Aleman does not have meaningful access to mail and legal materials or the ability to prepare, sign, or file court documents while detained. She also swears she is acting solely in Lopez Aleman's best interest. The Court finds that Belkis Lopez may act as Lopez Aleman's next friend in this action. However, the petition does not include enough detail to warrant habeas relief. Lopez Aleman claims his detention violates the Fifth Amendment because removal is not reasonably foreseeable. In *Zadvydas v. Davis*, the Supreme Court held, "if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute." 533 U.S. 678, 700-01 (2001). The Court established a "presumptively reasonable period of detention" of six months—the 90-day removal period plus an additional 90 days. Id. Courts consider the constitutionality of continued detention under a burden-shifting framework: After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut the showing. Id. Lopez Aleman's petition does not carry the initial burden of proof. A habeas petitioner's "bare allegations are insufficient to demonstrate a significant unlikelihood of his removal in the reasonably foreseeable future." *Fahim v. Ashcroft*, 227 F. Supp. 2d 1359, 1365 (N.D. Ga. 2002); see also *Tejada v. Dugger*, 941 F.2d 1551, 1559 (11th Cir. 1991) (holding that a petitioner is not entitled to habeas relief—or even an evidentiary hearing—"when his claims are merely conclusory allegations unsupported by specifics[.]" (internal quotation marks and citations omitted)). Lopez Aleman's petition does not include important facts like his native country, when and how he entered the United States, when his removal order became final, any prior periods of immigration detention, and any efforts the government has made to deport him. The Court finds that Lopez Aleman is not entitled to habeas relief on any ground in his petition. Accordingly, the petition (Doc. 1) is DISMISSED without prejudice. Lopez Aleman may file an amended petition within 21 days of this order. Otherwise, the Court will enter judgment and close this case without further notice. DONE AND ORDERED in Fort Myers, Florida on February 6, 2026. , tite WObLatrat he 3

UNITED STATES DISTRICT JUDGE

SA: FTMP-1