

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PRECEDENTIAL VALUE	nonprecedential district court opinion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

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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)