

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION

Adonys Giovanni Garcia Mesias v. Merrick B. Garland, et al.

Mesias · No. 3:26cv86 (DJN) · Decided February 11, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia considered a 28 U.S.C. § 2241 petition challenging immigration detention that was filed by the petitioner's sister as his purported next friend. The court held that she had not established next-friend standing or shown that the petitioner could not appear on his own behalf, and noted that she could not represent him as a non-attorney. The petition was denied without prejudice, the action was dismissed, and the pending motions were denied.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	David J. Novak
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	February 11, 2026
DOCKET	3:26cv86 (DJN)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging his immigration detention. His sister filed and purported to sign the petition as his next friend, but Petitioner did not sign it.
STANDARD OF REVIEW	The court applied the pleading and standing requirements governing a next friend seeking to pursue habeas relief for a detained person.
PRECEDENTIAL VALUE	Unknown
PARTIES	Adonys Giovanni Garcia Mesias v. Merrick B. Garland, et al.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Petitioner's sister established next-friend standing to file and prosecute a § 2241 petition on his behalf.
2. Whether the unsigned § 2241 petition complied with Rule 2(c)(5) of the Rules Governing § 2254 Cases as applied to § 2241 proceedings.
3. Whether a nonlawyer may represent Petitioner and litigate the habeas matter on his behalf.

HOLDINGS

1. A purported next friend must clearly establish both an adequate explanation why the real party in interest cannot appear personally and a significant relationship with, and dedication to the best interests of, that person. Petitioner's sister failed to make the required showing because she did not explain why Petitioner could not prosecute the action himself.
2. A habeas petition must be signed under penalty of perjury by the petitioner or by a person authorized to sign for the petitioner under 28 U.S.C. § 2242. Because the purported next friend was not authorized, the unsigned petition failed to comply with Rule 2(c)(5).
3. A person who is not a licensed attorney may not represent a third party and litigate that person's case.

KEY QUOTATIONS

“[A] next friend does not himself become a party to the habeas corpus action in which he participates, but simply pursues the cause on behalf of the detained person, who remains the real party in interest.” (294 F.3d at 603)

“[T]he availability of next friend standing as an avenue into federal court is strictly limited.” (294 F.3d at 603)

“The burden is on the next friend clearly to establish the propriety of his status and thereby justify the jurisdiction of the court.” (294 F.3d at 603-04)

FACTUAL BACKGROUND

Adonys Giovanni Garcia Mesias was detained at the Caroline Detention Center and sought to challenge his immigration detention through a § 2241 petition. His sister, Eslinka Priscila Garcia Mesias, filed the petition as a purported next friend, but Petitioner did not sign it and the record did not show that he had seen or approved the filing.

PROCEDURAL HISTORY

The Eastern District of Virginia received a § 2241 petition filed by Petitioner's sister on his behalf. The court found that she failed to establish next-friend standing and that the petition did not comply with Rule 2(c)(5). The petition was denied without prejudice, the action was dismissed, and pending motions were denied; the Clerk was directed to send Petitioner a standardized § 2241 petition form for any new action filed by him personally.

DISPOSITION

dismissed

CASES CITED

- Hamdi v. Rumsfeld, 294 F.3d 598, 603-04 (4th Cir. 2002)
- Whitmore v. Arkansas, 495 U.S. 149, 163-64 (1990)
- Aguayo v. Harvey, 476 F.3d 971, 976 (D.C. Cir. 2007)
- Francis v. Warden, FCC Coleman-USP, 246 F. App'x 621, 623 (11th Cir. 2007)
- DePonceau v. Pataki, 315 F. Supp. 2d 338, 341-42 (W.D.N.Y. 2004)
- Kone v. Wilson, 630 S.E.2d 744, 745-46 (Va. 2006)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division ADONYS GIOVANNY GARCIA MESIAS, Petitioner, v. Civil No. 3:26cv86
(DJN) MERRICK B. GARLAND, ef al., Respondents. MEMORANDUM OPINION The Court
has received a petition under 28 U.S.C. § 2241 (ECF No. 1 (“§ 2241 Petition”)), filed on behalf of
Petitioner, challenging his immigration detention.

An individual named Eslinka Priscila Garcia Mesias, who is Petitioner’s sister and lives in Sterling, Virginia, filed the § 2241 Petition for Petitioner, purportedly as a “next friend.” Petitioner did not sign the § 2241 Petition. Rule 2(c)(5) of the Rules Governing §2254 Cases requires that petitions pursuant to 28 U.S.C. § 2254 “be signed under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner under 28 U.S.C. § 2242.” Rules Governing § 2254 Cases in U.S. District Courts, Rule 2(c)(5).!

The Advisory Committee Notes to Rule 2(c) explain: “The Committee envisions that the courts will apply third-party, or ‘next-friend,’ standing analysis in deciding whether the signer was actually authorized to sign the petition on behalf of the petitioner.” Jd., Advisory Committee Notes, 2004 Amend. “[A] next friend does not himself become a party to the habeas corpus action in which he participates, but simply pursues the cause on behalf of the detained person, who remains the real party in interest.” Hamdi v. Rumsfeld, Rule 1(b) of the Rules Governing § 2254 Cases permits this Court to apply the Rules Governing § 2254 Cases to petitions under 28 U.S.C. § 2241.

Rule 1(b), Rules Governing § 2254 Cases; see Aguayo v. Harvey, 476 F.3d 971, 976 (D.C. Cir. 2007). 294 F.3d 598, 603 (4th Cir. 2002) (some internal quotation marks omitted) (quoting Whitmore v. Arkansas, 495 U.S. 149, 163 (1990)). “[T]he availability of next friend standing as an avenue into federal court is strictly limited.” Jd.

To establish “next friend” standing, (1) the “next friend must 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,” and (2) the “next friend” must also establish that he is “truly dedicated to the best interests of the person on whose behalf he seeks to litigate” and has “a significant relationship with the real party in interest.” *Jd.* at 603- 04 (some internal quotation marks omitted) (quoting *Whitmore*, 495 U.S. at 163-64). “The burden is on the next friend clearly to establish the propriety of his status and thereby justify the jurisdiction of the court.” */d.* at 603 (some internal quotation marks omitted) (quoting *Whitmore*, 495 USS. at 164).

Ms. Mesias does not show that she qualifies as “next friend” and, therefore, the § 2241 Petition fails to comply with Rule 2(c)(5). Ms. Mesias fails to provide any explanation as to why the Petitioner cannot appear and prosecute the action. At most, Ms. Mesias vaguely states that Petitioner “is physically restrained, lacks meaningful access to the courts, and is suffering emotional and psychological harm as a result of his detention.” (ECF No. | at 2.)

The simple fact that Petitioner is detained is insufficient to show that Petitioner cannot appear on his own behalf to prosecute the action. *Hamdi*, 294 F.3d at 603-04 (requiring a showing of “inaccessibility, mental incompetence, or other disability — why the real party in interest cannot appear on his own behalf to prosecute the action”); cf *Francis v. Warden, FCC Coleman-USP*, 246 F. App’x 621, 623 (11th Cir.

2007) (finding fact of incarceration alone insufficient to show that petitioner could not initiate the petition from prison). Ms. Mesias fails to show that her brother lacks access to the courts, stands incompetent, or suffers from another disability preventing him from prosecuting this action on his own behalf.

Moreover, Ms. Mesias clearly filed the Motion on Petitioner’s behalf and there is no evidence that Petitioner even has seen or approved of the contents. That is not permissible.” Accordingly, the Court will not recognize any filings made by Ms. Mesias. Petitioner must sign his submissions to this Court under penalty of perjury.

Accordingly, the § 2241 Petition (ECF No. 1) will be DENIED WITHOUT PREJUDICE, and the action will be DISMISSED. The pending motions (ECF Nos. 3, 4, 5, 6) will be DENIED. Nevertheless, in order to expedite any additional § 2241 petition filed by Petitioner himself, the Clerk is DIRECTED to mail a copy of this Memorandum Order and a standardized form for filing a § 2241 petition to Petitioner at the Caroline Detention Center.?

If Petitioner wishes to pursue a § 2241 petition, he should complete and return the form to the Court. Petitioner must sign the form himself. Any § 2241 petition will be opened as a new civil action. An appropriate Final Order will accompany this Memorandum Opinion. Let the Clerk file a

copy of the Memorandum Opinion electronically and send a copy to Petitioner. /s/ David J. Novak
United States District Judge Richmond, Virginia Dated: February 11.

2026 2 Additionally, it does not appear that Ms. Mesias is an attorney, and therefore, she may not litigate this matter for Petitioner. Parties may plead and conduct their own cases personally or by counsel in all courts of the United States. See 28 U.S.C. § 1654. Individuals who are not licensed attorneys may not represent third parties because such representation constitutes the unauthorized practice of law.

Rules of Supreme Court of Virginia, Pt. 6, § I; see *DePonceau v. Pataki*, 315 F. Supp. 2d 338, 341-42 (W.D.N.Y. 2004); *Kone v. Wilson*, 630 S.E.2d 744, 745-46 (Va. 2006). a The Clerk should mail this Memorandum Order and a standardized § 2241 petition form to Petitioner at the Caroline Detention Center with the “A” number 241-032-429, (ECF No. 1-2 at 1.)