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II. BACKGROUND

ICE detained Cruz Gonzalez on July 13, 2025. Pet, at 2; Crespo Decl., ¶ 4. Since his detention, Cruz Gonzales has been detained in Florida, Texas, and Arizona. *Id.*, ¶¶ 4-7. He has been detained at Krome Service Processing Center in Florida since December 21, 2025. *Id.*, ¶ 8. Accordingly, Cruz Gonzalez has been detained outside of this District throughout the pendency of this litigation.

III. ARGUMENT

A. This District is not the proper venue.

A Section 2241 petition for writ of habeas corpus must “be addressed to the district court which has jurisdiction over [the petitioner] or his custodian.” *Brown v. United States*, 610 F.2d 672, 677 (9th Cir. 1980) (citing *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973)); *see also United States v. Giddings*, 740 F.2d 770, 772 (9th Cir. 1984). “All told, the plain language of the habeas statute thus confirms the general rule that, for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” *Doe v. Garland*, 109 F.4th 1188, 1198 (9th Cir. 2024). Here, Cruz Gonzalez is not located in this District and has not been in this District at any time since this litigation was initiated. Therefore, jurisdiction has never been established in this District.

B. A pro se Next Friend cannot bring claims on behalf of another person.

It is well-settled that Cruz Gonzalez’s sister may not bring claims on behalf of her brother while proceeding *pro se*. An incapacitated person proceeding via a next friend “would have to be represented by counsel.” *Hinojosa v. Warden, SATF/SP*, No. 2:22-CV-1780, 2023 WL 2874169, *2 (E.D. Cal. Apr. 10, 2023), *report and recommendation adopted*, 2023 WL 4711303 (E.D. Cal. July 24, 2023); *see also Sheikh-Elmi v. Nw. Immigr. & Customs Enft Processing Ctr.*, No. 2:25-cv-00850-JNW, 2025 WL 1397617, at *1-2 (W.D. Wash. May 13, 2025) (finding that pro se next

1 friend must obtain legal representation to continue litigating case on behalf of son). “This rule
2 applies even when a non-lawyer seeks to represent a family member who is a minor or
3 incompetent.” *Rosales v. Idaho Dep’t of Health & Welfare*, No. 20-35668, 2022 WL 17749262,
4 *1 (9th Cir. Dec. 19, 2022). The Ninth Circuit agrees with the reasoning “that it is not in the
5 interest of minors or incompetents that they be represented by non-attorneys.” *Johns v. Cnty. of*
6 *San Diego*, 114 F.3d 874, 876 (9th Cir. 1997) (quoting *Osei-Afriyie v. Medical College*, 937 F.2d
7 876, 882-83 (3d Cir.1991)).

8 The Petition demonstrates that Cruz Gonzalez’s sister is proceeding *pro se* in this action.
9 Dkt. No. 1-3, Affidavit of Next Friend. “[I]n an action in which the sole plaintiff is incapacitated
10 and cannot proceed *pro se*, the plaintiff must be represented by competent counsel, or alternatively,
11 the action must be dismissed without prejudice.” *Complot v. JPMorgan Chase Bank*, No. 23-cv-
12 02348, 2023 WL 8234271, at *3 (D. Ariz. Nov. 28, 2023). Therefore, even if Cruz Gonzalez’s
13 sister were qualified to assert Next Friend standing on behalf of her brother, her *pro se* status
14 impedes her ability to appear on Cruz Gonzalez’s behalf. *Randolph v. Nevada ex rel. Nevada*
15 *Dep’t of Corr.*, No. 3:13-cv-00148-RJC, 2014 WL 3725853, at *3 (D. Nev. July 24, 2014) (stating
16 that “a non-attorney has no authority to appear on behalf of anyone but himself”).

17 **IV. CONCLUSION**

18 For the foregoing reasons, this Court should deny the Petition.

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DATED this 5th day of January, 2026.

Respectfully submitted,

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Attorneys for Respondent

*I certify that this memorandum contains 659 words,
in compliance with the Local Civil Rules.*

CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the Western District of Washington and of such age and discretion as to be competent to serve papers.

I further certify on today's date, I electronically filed the foregoing and Declaration of Deportation Officer Luis A Crespo III with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the following CM/ECF participant(s):

- 0 -

I further certify on today's date, I arranged for service of the foregoing on the following non-CM/ECF participant(s), via Certified Mail with return receipt, postage prepaid, addressed as follows:

Yenier Cruz Gonzalez, *Pro Se Petitioner*
A# ~~XXXXXXXXXX~~
El Paso Processing Center
8915 Montana Ave
El Paso, TX 79925

DATED this 5th day of January, 2026.

s/ Stephanie Huerta-Ramirez
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