

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 26-20204-CIV-SMITH

CARLOS ALBERTO PEDROZO ECHEVARRIA,

Petitioner,

v.

KROME NORTH PROCESSING CENTER,

Respondent.

ORDER DENYING EMERGENCY MOTION

The matter comes before the Court on Petitioner Carlos Alberto Pedrozo Echevarria's *pro se* Emergency Motion for Temporary Restraining Order (the "Motion") [DE 6]. The Motion raises concerns that Petitioner will be transferred to a new housing location outside of the Southern District of Florida during the pendency of the Petition. (Mot. 1.) However, the Motion is not signed by Petitioner and appears to be brought on his behalf by his granddaughter Kiannely Hidalgo. Accordingly, for the reasons stated below, the Motion is **DENIED WITHOUT PREJUDICE**.

Rule 11 requires that "[e]very pleading, written motion, and other paper" filed by an unrepresented party be personally signed. Fed. R. Civ. P. 11(a). This signature "certifies that to the best of the [pro se party's] knowledge, information, and belief" the pleading "is not being presented for any improper purpose," is not frivolous, and "the factual contentions [therein] have evidentiary support." Fed. R. Civ. P. 11(b). Accordingly, courts have narrowly construed this Rule, finding that it requires "a name handwritten" or "a mark handplaced." *Becker v. Montgomery*, 532 U.S. 757, 764 (2001).

The Motion itself is deficient because it lacks a signature. While Petitioner's name is typed at the end of the document (Mot. 2), a typed name is not sufficient to meet Rule 11's signature requirement. *See Becker*, 532 U.S. at 764. This facial deficiency of the Motion warrants denial without prejudice.

Additionally, the Motion appears to be brought by Petitioner's granddaughter. A non-party may not prepare and file motions on behalf of a detainee without first showing that the non-party qualifies for "next friend" status. A court cannot automatically grant "next friend" status; instead, the person seeking "next friend" status must (1) provide an "adequate explanation" of "why the real party in interest cannot appear on his own behalf to prosecute the action" and (2) show that the person seeking "next friend" status is "truly dedicated to the best interests of the person on whose behalf he seeks to litigate." *Whitmore v. Arkansas*, 495 U.S. 149, 163 (1990). First, an "adequate explanation" includes "inaccessibility, mental incompetence, or other disability." *Id.* Second, true dedication to a party's best interests may be demonstrated through the existence of a "significant relationship with the real party in interest." *Id.* at 163–64. Ultimately, "the burden is on the 'next friend'" to clearly "establish the propriety of his status and thereby justify the jurisdiction of the court." *Whitmore*, 495 U.S. at 164.

While Kiannely Hidalgo's status as Petitioner's granddaughter is likely sufficient to show that she is "truly dedicated" to Petitioner's best interest, she has failed to provide an "adequate explanation" of why Petitioner himself cannot file the Motion. Indeed, the record reflects that Petitioner signed the Petition under penalty of perjury, demonstrating that he has the ability to prepare and file documents on his own behalf.¹ Accordingly, Petitioner is cautioned that, if he is

¹ The Petition indicates that Petitioner's daughter, Karen Hidalgo, hand delivered the Petition to the Clerk

proceeding *pro se*, **he alone** must prepare and sign all documents filed in the instant action. He cannot rely on others, including family members, to do so unless they show an entitlement to “next friend” status.

For the foregoing reasons, it is **ORDERED AND ADJUDGED** that the Motion [DE 6] is **DENIED WITHOUT PREJUDICE** for failure to comply with Rule 11 of the Federal Rules of Civil Procedure. Petitioner is again **CAUTIONED** that, if he continues to proceed *pro se*, **he alone** is responsible for preparing and signing all documents, motions, and other filings in this action.

DONE AND ORDERED in Fort Lauderdale, Florida, on this 26th day of January, 2026.



RODNEY SMITH
UNITED STATES DISTRICT JUDGE

cc: **Carlos Alberto Pedrozo Echevarria, pro se**

A# 
Krome Service Processing Center
Inmate Mail/Parcels
18201 SW 12th Street
Miami, FL 33194

Noticing 2241/Bivens US Attorney
Email: usafis-2255@usdoj.gov

Noticing INS Attorney
Email: usafis-immigration@usdoj.gov

of Court. (Pet. [DE 1] 9.) However, nothing indicates that the Petition was prepared by Karen Hidalgo, and Petitioner’s signature on the Petition leads the Court to believe that he prepared the Petition while his daughter merely delivered it.