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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 KIBROM NEGASH ALAZAR,
11 Petitioner,

12 v.

13 WARDEN, *Otay Mesa Detention Center*,
14 Respondents.

Case No.: 26-cv-01388-DMS-BJW

RETURN TO HABEAS PETITION

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1 **I. Improper “Pro Se” Petition**

2 An unnamed person, or persons, have filed a Petition for Writ of Habeas
3 Corpus against the Warden of the Otay Mesa Detention Center, ostensibly as a
4 “next friend” of Kibrom Negash Alazar (“Mr. Alazar”). The Petition alleges that
5 Mr. Alazar’s detention is “prolonged,” without “lawful justification,” and in
6 violation of “the constitutional guarantee of personal liberty, due process of law, and
7 the right to a speedy trial.” ECF No. 1 at 2-3. Yet, the petition provides no legal basis
8 for these conclusions, nor any facts specific to Mr. Alazar that support them.

9 More problematic, however, is the claim that the Petition was filed *pro se* by
10 Mr. Alazar himself when it is not signed by him. The author of the petition even states
11 that it is being brought “on behalf of” Mr. Alazar and the entire document is
12 otherwise written in the third-person-perspective of a “next friend.” “‘Next friends’
13 appear in court on behalf of detained prisoners who are unable, usually because of
14 mental incompetence or inaccessibility, to seek relief themselves.” *Whitmore v.*
15 *Arkansas*, 495 U.S. 149, 162 (1990). “[N]ext friend’ standing is by no means
16 granted automatically to whomever seeks to pursue an action on behalf of another.”
17 *Id.* at 163. There are two prerequisites for claiming “next friend” status. “First,
18 a ‘next friend’ must provide an adequate explanation—such as inaccessibility,
19 mental incompetence, or other disability—why the real party in interest cannot
20 appear on his own behalf to prosecute the action.” *Id.* (citations omitted). Second,
21 the “next friend” “must have some significant relationship with the real party in
22 interest.” *Id.* at 164. “The burden is on the ‘next friend’ clearly to establish the
23 propriety of his status and thereby justify the jurisdiction of the court.” *Id.*

24 In this case, even if the author of the petition was requesting “next friend”
25 standing, the unnamed “next friend” fails to meet either prerequisite. There is no
26 explanation as to why Mr. Alazar cannot file on his own behalf, nor any explanation
27 in the Petition as to what Mr. Alazar’s relationship is with the unnamed author.
28

1 Finally, even if “next friend” standing was appropriate in this case, the
2 “next friend” cannot proceed pro se—without a lawyer. *See, e.g., Pinzon v.*
3 *Mendocino Cnty. Sheriff’s Off.*, No. 22-CV-02388-RMI, 2022 WL 1304093, at *2
4 (N.D. Cal. May 2, 2022). Pro se status is only allowed when persons are appearing
5 on their own behalf, not on behalf of others. *See* Civil Local Rule 83.11. In light
6 of the foregoing, summary dismissal is appropriate. *See, e.g., Miller Leon through*
7 *Dona v. U.S. Dep’t of Homeland Sec.*, No. 26-CV-00200-BAS-MMP, 2026 WL
8 112049, at *1 (S.D. Cal. Jan. 14, 2026).

9 The Respondent respectfully requests that the petition is dismissed without
10 prejudice.

11 DATED: March 17, 2026

12 Respectfully submitted,

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14 ADAM GORDON
15 United States Attorney

16 *s/ Hunter V. Norton*
17 HUNTER V. NORTON
18 Assistant United States Attorney
19 Attorney for Respondents
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