FILED
JUL 27 2026
CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

**UNITED STATES DISTRICT COURT**
**CENTRAL DISTRICT OF CALIFORNIA**
**EASTERN DIVISION**

**Mario Enrique Montenegro, as Next Friend of Mario Enrique Montenegro Flores,**
Petitioner,

v.

**Warden, Adelanto ICE Processing Center,**
Respondent.

1:26-CV-5338 EJD (HC)
~~**Case No: 1:26-cv-05368-EJD**~~

## MOTION TO RECOGNIZE PETITIONER'S NEXT FRIEND STANDING

**Honorable Edward J. Davila**
United States District Judge

Petitioner, **Mario Enrique Montenegro,** respectfully moves this Honorable Court for an Order recognizing his standing to proceed as **Next Friend** on behalf of his son, **Mario Enrique Montenegro Flores,** and in support thereof state as follows:

## I. INTRODUCTION

This Motion is submitted in response to the Court's date **July 14, 2026,** dismissing the Petition for Writ of Habeas Corpus without prejudice because the Court found that the Petition did not contain sufficient evidence establishing Petitioner's standing to proceed as "Next Friend"

Petitioner respectfully submits this Motion together with a **Verified Declaration,** a copy of his **Power of Attorney,** and supporting **medical documentation** demonstrating that Mario Enrique Montenegro Flores is unable to adequately litigate this matter due to severe mental illness.

## II. FACTUAL BACKGROUND

1. Mario Enrique Montengro is the biological father of the detainee Mario Enrique Montengro Flores.

2. Mr. Montenegro Flores is presently detained by immigration and Customs Enforcement (ICE).

3. Mr. Montenegro Flores suffers from serious mental illnesses, including:
   - Schizophrenia;
   - Depression;
   - Insomnia; and
   - Brief Psychotic Disorder.

4. These mental illnesses substantially impair his judgement, reasoning, ability to communicate, and capacity to make informed legal decisions.

5. Because of these impairments, Mr. Montenegro Flores is unable to adequately protect his own legal interests or effectively prosecute this habeas corpus action without assistance.

6. Prior to these proceeding, Mr. Montenegro Flores executed a **Power of Attorney** authorizing his father, Mario Enrique Montenegro, to act on his behalf in legal matter whenever he is unable to do so.

7. Petitioner is acting solely to protect his son's constitutional; rights and liberty interest and has no interest and has no interest adverse to those of his son.

## III. LEGAL STANDARD

Federal detainee recognizes **Next Friend Standing** in habeas corpus proceedings where:

1. The detainee cannot litigate the action because of mental incapacity or another disability; and.

2. The proposed Next Friend has a significant relationship with the detainee and is truly dedicated to protecting the detainee's best interest.

See Whitmore c. Arkansas, 495 U.S. 149 (1990).

Petitioner respectfully submits that both requirements are satisfied in this case.

## IV. ARGUMENT

The evidence submitted establishes that Mario Enrique Montenegro Flores suffers from severe psychiatric disorders that significantly impair his ability to understand legal proceedings and make rational legal decisions.

Additionally, Petitioners is the detainee's biological father and holds a valid Power of Attorney authorizing him to act on his son's behalf.

Petitioner has continuously advocated for his son's medical care and legal protection and seeks only to ensure that this Court may fully consider the merits of his son's Petitions for Writ of Habeas Corpus.

Recognizing Petitioner's Next Friend standing will permit this Court to review the constitutional and statutory issues raised in the Petition without prejudice to any party.

## V. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Recognize **Mario Enrique Montenegro** as the lawful **Next Friend** of **Mario Enrique Montenegro Flores;**

2. Accept the accompanying Verified Declaration and Supporting evidence establishing Petitioner's standing;

3. Permit the renewed Petition for Writ of Habeas Corpus to proceed on its merits; and

4. Grant Such other and further relief as this Court deems just and proper.

Respectfully Submitted,

[redacted]

**Mario Enrique Montenegro**
Father and Next Friend of
Mario Enrique Montengro-Flores

[redacted]

For an acknowledgment in an individual capacity: STATE OF FLORIDA COUNTY OF Osceola
the foregoing instrument was acknowledged before me this 22 day of July in the year 2026, by Mario Enrique Montenegro

(seal)

Notary Public State of Florida
Rocio Sieira
My Commission HH 587281
Expires 6/30/2028

Signature of Notary Public

Print: Rocio Sieira

Personally known: ____
OR Produced Identification: ✓
Type of Identification Produced: Florida Driver License

[redacted]

**UNTED STATES DISTRICT COURT**
**EASTERN DISTRICT OF CALIFORNIA**

**Mario Ernesto Montenegro, as next friend of**
**Mario Enrique Montengro Flores,**
Petitioner,

v.

**Warden, Adelanto ICE Processing Center,**
Respondent.

**Case No. 1:26-cv-05388-EJD**

**VERIFIED DECLARATION OF MARIO ENRIQUE MONTENEGRO IN SUPPORT OF NEXT FRIEND STANDING**

**Honorable Edward J. Davila**
United States District Judge

Your Honor:

I, **Mario Enrique Montenegro,** respectfully submit this Verified Declaration in response to the Court's Order dismissing the Petition for Writ of Habeas Corpus without prejudice. I provide this declaration to establish my standing to proceed as **Next Friend** on behalf of my son, **Mario Enrique Montenegro Flores.**

1. I am the biological father of **Mario Enrique Montenegro Flores,** the petitioner in this matter.

2. I have been granted **full power of attorney** to act on behalf of my son and to make legal decisions in his best interests when he is unable to do so because of his mental condition.

3. My son suffers from serious mental illnesses that significantly impair his judgement, reasoning, and ability to understand and participate in legal proceedings. He has been diagnosed with:
   - Schizophrenia;
   - Depression
   - Insomnia; and
   - Brief Psychotic Disorder.

4. Because of these diagnoses, my son is unable to adequately protect his own legal interest or make informed legal decisions regarding this ligation without assistance. His mental illnesses substantially limit his ability to understand the legal process and effectively prosecute this action on his own behalf.

5. I am acting solely to protect my son's legal rights and liberty interests. My purpose is to ensure that his claims receive fair consideration by this Court while he remains detained.

6. I respectfully submit that I satisfy the requirements to process as **Next Friend** because:
   - I have significant and longstanding relationship with my son as his father,
   - I possess legal authority through a valid Power of Attorney;
   - My son is unable to adequately litigate this matter due to his documented mental illnesses; and
   - I am acting exclusively in his best interests.

7. Along with this declaration, I respectfully submit copies of:
   - The Power of Attorney authorizing me to act on my son's behalf;
   - Medical records documenting his mental diagnoses; and
   - Any additional supporting evidence demonstrates his inability to prosecute this action without assistance.

For these reasons, I respectfully request that the Court recognize my standing as **Next Friend**, permit the renewed Petition for Writ of Habeas Corpus to proceed, and consider the merits of my son's request for relief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed on July 18th, 2026

Respectfully submitted,

[redacted]
**Mario Enrique Montenegro**
Next Friend and Father of
Mario Enrique Montenegro Flores

For an acknowledgment in an individual capacity: STATE OF FLORIDA COUNTY OF Osceola
the foregoing instrument was acknowledged before me this 18 day of July in the year 2026, by Mario Enrique Montenegro

(seal)

Notary Public State of Florida
Rocio Sieira
My Commission HH 587281
Expires 8/30/2028

Signature of Notary Public

Print: Rocio Sieira

Personally known: ____
OR Produced Identification: ✓
Type of Identification Produced: Florida Driver License

[redacted]

**ATTORNEY-IN-FACT**

**ANITA GREGORIA FLORES SANCHEZ,** of legal age, Nicaraguan, holder of identity card No. [redacted] from the state of Florida, residing at [redacted]

**MARIO ENRIQUE MONTENEGRO,** of legal age, Nicaraguan, holder of identity card No. [redacted] from the state of Florida, residing at [redacted]

So that, in the name and on behalf of the grantors, they may carry out **all types of legal, administrative, and immigration proceedings** in United States of America and in Nicaragua.

## SECOND: POWER

The **Attorney-in-Fact** is expressly authorized to exercise, without limitation, the following powers:

### A) IMMIGRATION MATTERS

1. Appear before the General Directorate of Immigration and foreign Affairs in Nicaragua, and the Department of Homeland Secure and Immigration services of United States of America.

2. Request and obtain Immigration Certificates, official certification, immigration records, permits, authorization, and any related documents.

### B) LEGAL AND ADMINISTRATIVE MATTERS

3. Appear before any administrative, municipal, police, or judicial authority within the territories of United States of America and Nicaragua.

4. Submit applications, written requests, petitions, appeals, claims, representations, and carry out any necessary proceedings before public or private institutions.

## C) REQUETING AND OBTAINING DOCUMENTS

5. Request sign, obtain, and process documents including, but not limited to:

- Birth Certificates
- Certificates of single status
- Marriage Certificates
- Death Certificates
- Medical Certificates
- Passport
- Police record
- Criminal background certificates
- Certificate of residence
- Municipal and tax clearance certificates
- Academic and school certificates
- Notarial and registry certifications

## D) MINISTRIES, REGISTRIES, AND FOREIGH AFFAIRS

6. Carry out procedures before the **Civil Registry of Persons (Registro del Estado Civil de las Personas), the Supreme Electoral Council (Consejo Supremo Electoral),** municipal government, ministries, public institutions, educational centers, and universities.

7. Carry out procedures before the **Ministry of Foreign Affairs of Nicaragua and in the United States of America** including authentications, legalizations apostille, and any matters related to national and international documents.

## E) NOTARIES PUBLIC

8. Appear before Notaries Public in **United States of America and in Nicaragua** to sign, process, authenticate, legalize, obtain documents, and execute sworn statements related to the purposes of this Power of Attorney.

### F) AUTHORITY TO SIGN AND REPRESENT

9. Sign application, forms, documents, certificates, written submissions, and any other document required to complete immigration or legal proceedings, representation in federal or local court.

10. Receive notices, certifications, resolutions, and official documents.

### G) PAYMENTS

11. Pay fees, charges, government duties, and any other amounts required by public or private institutions and obtain receipts and proof of payment.

## THIRD: SCOPE OF THE POWER OF ATTORNEY

This Power of Attorney is granted as Special Power of Attorney, but with broad and sufficient authority to enable the Attorney-in-Fact to carry out all necessary actions related to legal and immigration matters in United States of America and in Nicaragua, acting on behalf of the Grantors until such matters have been fully completed.

## FOURTH: EFFECTIVE DATE

This power of Attorney shall become effective on the date it is signed and shall remain valid until it is expressly revoked.

## FIFTH: ACCEPTANCE

The Attorney-in-Fact may accept this Power of Attorney by signing either a separate document or this same instrument, if required.

Having had this instrument read to the appearing parties, they declare, and they sign it in the City of Kissimmee, Florida, United States of America, on the date first written above.

**FIRMA DE LOS OTROGANTES**

[redacted]

**MARIO ENRIQUE MONTENEGRO FLORES**

[redacted]

[redacted]

**EVELING RAQUEL MONTENEGRO FLORES**

[redacted]

**DATOS DEL NOTARIO PUBLICO**

STATE OF FLORIDA
COUNTY OF OSCEOLA

Sworn to (or affirmed) and subscribed before me this 14 day of February, 2026, by:

[redacted]

✓ Mario Enrique Montengro Flores
✓ Eveling Raquel Montenegro Flores

Who are personally known to me OR who produced identification:
Florida Identification

Notary Public, State of Florida

Printed Name: Rocio Sieira
Commission No: HH 587281
My Commission Expires: 08/30/2028

Notary Public State of Florida
Rocio Sieira
My Commission HH 587281
Expires 8/30/2028