

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, EL PASO DIVISION

Peter Victor Ayika v. United States

Cause No. EP-25-CV-436-DB · No. EP-25-CV-436-DB · Decided December 4, 2025

SUMMARY

The United States District Court for the Western District of Texas granted Peter Victor Ayika’s motion for reconsideration but dismissed his 28 U.S.C. § 2241 petition with prejudice for lack of jurisdiction. The court held that Ayika’s reliance on Ruan v. United States, an intervening statutory-interpretation decision concerning 21 U.S.C. § 841, did not satisfy the § 2255(e) savings clause after Jones v. Hendrix. The court also denied a certificate of appealability and ordered the case closed.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, El Paso Division
WRITING FOR THE COURT	David Briones
JURISDICTION	United States District Court for the Western District of Texas, El Paso Division
DECIDED	December 4, 2025
DOCKET	EP-25-CV-436-DB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought reconsideration of the dismissal of his 28 U.S.C. § 2241 habeas petition, which challenged his federal drug conviction based on the Supreme Court's decision in Ruan v. United States. The district court granted leave to file and accepted the reconsideration motion, but dismissed the § 2241 petition for lack of jurisdiction.
STANDARD OF REVIEW	The court applied the pleading-screening standard under Rule 4 of the Rules Governing Section 2254 Cases, as applicable to § 2241 petitions, asking whether it plainly appeared from the petition and attached exhibits that the petitioner was not entitled to relief.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order; persuasive only
PARTIES	Peter Victor Ayika v. United States of America

TOPICS

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QUESTIONS PRESENTED

1. Whether Ayika could use a 28 U.S.C. § 2241 petition to challenge the validity of his federal conviction based on *Ruan v. United States*.
2. Whether *Ruan* constituted a new rule of constitutional law or otherwise permitted Ayika to invoke the 28 U.S.C. § 2255(e) savings clause.
3. Whether the court had jurisdiction over Ayika's § 2241 petition after he could not satisfy the § 2255(e) savings-clause requirements.

HOLDINGS

1. A federal prisoner may not use a § 2241 petition to circumvent the restrictions on second or successive § 2255 motions when the claim relies on an intervening change in statutory interpretation and does not satisfy the § 2255(e) savings clause.
2. *Ruan* did not announce a new rule of constitutional law; it applied existing principles of statutory interpretation and criminal scienter to § 841.
3. The court lacked jurisdiction because Ayika could not satisfy the § 2255(e) savings clause, and the petition was dismissed with prejudice.

KEY QUOTATIONS

“The Court cannot reach the merits of Ayika’s Ruan-based argument because “Ruan—an intervening change in statutory interpretation—no longer qualifies for the savings clause in § 2255(e) following the Supreme Court’s decision in Jones v. Hendrix.”” (Analysis)

“The Court concludes it plainly appears from the petition and any attached exhibits that Ayika cannot satisfy either prong of the stringent § 2255(e) savings clause test.” (Conclusion and Orders)

FACTUAL BACKGROUND

Ayika was a licensed Texas pharmacist and owner of Continental Pharmacy who was convicted by a jury of unlawfully possessing and distributing hydrocodone under 21 U.S.C. § 841. He argued that his pharmacist license authorized him to possess and distribute controlled substances and that, under *Ruan*, the government had to prove that he knowingly or intentionally acted in an unauthorized manner. By the time he filed the present petition, he had completed his imprisonment and had been released from Bureau of Prisons custody.

PROCEDURAL HISTORY

Ayika was convicted in the Western District of Texas of drug offenses under 21 U.S.C. § 841 and sentenced to imprisonment. The Fifth Circuit affirmed his conviction and sentence, and the Supreme Court denied certiorari. After serving his sentence, Ayika filed a § 2241 petition challenging the drug conviction under Ruan; the court considered his motion for reconsideration and concluded that the petition could not proceed under the § 2255(e) savings clause.

DISPOSITION

dismissed

CASES CITED

- Ruan v. United States, 597 U.S. 450 (2022)
- Jones v. Hendrix, 599 U.S. 465 (2023)
- United States v. Ayika, 584 F. App'x 239 (5th Cir. 2014)
- United States v. Ayika, 542 F. App'x 344 (5th Cir. 2013)
- Ayika v. United States, 134 S. Ct. 1330 (2014)
- Pack v. Yusuff, 218 F.3d 448 (5th Cir. 2000)
- United States v. Cleto, 956 F.2d 83 (5th Cir. 1992)
- Cox v. Warden, 911 F.2d 1111 (5th Cir. 1990)
- Ojo v. INS, 106 F.3d 680 (5th Cir. 1997)
- Solsona v. Warden, F.C.I., 821 F.2d 1129 (5th Cir. 1987)
- Padilla v. United States, 416 F.3d 424 (5th Cir. 2005)
- Christopher v. Miles, 342 F.3d 378 (5th Cir. 2003)
- Zolicoffer v. U.S. Dep't of Just., 315 F.3d 538 (5th Cir. 2003)
- Rehaif v. United States, 588 U.S. 225 (2019)
- Martinez v. United States, No. 4:23-cv-0154, 2023 WL 5655533 (M.D. Pa. Aug. 31, 2023)
- United States v. Jones, No. CR 15-61, 2024 WL 4723258 (E.D. La. Nov. 8, 2024)
- Blake v. Smith, No. 4:23-cv-238-O, 2024 WL 812035 (N.D. Tex. Feb. 27, 2024)
- Okechuku v. Salmonson, No. 5:22-cv-135, 2023 WL 5519362 (E.D. Tex. Aug. 1, 2023)
- Dixon v. Knight, 1:23-cv-01764-RMB, 2023 WL 4366261 (D.N.J. July 6, 2023)
- Givens v. Trate, No. 1:23-cv-0954-SKO (HC), 2023 WL 4306266 (E.D. Cal. June 30, 2023)