

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Alexi Ayala Perez v. Kristi Noem, et al.

Ayala Perez v. Noem · No. 3:25-cv-03777-CAB-JLB · Decided January 14, 2026

SUMMARY

The court granted Alexi Ayala Perez’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. It held that Immigration and Customs Enforcement violated 8 C.F.R. § 212.5(e)(5) and due process by re-detaining Perez without written notice revoking his parole, an individualized determination, or an opportunity to be heard. The court ordered his immediate release under the same conditions that existed before his May 23, 2025 re-detention.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 ALEXI AYALA PEREZ, Case No.: 3:25-cv-03777-CAB-JLB 12 Petitioner,
ORDER GRANTING HABEAS 13 v. PETITION 14 KRISTI NOEM, et al., [Doc. No. 1] 15
Respondents. 16 17 Pending before the Court is Alexi Ayala Perez’s (“Petitioner”) petition for a
writ of 18 habeas corpus pursuant to 28 U.S.C. § 2241.

[Doc. No. 1 (“Petition”).] Petitioner claims 19 that he is detained by Immigration and Customs
Enforcement (“ICE”) in violation of the 20 Immigration and Nationality Act, the Fifth
Amendment, and regulations governing the 21 termination of parole. [Id. at 2, 12–14.] He
principally seeks immediate release. [Id. at 22 15.] Respondents filed a response to the Petition,
[Doc.

No. 4], and Petitioner filed a 23 traverse, [Doc. No. 5]. For the following reasons, the Court
GRANTS the request for a 24 writ of habeas corpus and ORDERS Respondents to immediately
release Petitioner from 25 custody under the same conditions of release that existed immediately
prior to his May 23, 26 2025 re-detention. 27 /// 28 /// 1 I. BACKGROUND 2 Petitioner is a
Cuban national who presented at the San Ysidro port of entry on June 3 3, 2024 with an
appointment via the Customs and Border Protection (“CBP”) One mobile 4 application.

[Petition at 5.] He was inspected and paroled into the United States under 5 8 C.F.R. § 212(d)(5)
(A). [Id.] He was issued a Form I-94 valid through June 2, 2026, and 6 later issued an
Employment Authorization Document valid through June 3, 2026. [Id. at 7 5–6.]

On May 23, 2025, Petitioner appeared for a master calendar hearing in his case and 8 was
detained by ICE when exiting the hearing. [Id. at 6.] Respondents do not refute or 9 supplement

any of Petitioner’s facts. [See generally Doc. No. 4.] 10 II. LEGAL STANDARD 11 A writ of habeas corpus challenges the legality of a petitioner’s custody and seeks 12 to secure release from that illegal custody.

Under 28 U.S.C. § 2241, a district court may 13 grant a writ of habeas corpus when the petitioner “is in custody in violation of the 14 Constitution or laws or treaties of the United States.” The petitioner bears the burden of 15 demonstrating that he is in illegal custody. See *Martinez v. Noem*, No. 25-CV-2740-BJC- 16 BJW, 2025 WL 3171738, at *2 (S.D. Cal. Nov.

13, 2025). 17 III. DISCUSSION 18 Petitioner argues that his detention violates 8 C.F.R. § 212.5(e)(5) and his Due 19 Process rights because his parole has never been revoked. Respondents do not engage with 20 Petitioner’s claims. Instead, Respondents state that Petitioner is detained under 8 U.S.C. 21 § 1226(a) and under the final judgment in *Maldonado Bautista v. Noem*, No. 5:25-cv-1873- 22 SSS-BFM, 2025 WL 3678485 (C.D.

Cal. Dec. 18, 2025) is entitled to a bond hearing. 23 [Doc. No. 4.] The Court agrees with Petitioner. 24 8 C.F.R. § 212.5(e)(5) provides that parole shall be terminated “upon 25 accomplishment of the purpose for which parole was authorized or when in the opinion of 26 one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor 27 public benefit warrants the continued presence of the alien in the United States, parole shall 28 be terminated upon written notice to the alien[.]” Petitioner asserts, and Respondents do 1 || not contest, that he has never received any written notice revoking his parole.

[Petition at 2 || 12, 14.] The Court therefore finds that ICE violated 8 C.F.R. § 212.5(e)(5) by detaining 3 || Petitioner without at least written notice revoking his parole. 4 Additionally, because Petitioner was previously released on parole, he possessed a 5 || protected liberty interest in remaining free from detention that could not be revoked absent 6 || notice.

When an individual is released from custody, a liberty interest is created which 7 requires notice and a hearing before that individual may be taken back into custody. See 8 || *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. 9 || Sept. 5, 2025) (listing cases); see also *Pinchi v. Noem*, 792 F. Supp. 3d 1025, □□□□□□ 10 ||(N.D.

Cal. 2025). Petitioner’s sudden re-detention without notice, an individualized 11 determination, or an opportunity to be heard violates the Due Process Clause. See *Mathews* 12 *Eldridge*, 424 U.S. 319, 333 (1976) (requiring notice and an opportunity to be heard 13 || before deprivation of a protected liberty interest); *Morrissey v. Brewer*, 408 U.S. 471, 482 14 ||(1972) (recognizing that revocation of parole inflicts a “grievous loss” and requires 15 ||}minimum due process protections).

16 CONCLUSION 17 Based on the foregoing, Petitioner’s request for a writ of habeas corpus is 18 || GRANTED such that the Court ORDERS Respondents to immediately release Petitioner 19

custody under the same conditions of release that existed immediately prior to his 20 || May 23, 2025 re-detention. 21 The Clerk of Court shall close the case. 22 Itis SO ORDERED.

23 || Dated: January 14, 2026 ((6 — 24 Hon. Cathy Ann Bencivengo 25 United States District Judge 26 27 28