

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.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cathy Ann Bencivengo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 14, 2026
DOCKET	3:25-cv-03777-CAB-JLB
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention and seeking immediate release.
STANDARD OF REVIEW	Under 28 U.S.C. § 2241, the petitioner bears the burden of demonstrating that he is in custody in violation of the Constitution, laws, or treaties of the United States.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Alexi Ayala Perez v. Kristi Noem, et al.

TOPICS

- immigration detention
- federal habeas corpus
- procedural due process
- due process
- removal proceedings

PRACTICE AREAS

- immigration
- habeas corpus
- constitutional law
- civil rights

QUESTIONS PRESENTED

1. Whether ICE violated 8 C.F.R. § 212.5(e)(5) by detaining Petitioner without written notice terminating or revoking his parole.
2. Whether Petitioner's sudden re-detention without notice, an individualized determination, or an opportunity to be heard violated the Due Process Clause.
3. Whether Petitioner was entitled to habeas relief and immediate release rather than merely a bond hearing.

HOLDINGS

1. ICE violated 8 C.F.R. § 212.5(e)(5) by detaining Petitioner without at least written notice revoking his parole.
2. Petitioner's sudden re-detention violated the Due Process Clause because he had a protected liberty interest in remaining free from detention and was taken back into custody without notice, an individualized determination, or an opportunity to be heard.

KEY QUOTATIONS

“For the following reasons, the Court GRANTS the request for a writ of habeas corpus and ORDERS Respondents to immediately release Petitioner from custody under the same conditions of release that existed immediately prior to his May 23, 2025 re-detention.” (at 1)

“The Court therefore finds that ICE violated 8 C.F.R. § 212.5(e)(5) by detaining Petitioner without at least written notice revoking his parole.” (at 2)

“Petitioner’s sudden re-detention without notice, an individualized determination, or an opportunity to be heard violates the Due Process Clause.” (at 2)

FACTUAL BACKGROUND

Petitioner, a Cuban national, presented at the San Ysidro port of entry on June 3, 2024, was inspected, and was paroled into the United States under 8 C.F.R. § 212(d)(5)(A). His Form I-94 and employment authorization document were valid through June 2026. When he appeared for a master calendar hearing on May 23, 2025, ICE detained him as he exited the hearing. The court found that Petitioner had not received written notice revoking his parole and that Respondents did not contest those facts.

PROCEDURAL HISTORY

Alexi Ayala Perez filed a petition for a writ of habeas corpus against the Secretary of Homeland Security and other respondents. Respondents filed a response, and Petitioner filed a traverse. The district court granted the petition and ordered Petitioner's immediate release under the same conditions that existed before his May 23, 2025 re-detention.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents were ordered to immediately release Petitioner from custody under the same conditions of release that existed immediately prior to his May 23, 2025 re-detention. The Clerk was directed to close the case.

CASES CITED

- Martinez v. Noem, No. 25-CV-2740-BJC-BJW, 2025 WL 3171738, at *2 (S.D. Cal. Nov. 13, 2025)
- Maldonado Bautista v. Noem, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025)
- Valencia Zapata v. Kaiser, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5, 2025)
- Pinchi v. Noem, 792 F. Supp. 3d 1025 (N.D. Cal. 2025)
- Mathews v. Eldridge, 424 U.S. 319, 333 (1976)
- Morrissey v. Brewer, 408 U.S. 471, 482 (1972)