

United States Court of Appeals for the Fifth Circuit

No. 26-50061
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 10, 2026

Lyle W. Cayce
Clerk

PETER VICTOR AYIKA,

Petitioner—Appellant,

versus

UNITED STATES OF AMERICA,

Respondent—Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:25-CV-436

Before RICHMAN, SOUTHWICK, and WILLETT, *Circuit Judges*.

PER CURIAM:*

In 2009, petitioner Peter Victor Ayika, then a licensed pharmacist, was indicted for unlawfully possessing and distributing hydrocodone. *See* 21 U.S.C. § 841(a)(1). A jury convicted, and the district court sentenced Ayika to 170 months' imprisonment (later reduced to 151 months). In 2015, Ayika filed a motion to vacate his conviction under 28 U.S.C. § 2255,

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 26-50061

arguing (among other things) that he was a pharmacist licensed to sell controlled substances and thus fell within § 841(a)'s authorization exception. *See* 21 U.S.C. § 841(a) (“Except as authorized by this subchapter . . .”). The district court denied the motion, concluding that Ayika's conduct fell “outside the usual course of medical practice” and thus outside § 841(a)'s authorization exception. *Ayika v. United States*, Nos. EP-14-CV-367-FM, EP-09-CR-660-FM-1, 2016 WL 9050959, at *5 (W.D. Tex. May 24, 2016).

In 2025, Ayika filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, relying on the Supreme Court's intervening decision in *Ruan v. United States*, 597 U.S. 450 (2022). In *Ruan*, the Court held that § 841(a) requires the Government to “prove beyond a reasonable doubt that the defendant knew that he or she was acting in an unauthorized manner, or intended to do so.” *Id.* at 454. Because his jury had not been instructed that it could convict only if it found knowledge or intent, Ayika argued, he had been convicted of something that is not a crime. The district court dismissed the petition, relying on § 2255(e), which forbids district courts from “entertain[ing]” a § 2241 petition when the petitioner has been denied (or failed to apply for) relief under § 2255 unless a § 2255 motion “is inadequate or ineffective to test the legality of his detention.” 28 U.S.C. § 2255(e).

On appeal, Ayika argues—relying on our decision in *Reyes-Requena v. United States*, 243 F.3d 893 (5th Cir. 2001)—that § 2255 is inadequate or ineffective because his claim (1) “is based on a retroactively applicable Supreme Court decision”—namely, *Ruan*—“which establishes that [he] may have been convicted of a nonexistent offense,” and (2) “was foreclosed by circuit law at the time when the claim should have been raised in the petitioner's trial, appeal, or first § 2255 motion.” *Id.* at 904. The Supreme Court, however, has abrogated *Reyes-Requena*, holding that “§ 2255(e)'s saving clause does not permit a prisoner asserting an intervening change in statutory interpretation to circumvent . . . restrictions on second or

No. 26-50061

successive § 2255 motions by filing a § 2241 petition.” *Jones v. Hendrix*, 599 U.S. 465, 471 (2023).

Jones forecloses Ayika’s § 2241 petition. We AFFIRM.