

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Lopez Luvian v. Bondi

No. 25-cv-04035-TLT (N.D. Cal. June 7, 2025) · No. 25-cv-04035-TLT · Decided June 7, 2025

SUMMARY

The United States District Court for the Northern District of California grants Miguel Lopez Luvian’s motion for a temporary restraining order seeking to prevent his removal to Mexico. The court concludes that Plaintiff has shown a likelihood of success on an Administrative Procedure Act claim challenging the termination of his removal proceedings, as well as irreparable harm absent a stay. Defendants are temporarily restrained from removing Plaintiff pending resolution of his forthcoming motion for a preliminary injunction.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 7, 2025
DOCKET	25-cv-04035-TLT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought a temporary restraining order staying his removal from the United States while he pursued claims under the Administrative Procedure Act, the Fifth Amendment, and the Declaratory Judgment Act.
STANDARD OF REVIEW	For temporary injunctive relief, the court applied the Nken factors: likelihood of success on the merits, irreparable injury absent relief, injury to other interested parties, and the public interest. For the APA claim, the court applied the arbitrary-and-capricious standard under 5 U.S.C. § 706(2)(A).
PRECEDENTIAL VALUE	Unpublished district-court order; preliminary and generally nonprecedential.

TOPICS

- immigration
- removal proceedings
- administrative procedure act
- judicial review of agency action
- injunctions

PRACTICE AREAS

immigration

administrative law

constitutional law

civil procedure

equitable remedies

QUESTIONS PRESENTED

1. Whether the district court could review Plaintiff's challenge to the BIA's termination of his removal proceedings under the APA when the Ninth Circuit had previously declined jurisdiction over his petition for review.
2. Whether Plaintiff demonstrated a likelihood of success on his APA claim that the BIA's asserted nonreviewable authority to terminate removal proceedings was unlawful.
3. Whether Plaintiff demonstrated irreparable harm, and whether the public-interest and governmental-interest factors supported a temporary stay of removal.

HOLDINGS

1. At the temporary-restraining-order stage, the court held that it could consider Plaintiff's APA claim because the BIA's termination of the removal proceedings was final and Plaintiff had no other adequate remedy in court.
2. At the preliminary stage, Plaintiff demonstrated a likelihood of success on his APA claim because the BIA's asserted unreviewable authority to terminate removal proceedings appeared to be an unlawful and transformative expansion of agency power lacking clear congressional authorization.
3. Plaintiff demonstrated irreparable harm, and the public-interest and governmental-interest factors favored temporarily staying his removal.

KEY QUOTATIONS

"In considering whether to stay a removal, "a court considers four factors: (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies."" (Section II)

"Defendants and their officers, agents, servants, employees, attorneys, and all those who are in active concert or participation with them are hereby TEMPORARILY RESTRAINED from removing Plaintiff from the United States, until the merits of Plaintiffs' forthcoming motion for a preliminary injunction is resolved."
(Conclusion)

FACTUAL BACKGROUND

Miguel Lopez Luvian, a 48-year-old native and citizen of Mexico, had lived in the United States for more than 27 years with his U.S.-citizen wife and three children and had worked as a welder for more than two decades. USCIS denied his adjustment-of-status application after determining that he had previously made a false claim to U.S. citizenship, and DHS initiated removal proceedings. An immigration judge granted cancellation of removal in 2012, but the BIA sustained DHS's appeal and dismissed the proceedings in 2014; ICE later reinstated a prior removal order. ICE detained Plaintiff during a routine immigration check-in on June 3, 2025, and he faced imminent removal to Mexico.

PROCEDURAL HISTORY

Plaintiff had received cancellation of removal from an immigration judge, but the Board of Immigration Appeals sustained DHS's appeal and dismissed the removal proceedings. ICE later reinstated a prior removal order. After the Ninth Circuit dismissed Plaintiff's petition for review for lack of jurisdiction, Plaintiff filed this APA action and moved for a temporary restraining order. The district court granted the motion and temporarily restrained Defendants from removing Plaintiff until the merits of his forthcoming preliminary-injunction motion were resolved.

DISPOSITION

other

CASES CITED

- Korematsu v. United States, 323 U.S. 214 (1944)
- Trump v. Hawaii, 585 U.S. 667 (2018)
- Lopez v. Garland, 40 F.4th 996, 999, 1001 (9th Cir. 2022)
- American Federation of Government Employees, AFL-CIO v. Trump, No. 25-CV-03698, 2025 WL 1358477, at *6, *20-21 (N.D. Cal. May 9, 2025)
- Nken v. Holder, 556 U.S. 418, 433-34 (2009)
- Dhillon v. Mayorkas, No. 10-cv-0723, 2010 WL 1338132, at *9 (N.D. Cal. Apr. 5, 2010)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 24 (2008)
- International Brotherhood of Teamsters v. United States DOT, 861 F.3d 944, 952 (9th Cir. 2017)
- Martinez v. Napolitano, 704 F.3d 620, 623 (9th Cir. 2012)
- Weyerhaeuser Co. v. U.S. Fish and Wildlife Service, 586 U.S. 9, 23 (2018)
- Mach Mining, LLC v. E.E.O.C., 575 U.S. 480, 489 (2015)
- 2 Peaks Bikes LLC v. Mayorkas, No. 24-cv-09518, 2025 WL 1357425, at *3 (C.D. Cal. Mar. 12, 2025)
- Greater Yellowstone Coalition v. Lewis, 628 F.3d 1143, 1148 (9th Cir. 2010)
- West Virginia v. Environmental Protection Agency, 597 U.S. 697, 716, 721, 723-25 (2022)
- Food & Drug Administration v. Brown & Williamson Tobacco Corp., 529 U.S. 120, 159-60 (2000)
- Utility Air Regulatory Group v. Environmental Protection Agency, 573 U.S. 302, 324 (2014)
- State v. Su, 121 F.4th 1, 14 (9th Cir. 2024)
- Texas v. United States, 809 F.3d 134, 181-83 (5th Cir. 2015), as revised (Nov. 25, 2015)
- Texas v. United States, 50 F.4th 498, 527-28 (5th Cir. 2022)
- County of Santa Clara v. Trump, 250 F. Supp. 3d 497, 524 n.9 (N.D. Cal. 2017)
- Landon v. Plascencia, 459 U.S. 21, 34 (1982)
- Bridges v. Wixon, 326 U.S. 135 (1945)
- Ching v. Mayorkas, 725 F.3d 1149, 1157 (9th Cir. 2013)

- *Students of Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181, 407 (2023) (Jackson, J., dissenting)

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