

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Yovana De La Cruz Bejarano v. Timothy S. Robbins, Field Office
Director of the Los Angeles Field Office of U.S. Immigration and
Customs Enforcement; Todd M. Lyons, Acting Director of U.S.
Immigration and Customs Enforcement; U.S. Immigration and
Customs Enforcement; Kristi Noem, Secretary of the U.S.
Department of Homeland Security; Christopher Chestnut, Warden,
California City Corrections Center; and Pamela Bondi, Attorney
General of the United States**

De La Cruz Bejarano v. Robbins · No. 1:25-cv-01537 WBS CKD · Decided November 14, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Yovana De La Cruz Bejarano’s motion for a temporary restraining order seeking immediate release from immigration detention. The court held that, because petitioner was treated as an applicant for admission who had not effected an entry into the United States, the detention procedures authorized by 8 U.S.C. § 1225(b)(1)(B)(ii) satisfied procedural due process and did not provide a right to a bond hearing. The court therefore concluded that petitioner had not shown a likelihood of success on the merits.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	William B. Shubb
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 14, 2025
DOCKET	1:25-cv-01537 WBS CKD
DISPOSITION	denied
PROCEDURAL POSTURE	Petitioner sought a temporary restraining order requiring her immediate release from immigration detention on the ground that detention under 8 U.S.C. § 1225(b)(1)(B)(ii) violated procedural due process.

STANDARD OF REVIEW	A temporary restraining order is governed by the same standard as a preliminary injunction. The movant must establish likelihood of success on the merits, likely irreparable harm absent relief, a favorable balance of equities, and that an injunction is in the public interest; the last two factors merge when the government is the opposing party.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; nonprecedential
PARTIES	Yovana De La Cruz Bejarano v. Timothy S. Robbins, Todd M. Lyons, U.S. Immigration and Customs Enforcement, Kristi Noem, Christopher Chestnut, Pamela Bondi

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QUESTIONS PRESENTED

1. Whether petitioner was likely to succeed on her claim that detention under 8 U.S.C. § 1225(b)(1)(B)(ii), without a bond hearing, violated procedural due process.
2. Whether petitioner was entitled to immediate release through a temporary restraining order.

HOLDINGS

1. Petitioner was not likely to succeed on her procedural due process claim because, as a noncitizen paroled into the United States pending an admissibility determination who had not effected an entry, the procedure authorized by Congress governed the process due, and § 1225(b)(1)(B)(ii) did not provide for a bond hearing.
2. Petitioner's motion for a temporary restraining order was denied because she failed to demonstrate a likelihood of success on the merits.

KEY QUOTATIONS

“Accordingly, “the procedure authorized by Congress” in 8 U.S.C. § 1225(b)(1)(B)(ii) constitutes procedural “due process” as far as petitioner is concerned.” (at 2)

“Because petitioner has failed to demonstrate a likelihood of success on the merits of her due process claim, the court “need not consider the other [preliminary injunction] factors.”” (at 3)

FACTUAL BACKGROUND

Yovana De La Cruz Bejarano arrived in the United States from Peru on or about June 17, 2023, without documents authorizing her admission or continued presence. ICE paroled her for one year subject to conditions,

including reporting for scheduled appointments, but she missed two appointments. After a 2024 burglary and conspiracy arrest whose charges were later dismissed, she appeared at an ICE office on October 23, 2025, and was detained based on the arrest and alleged parole violations.

PROCEDURAL HISTORY

Petitioner filed a petition and motion for a temporary restraining order on November 11, 2025. After considering the parties' submissions and oral argument, the district court denied the motion because petitioner failed to show a likelihood of success on her procedural due process claim.

DISPOSITION

denied

CASES CITED

- Rovio Entertainment Ltd. v. Royal Plush Toys, Inc., 907 F. Supp. 2d 1086, 1092 (N.D. Cal. 2012)
- Stuhlbarg International Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008)
- Nken v. Holder, 556 U.S. 418, 435 (2009)
- Leng May Ma v. Barber, 357 U.S. 185, 188-90 (1958)
- Department of Homeland Security v. Thuraissigiam, 591 U.S. 103, 139 (2020)
- Barrera-Echavarria v. Rison, 44 F.3d 1441, 1450 (9th Cir. 1995)
- Shaughnessy v. United States ex rel. Mezei, 345 U.S. 206, 212 (1953)
- Angov v. Lynch, 788 F.3d 893, 898 (9th Cir. 2015)
- Grigoryan v. Barr, 959 F.3d 1233, 1241 (9th Cir. 2020)
- Jennings v. Rodriguez, 583 U.S. 281, 297 (2018)
- California v. Azar, 911 F.3d 558, 575 (9th Cir. 2019)

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