

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PRECEDENTIAL VALUE	unpublished district court memorandum and order; nonprecedential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

TOPICS

immigration detention

procedural due process

injunctions

removal proceedings

immigration

PRACTICE AREAS

immigration

immigration detention

constitutional law

civil procedure

equitable relief

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)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 ----oo0oo---- 11 12 YOVANA DE LA CRUZ BEJARANO, No. 1:25-cv-01537
WBS CKD 13 Petitioner, 14 v. MEMORANDUM AND ORDER RE: 15 PETITIONER’S
MOTION FOR Timothy S. ROBBINS, Field Office TEMPORARY RESTRAINING ORDER 16
Director of the Los Angeles Field Office of U.S. Immigration 17 and Customs enforcement; Todd
M. LYONS, Acting Director of U.S. 18 Immigration and Customs Enforcement; U.S.
IMMIGRATION 19 AND CUSTOMS ENFORCEMENT, Kristi NOEM, Secretary of the U.S. 20
Department of Homeland Security, Christopher CHESTNUT, Warden, 21 California City
Corrections Center, and Pamela BONDI, 22 Attorney General of the United States, 23 Defendant.

24 25 ----oo0oo---- 26 I. Background 27 Before the court is petitioner Yovana De La Cruz 28 1 Bejarano's motion for a temporary restraining order. Petitioner 2 asks the court to order her immediate release from custody on the 3 grounds that her detention violates the Due Process Clause. 4 (Docket No. 2 at 12.) 5 Petitioner arrived in the United States on or around 6 June 17, 2023.

(Id. at 2.) She was detained by Border Patrol 7 agents, and she informed the agents that she was a citizen of 8 Peru and did not have documents allowing her to enter or remain 9 in the United States legally. (Docket No. 8 at 2.) 10 On July 7, 2023, Immigration & Customs Enforcement 11 ("ICE") authorized petitioner's parole for a one-year term. 12 (Id.) Her parole was conditioned on, among other things, 13 reporting for scheduled appointments as directed by ICE.

(Id. at 14 2-3.) Petitioner missed two such appointments. (Id. at 3.) 15 Petitioner was arrested in Modesto, California, for 16 second degree burglary and criminal conspiracy on December 14, 17 2024, but her charges were dismissed by the Stanislaus County 18 Superior Court on January 17, 2025. (Id.) 19 On October 23, 2025, petitioner, upon instruction, 20 appeared at the ICE office in Stockton, California.

(Id.) Upon 21 doing so, she was detained by ICE officials, due to her arrest 22 and failure to comply with her parole conditions. (Id.) 23 On November 11, 2025, petitioner filed the instant 24 motion for a temporary restraining order. (See Docket No. 2.) 25 At oral argument, the parties appeared to agree that 8 26 U.S.C. § 1225(b)(1)(B)(ii) governs petitioner's detention.

27 Accordingly, the sole question before the court is whether 28 1 petitioner is entitled to immediate release from detention on the 2 grounds that her detention pursuant to 8 U.S.C. § 3 1225(b)(1)(B)(ii) violates the procedural protections conferred 4 by the Due Process Clause. 5 II. Discussion 6 "The standard for a [temporary restraining order] is 7 the same as for a preliminary injunction." *Rovio Entm't Ltd. v. 8 Royal Plush Toys, Inc.*, 907 F. Supp. 2d 1086, 1092 (N.D.

Cal. 9 2012) (citing *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 10 240 F.3d 832, 839 n.7 (9th Cir. 2001)). "A plaintiff seeking a 11 preliminary injunction must establish that he is likely to 12 succeed on the merits, that he is likely to suffer irreparable 13 harm in the absence of preliminary relief, that the balance of 14 equities tips in his favor, and that an injunction is in the 15 public interest." *Winter v. Nat.*

Res. Def. Council, Inc., 555 16 U.S. 7, 20 (2008). The last two factors "merge when the 17 Government is the opposing party." *Nken v. Holder*, 556 U.S. 418, 18 435 (2009). 19 a. Due Process Claim 20 i. Likelihood of Success on the Merits 21 Petitioner argues that her detention pursuant to 8 22 U.S.C. § 1225(b)(1)(B)(ii) violates due process because she was 23 detained without a hearing.

Neither party addresses whether 24 petitioner was denied substantive due process; the sole issue is 25 whether petitioner was denied procedural due process. 26 Petitioner has failed to establish that she is likely 27 to succeed on the merits of her procedural due process claim. 28 1 She has been on parole in the United States pending determination 2 of her admissibility, and she has not effected an “entry” into 3 the United States.

See, e.g., *Leng May Ma v. Barber*, 357 U.S. 4 185, 188-90 (1958) (finding noncitizen “paroled” into United 5 States pending admissibility determination had not “entered” 6 United States); *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 7 103, 139 (2020) (“[A]liens who arrive at ports of entry—even 8 those paroled elsewhere in the country for years pending removal— 9 are treated for due process purposes as if stopped at the 10 border.” (citation modified)); *Barrera-Echavarria v. Rison*, 44 11 F.3d 1441, 1450 (9th Cir.

1995) (“Although aliens seeking 12 admission into the United States may physically be allowed within 13 its borders pending a determination of admissibility, such aliens 14 are legally considered to be detained at the border and hence as 15 never having effected entry into this country.” (citation 16 modified)). 17 Accordingly, “the procedure authorized by Congress” in 18 8 U.S.C. § 1225(b)(1)(B)(ii) constitutes procedural “due process” 19 as far as petitioner is concerned.

Shaughnessy, 345 U.S. at 212; 20 see also *Angov v. Lynch*, 788 F.3d 893, 898 (9th Cir. 2015) (for 21 noncitizen who “never technically ‘entered’ the United States,” 22 “procedural due process is simply whatever the procedure 23 authorized by Congress happens to be.” (citation modified)); 24 *Grigoryan v. Barr*, 959 F.3d 1233, 1241 (9th Cir. 2020) (same). 25 And because 8 U.S.C. § 1225(b) (1)(B)(ii) does not “say[] anything 26 whatsoever about bond hearings,” petitioner is not entitled to 27 one.

Jennings v. Rodriguez, 583 U.S. 281, 297 (2018). 28 eee nee II RO RE OS SUE) ESI ED OE 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.” *California v. Azar*, 911 F.3d 558, 575 (9th Cir. 2018). ° IT IS HEREBY ORDERED that petitioner’s motion for a ° temporary restraining order (Docket No. 2) be, and the same hereby is, DENIED.

8 Dated: November 14, 2025 10 WILLIAM B. SHUBB 1 UNITED STATES DISTRICT JUDGE
12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28