

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.

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