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8 Counsel for Petitioner

9 UNITED STATES DISTRICT COURT FOR THE
10 CENTRAL DISTRICT OF CALIFORNIA

11 Marc STEIGLEDER,

12 Petitioner,

13 v.

14 Kristi NOEM, Secretary, Department of
15 Homeland Security; Pam BONDI, Attorney
16 General; IMMIGRATION AND CUSTOMS
17 ENFORCEMENT; and Todd LYONS, Acting
18 Los Angeles Field Office Director, Immigration
19 and Customs Enforcement.

20 Respondents.

Case No. _____

**Petition for Writ of
Habeas Corpus**

Immigration Case
A039-199-347

INTRODUCTION

1. Petitioner Marc Steigleder (Petitioner) has been a lawful permanent resident of the United States since 1986.

2. He was placed into removal proceedings in 2011 due to a misdemeanor conviction for cultivation of marijuana. On November 21, 2018, he received a full and unconditional pardon of the offense from California Governor Brown.

3. The Department of Homeland Security and Petitioner filed a *joint* motion to dismiss the removal proceeding with the immigration judge, which was granted May 23, 2022, and removal proceedings were dismissed.

4. Petitioner filed for naturalization on November 24, 2023. He was interviewed on June 20, 2024. No decision was timely made, and he therefore sought a petition for naturalization in this Court in Steigleder v. USCIS, No. 2:25-cv-04250-SVW (C.D. Cal.). That case was remanded to USCIS on July 30, 2025 with instructions to USCIS to issue a decision within 90 days after remand.

5. On September 10, 2025, as a result of the lawsuit filed in this Court, Petitioner appeared for an interview with USCIS and was informed that the case was recommended for approval and needed to be reviewed by a supervisor.

6. On September 23, 2025, Petitioner was arrested at his home by immigration officials. He is currently in ICE custody.

1 **JURISDICTION AND VENUE**

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3 7. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas
4 statute); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory
5 judgment); United States Constitution Article I, Section 9 (Suspension Clause).

6 8. Venue properly lies within the Central District of California under 28
7 U.S.C. § 1391, because this is a civil action in which Respondents are agencies of
8 the United States, Petitioner is detained in this district, and because a substantial part
9 of the events or omissions giving rise to this action occurred in the District.

10 **PARTIES**

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12 9. Petitioner is a lawful permanent resident who resides in Santa Monica,
13 California.

14 10. Respondent Kristi Noem is the Secretary of the Department of Homeland
15 Security (“DHS”), and is sued in her official capacity. The Secretary of Homeland
16 Security is charged with the administration and enforcement of immigration laws. 8
17 U.S.C. § 1103(a).

18 11. Respondent Pam Bondi is the Attorney General of the United States and is
19 sued in her official capacity as the head of the Department of Justice. The Attorney
20 General is responsible for the fair administration of the laws of the United States.

21 12. Respondent Immigration and Customs Enforcement is the agency
22 responsible for the detention of noncitizens, and the transfer or removal of Petitioners
23 outside of this judicial district.

24 13. Respondent Todd Lyons is the Acting Director of the Los Angeles Field
25 Office of the Immigration and Customs Enforcement, Department of Homeland
26 Security, and is sued in his official capacity. Respondent Lyons is responsible for
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1 the detention of noncitizens in the Los Angeles district and for any transfer or
2 removal of Petitioners outside of this judicial district.

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4 **FACTUAL ALLEGATIONS**

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6 14. Petitioner is a native of Germany who became a lawful permanent
7 resident of the United States in 1986 at the age of 10. He has resided in the
8 United States continuously since that time.

9 15. Petitioner has a United States citizen so, with whom he shares
10 custody, who is age 13.

11 16. On September 19, 2003, Petitioner was convicted of misdemeanor
12 cultivation of marijuana, in violation of California Health and Safety Code
13 11358 and was given three years probation.

14 17. On September 7, 2011, he was placed into removal proceedings
15 upon a returning trip to the United States and charged with inadmissibility
16 for a controlled substance. 8 U.S.C. §1182(a)(2)(A)(i)(I).

17 18. Petitioner was ordered removed by an immigration judge on
18 September 10, 2013. He was ineligible for a waiver of removal under the
19 cancellation of removal statute, 8 U.S.C. § 1229b(a) because the cultivation
20 conviction constituted an aggravated felony offense. 8 U.S.C. §
21 1101(a)(43)(B).

22 19. Petitioner received a full and unconditional gubernatorial pardon
23 from California Governor Brown on November 21, 2018, which eliminated
24 the aggravated felony ground that otherwise barred eligibility for
25 cancellation of removal. The pardon did not eliminate the controlled
26 substance ground of inadmissibility.

27 20. Petitioner moved to reopen the removal proceeding as a result of
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1 the pardon to apply for cancellation of removal on February 6, 2019. The
2 motion was granted April 10, 2019 by the immigration judge.

3 21. On May 4, 2020, Petitioner filed for cancellation of removal before
4 the immigration judge in the pending removal case.

5 22. On May 17, 2022, the Department of Homeland Security (DHS)
6 and Petitioner filed a joint motion to dismiss the removal proceeding. In that
7 motion, DHS stated as follows:

8 The Department has reviewed the facts and circumstances of these
9 cases and determined that circumstances after issuance of the Notice
10 to Appear have changed to such an extent that continuation is no
11 longer in the best interest of the government. 8 C.F.R. §§ 1239.2(c),
239.2(a)(7) and (c).

12 23. The immigration judge granted the motion to dismiss the removal
13 proceeding without prejudice on May 23, 2022.

14 24. Petitioner applied for naturalization to become a United States
15 citizen on November 24, 2023.

16 25. Petitioner's application for naturalization sat pending for 357 days
17 after the interview, and he proceeded to file a lawsuit in this Court
18 requesting de novo adjudication pursuant to 8 U.S.C. § 1447(b) on May 12,
19 2025. *Steigleder v. USCIS*, No. 2:25-cv-04250-SVW (C.D. Cal.).

20 26. On July 22, 2025, the parties stipulated to remand the case to
21 USCIS to issue a decision on the naturalization application within 90 days.
22 The stipulation was approved on July 30, 2025 and the Court ordered that
23 USCIS issue a decision on the pending naturalization application within 90
24 days.

25 27. On September 10, 2025, USCIS required Petitioner to appear for
26 an interview on the naturalization application. Petitioner was informed that
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1 the case was recommended for approval but needed to be reviewed by a
2 supervisor.

3 28. On the morning of September 23, 2025, Petitioner was detained by
4 immigration authorities outside of his home. He is currently in immigration
5 custody in downtown Los Angeles.

6 29. At no time was Petitioner notified that the joint motion filed May
7 17, 2022 no longer applied to the government's position and that removal
8 proceedings were now in the interests of the government.

9 30. Had he been provided notice, Petitioner would not have agreed to
10 remand his naturalization case to USCIS for adjudication, as this Court had
11 *de novo* jurisdiction over the application and could have independently
12 considered the application for naturalization. 8 U.S.C. 1447(b).

13 31. Petitioner also could have sought a legal vacatur of his
14 misdemeanor conviction under California Penal Code 1473.7 had he known
15 that removal proceedings were now in the interests of the government.

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17 **CAUSES OF ACTION**

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19 **COUNT ONE**

20 ***Violation of Due Process***

21 ***(Lack of Notice that Circumstances Had Changed)***

22 32. Petitioner repeats, re-alleges, and incorporates by reference each and
23 every allegation in the preceding paragraphs as if fully set forth herein.

24 33. Petitioner is a lawful permanent resident and has been a lawful permanent
25 resident for 39 years.
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1 34. Under the Due Process Clause of the Fifth Amendment to the United
2 States Constitution, no person shall be “deprived of life, liberty, or property,
3 without due process of law.” U.S. Const. amend. V.

4 35. Procedural due process requires notice and an opportunity to be heard
5 before being deprived of a liberty or property interest. *Mathews v. Eldridge*, 424
6 U.S. 319, 332, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976).

7 36. Petitioner has a liberty interest in being free from immigration detention.

8 37. On May 17, 2022, DHS represented to the immigration court that:

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10 The Department has reviewed the facts and circumstances of these
11 cases and determined that circumstances after issuance of the Notice
12 to Appear have changed to such an extent that continuation is no
13 longer in the best interest of the government. 8 C.F.R. §§ 1239.2(c),
239.2(a)(7) and (c).

14 38. This led to the immigration judge’s order dismissing removal proceedings
15 on May 23, 2022.

16 39. Due Process required that Petitioner have notice from DHS that there was
17 a change in circumstances so that it intended to seek Petitioner’s detention and
18 removal from the United States.

19 40. Petitioner suffered prejudice as a result of this lack of notice that he
20 would be detained and placed into removal proceedings.

21 **COUNT TWO**

22 ***Violation of First Amendment***

23 ***(Retaliation for Litigation)***

24 41. Petitioner repeats, re-alleges, and incorporates by reference each and
25 every allegation in the preceding paragraphs as if fully set forth herein.
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1 42. “[T]he First Amendment ... protects vigorous advocacy, certainly of
2 lawful ends, against governmental intrusion,” including litigation, which “is thus a
3 form of political expression.” *NAACP v. Button*, 371 U.S. 415, 429, 83 S.Ct. 328, 9
4 L.Ed.2d 405 (1963).

5 43. The First Amendment protects lawful permanent residents. *Kwong Hai*
6 *Chew v. Colding*, 344 U.S. 590, 596 n. 5, 73 S.Ct. 472, 477 n. 5, 97 L.Ed. 576
7 (1953).

8 44. Petitioner was targeted for detention based on his having filed a lawsuit in
9 federal court challenging the delay in his naturalization application.

10 45. The detention of Petitioner violates his First Amendment rights.

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13 **PRAYER FOR RELIEF**

14 **WHEREFORE**, Petitioner prays that this Court grant the following relief:

- 15
16 (1) Assume jurisdiction over this matter;
17 (2) Declare that Petitioner is detained in violation of law;
18 (3) Order Petitioner’s immediate release from custody;
19 (4) Alternatively, enjoin Respondents from transferring Petitioner outside
20 of this judicial district;
21 (5) Award costs and reasonable attorney fees incurred under this action
22 under 28 U.S.C. § 2412, et. seq. (Equal Access to Justice Act); and
23 (6) Grant any further relief that this Court may deem fit and proper.
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1 Dated: September 23, 2025 Respectfully submitted,

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3 By: /s/ Stacy Tolchin

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