

Pedro Saucedo Calderón
AKA: Carlos Martinez

P.O. Box 92
Chowchilla, CA. 93610
In Propia Persona



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PEDRO SAUCEDO CALDERÓN,
Petitioner,

VS.

SECRETARY OF THE DEPARTMENT
OF HOMELAND SECURITY,
Respondent,

Case No.: CV 25-10111-SVW

(AGL)

PETITION FOR
DECLARATORY RELIEF

I

INTRODUCTION

Petitioner Pedro Saucedo Calderon (Petitioner), by and in propia persona, alleges the following against Respondent Secretary of the Department of Homeland Security of the United States (Respondent):

1. First, Petitioner introduce himself as Pedro Saucedo Calderon but he is imprisoned under the name of Carlos Martinez , which is the name for which he was arrested and convicted of burglary on June 20, 1997, but Petitioner's birth and real name is Pedro Saucedo Calderon.

2. On June 10, 2025, Petitioner mailed to Respondent's address the following documents: (a) A U.S. Citizenship and Immigration Services (USCIS) Form N-600 "Application for Certificate of Citizenship", accompanied with a USCIS Form I-912 "Request for Fee Waiver"; (b) A Statement of facts and law supporting Form N-600; and (c) An enclosed self-addressed envelope with the cover pages of those documents to be sent back to Petitioner as confirmation receipt/filed.

3. On July 15, and August 18, 2025 Petitioner send two letters to Respondent to find out the status of his Forms and to know why Respondent never send back Petitioner's self-addressed envelope or letter. Respondent didn't responded to any of these two letters. See, 8 USC § 1447(b); Cf. Cepo v. Brownell, 147 Fsupp. 517, 517 (N.D. Cal. 1957)

4. Therefore, since Respondent failed to act on Petitioner's Application for Certificate of Citizenship this case requires a de novo judicial determination of the status of Petitioner as a United States national because a decision for review do not exist due to Respondent's failure to do so. See *Moncada v. Blinken*, 680 Fsupp. 3d 1190, 1204 (C.D. Cal. 2023) (citing *Richards v. Sec. of State*, 752 F2d 1413, 1417 (9th Cir 1985) (*Richards*)).

5. Petitioner avers that he was born in the Republic of Mexico but claims citizenship derived from both of his United States citizen parents and even though Petitioner was convicted of burglary and that he signed voluntarily deportation about two or three times he never renounced to his citizenship, neither citizenship, like the Supreme Court said, "... is not a license that expires upon Petitioner's misbehavior." See *Trop v. Dulles*, 356 US 86, 92 (1958); and *Rivera v. Ashcroft*, 394 F3d 1129, 1140 (9th Cir 2004) (citing *Trop v. Dulles*, supra) (quotation modified) see also *Id.* at p. 1137 ("Acceptance of deportation after an administrative hearing is not, in and of itself, proof that a person wishes to relinquish citizenship")

II JURISDICTION

6. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, as a Petition arising a federal question under the U.S. Constitution and laws of the United States, specifically 8 U.S.C. § 1503. This Court has remedial authority pursuant to the declaratory Judgment Act, see 28 U.S.C. §§ 2201 et. seq.

III VENUE

7. Venue is proper in the Central District of California under 28 U.S.C. § 1391 (e) and 8 U.S.C. § 1503(a) because Petitioner's residence is located at 531 West 11th Street, Long Beach, CA, 90813. See also, 28 U.S.C. § 1391 (a) - (c) (1).

IV STATEMENTS OF FACTS

8. On [REDACTED] Petitioner's mother MARIA CLIOFAS CALDERÓN was born in Los Angeles, California (see her certificate of Live Birth as Exh. A at pp. 10-11).

9. At the age of 16 Petitioner's mother was taken to Mexicali, Baja California, Mexico (hereinafter "Mexico") by her parents (Benito Calderon and Rosa Rodriguez) (see Exh. A, pp. 10-11).

10. On [REDACTED] Petitioner's father Raul Savcedo Calderon was born in the State of Durango, Mexico.

11. On [REDACTED] Petitioner was born in Mexico¹ and his parents were (both are deceased) Maria' Clio fas

¹ I certify, under penalty of perjury that I am fluent in English and Spanish and I have translated my Act of Birth (Exh. B, p. 13) from Spanish into English. (Exh. B at p. 14.)

Calderón and Raul Savcedo Carrera (see Petitioner's Act of Birth and its translation into english as Exh. B at pp. 13-14)

12. On or about the year 1975, Petitioner's parents came to the United States to provide a better living for Petitioner and thereafter on 1978 Petitioner's parents separated from each other. Petitioner's father began living at Las Vegas, Nevada and Petitioner's mother stayed in Long Beach, California at 

13. On January of 1983 Petitioner came to live with his mother at Long Beach, California

14. From 1984 through 1997 Petitioner was convicted of misdemeanor and felony offenses using several aliases (see U.S. Department of Justice showing Petitioner's criminal record as Exh. C at pp. 16-26) See, *Mohammad v. Keisler*, 558 F. Supp. 2d 730, 732 (W.D. Ky. 2008)

15. On March 13, 1998, Petitioner's father became a United States citizen by Naturalization at Las Vegas, Nevada. (see Raul Savcedo Carrera's Certificate of Naturalization as Exh. D at p. 28) See *Shaw v. Quincy Mining Co.*, 145 U.S. 444, 447 (1892).

16. On September 5, 2016, Petitioner's mother died at Long Beach, California (see Certificate of Death as Exh. E at p. 30)

17. On September 12, 2021, Petitioner's father died at Las Vegas, Nevada. (see Certificate of Death as Exh. F at p. 32)

18. On May 19, 2022, Petitioner was given notice of an Immigration detainer (see Immigration Detainer - Notice of Action as Exh. G at p. 34)

19. On the year of 2024, due to confidential reasons Petitioner began receiving all the documents cited above and

discovered that his parents were U.S. citizens and that he acquired at the time of his birth the citizenship automatically because of his mother being born in the United States, see 8 U.S.C. §§ 1401(g) & 1409(c). At the time Petitioner was born only his mother was a U.S. citizen but not his father, see *U.S. v. Ortiz-Diaz*, 849 Fsupp. 734, 740 (E.D. Cal. 1994) ("A child born outside the United States between December 24, 1952 and October 10, 1978, may attain derivative citizenship through his parents if one was a citizen and the other alien.")

Also, Petitioner discovered that he could establish his own citizenship case from his parents' citizenship even after their death, see *Sessions v. Morales-Santana*, 582 U.S. 47, 57 (2017) (From a deceased father); *CF. Dent v. Sessions*, 900 F3d 1075, 1080 (9th Cir 2018) (from adoptive mother)). See also Charles Gordon, Stanley Mailman, Stephen Yale-Loehr, and Ronald Y. Wada, 7 *Immigration Law and Procedure* § 93.01[4] (Matthew Bender ed. 2025) (hereinafter "Gordon"). In addition, like the Court in *Ortiz-Diaz* held, Petitioner did not lose his citizenship because he came to Long Beach California prior to the age of 23 and after the age of 14 and since then he was continuously present in the United States attaining the age of 60, for at least 40 years. *Ortiz-Diaz*, *supra*, 849 Fsupp. at 740; *CF. Gordon* at § 93.03[5].

20. Therefore, according to the foregoing or all the facts and law cited above Petitioner was born between 1952 and 1978, from a U.S. citizen mother making him eligible

to a certificate of citizenship under 8 U.S.C. § 1409(c) which states in relevant part: "... a person born, after December 23, 1952, outside the United States and out of wedlock shall be held to have acquired at birth the nationality status of his mother, if the mother had the nationality of the United States at the time of such person's birth, and if the mother had previously been physically present in the United States or of its outlying possessions for a continuous period of one year."

21. Therefore, even though that the law does not requires that "proof of an alleged citizenship need not be clear and convincing and that no special quantum of proof shall be exacted from Petitioner, the proof provided in the attached exhibits goes beyond than the sufficient proof required, see *Ng Yip Yee v. Barber*, 225 F.2d 707, 708 (9th Cir 1955) & *Ex Parte Cheung Tung*, 292 F.997, 999-1000 (W.D. Wash. 1923)

22. As Petitioner right to citizenship derived from his father, see *Boyd v. Nebraska ex rel. Thayer*, 143 U.S. 135, 178 (1892). In this case the Supreme Court held in much or less words that "even if children attain their majority before the parent completes his naturalization, they could apply on their own behalf in obtaining citizenship and that it does not follow that their application for a citizenship may not be accepted in lieu of their father's application," *id.*, at 178; with *Morales-Santana*, *supra*, 582 U.S. at 56-59;

If this Court grants this Petition it could always take in a public ceremony or expedite judicial oath (1) to support the Constitution of the United States, etc., see 8 U.S.C. § 1448 (a) & (c)

V

CLAIM FOR RELIEF

23. Petitioner, even though Respondent did not act on his Application, it constitutes a denial of a U.S. citizenship as his hope and privilege, which entitles him to request that this Court declare his legal right as a citizen of the United States and his right to be issued a certificate of citizenship, see, *Chin Chuck Ming v. Dulles*, 225 F2d 849, 852 (9th Cir 1956) Cf. 3 C. Am Jur. 2d, Aliens & Citizens §§ 2243 & 2444 (2025) (Judicial review of refusal to issue a certificate of citizenship); 28 U.S.C. § 1332

24. Exhaustion is not required in view of the circumstances of this case, see, *Ortega-Morales v. Lynch*, 168 F sup. 3rd 1228, 1236-1239 (D.C. Ariz. 2016)

25. Petitioner has meet his burden of establishing his U.S. citizenship by a preponderance of the evidence provided on the attached exhibits, Cf. *Lee Hon Lung v. Dulles*, 261 F2d 719, 720 (9th Cir 1958). Therefore, as far as reasonably possible, this Court should construed the facts and law in favor of Petitioner claiming U.S. citizenship. *Junso Fujii v. Dulles*, 224 F2d 906, 907 (9th Cir 1955)

26. Petitioner has no other remedy at law, and unless the issue of his citizenship is settled, he will be precluded from enjoying the rights and privileges of a citizen, (parolee) if released from prison at any time by the Long Beach Superior Court, or he will face deportation proceedings. See *Sandoval-Vela v. Napolitano*, 2010 U.S. Dist. Lexis 5898 *17 (S.D. Cal. 2010) ("a petitioner "does not have to wait until removal proceedings are completed and a final removal order is issued before he can secure habeas review of his citizenship claim") (citation omitted)

VI

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully request that this Court:

1. Assume jurisdiction over the matter. 8 U.S.C. §§ 1252(b) & 1503(a)
2. Issue a declaratory judgment stating that Petitioner is a citizen of the United States by virtue or derived from his parents
3. Construe this Petition as this Court deems more proper and permit Petitioner to file the same without requiring him to file the required form by this Court's local rules.
4. Grant any and all further relief this Court deems just and proper, e.g. to take Petitioner oath to support the Constitution of the United States after this court concludes that Petitioner is entitled to a Certificate of Citizenship, and finally order Respondent to issue one to Petitioner immediately.

Dated: October 13, 2025

Respectfully submitted,
Pedro Saucedo Calderon

I, Pedro Saucedo Calderon, declares under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, recollection, and belief; and that this declaration was executed this 13th day of October, 2025 at Chowchilla, California

Pedro Saucedo Calderon

EXHIBIT A

Description of this Exhibit Maria Clotfas Calderon's
Certificate of Live Birth

Number of Pages 2

EXHIBIT B

Description of this Exhibit Pedro Saycedo Calderon's
Act of Birth and Translation
into english

Number of Pages 2

EXHIBIT C

Description of this Exhibit Pedro Savcedo Calderón's
Criminal Record

Number of Pages 11

EXHIBIT D

Description of this Exhibit Raul Saucedo Carreras
Certificate of Naturalization

Number of Pages 1

EXHIBIT E

Description of this Exhibit Maria Clifas Calderón's
Certificate of Death

Number of Pages 1

EXHIBIT F

Description of this Exhibit Raul Saucedo Carrera's
Certificate of Death

Number of Pages 1

EXHIBIT G

Description of this Exhibit Immigration Detainer-Notice

Number of Pages 1

IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: 
Event #:

File No: 
Date: May 19, 2022

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency) VALLEY STATE PRISON
21633 AVENUE 24
CHOWCHILLA, CA 93610

FROM: (Department of Homeland Security Office Address)
ERO - Fresno, CA Sub Office
ICE
ERO FRESNO SUB OFFICE
2440 TULARE STREET SUITE 220
FRESNO, CA 937212904

Name of Alien: SAUCEDO CALDERON, PEDRO AKA: Martinez, Carlos

Date of Birth:  Citizenship: MEXICO Sex: M

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2).

Inmate #:

- ☐ A final order of removal against the alien;
☐ The pendency of ongoing removal proceedings against the alien;
☒ Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
☒ Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).

- ☐ Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

- Notify DHS as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling ☒ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Border Protection (CBP) at 559-266-2083. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
- Maintain custody of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien must be served with a copy of this form for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.
- Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
- Notify this office in the event of the alien's death, hospitalization or transfer to another institution.

- ☐ If checked: please cancel the detainer related to this alien previously submitted to you on _____ (date).

EDGAR OLVERA - Deportation Officer

(Name and title of Immigration Officer)

EDGAR A
OLVERA

(Signature of Immigration Officer) (Sign in ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____

Local Booking/Inmate #: Estimated release date/time: 8-20-23 - wife

Date of latest criminal charge/conviction: 7-25-1997 Last offense charged/conviction: PC459 3rd Strike

This form was served upon the alien on _____, in the following manner:

- ☐ In person ☒ by inmate mail delivery ☐ other (please specify):

C. Gordon, CERA

(Name and title of Officer)

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C. Gordon, CERA

(Signature of Officer) (Sign in ink)