

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS NOE GALLEGOS,

Defendant.

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CIVIL ACTION NO. 7:18-cv-0048

**COMPLAINT TO REVOKE NATURALIZATION**

The United States of America, in this Complaint to Revoke Naturalization against Defendant Carlos Noe Gallegos (“Defendant”), states and alleges as follows:

**NATURE OF THE ACTION**

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the decision admitting Defendant to U.S. citizenship and to cancel his certificate of naturalization. Defendant procured his naturalization unlawfully and willfully misrepresented and concealed material facts in applying to naturalize. Specifically, before he became a citizen of the United States, Defendant engaged in criminal activity that he concealed throughout the naturalization process and that made him ineligible for U.S. citizenship. On or about March 7, 2007, Defendant committed the crime of aggravated sexual assault of a child younger than 14 years of age, a first degree felony, in violation of Texas Penal Code § 22.021. On his naturalization application, which Defendant filed in October 2009, he stated that he had never committed a crime or offense for which he had not been arrested, a misrepresentation he perpetuated during his naturalization interview. On April 19, 2017, after Defendant naturalized, he admitted and pleaded guilty to the

foregoing crime. Under 8 U.S.C. § 1451(a), a United States district court must revoke and set aside the order admitting a naturalized citizen to citizenship and cancel his certificate of naturalization upon a showing that such naturalization was illegally procured or procured by concealment of a material fact or by willful misrepresentation. The United States, therefore, brings this action for an order revoking Defendant's U.S. citizenship and canceling his Certificate of Naturalization, No. 32386781, pursuant to 8 U.S.C. § 1451(a).

#### JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1345.
3. Venue is proper in this district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391.

#### PARTIES

4. Defendant was born in Mexico and is a naturalized U.S. citizen. His last known address is in Alamo, Texas, which is within the jurisdiction and venue of this Court.
5. Plaintiff is the United States of America.

#### FACTUAL ALLEGATIONS

6. The affidavit of Juan R. Cienega, a U.S. Customs and Border Protection Enforcement Officer, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

##### A. Defendant's Relevant Immigration History

7. Defendant was born in 1976 in Mante, Tamaulipas, Mexico.
8. Defendant was admitted to the United States in 1998 as a temporary visitor for pleasure, nonimmigrant classification B-2.
9. Defendant married Angelia Kay McCurdy ("McCurdy"), a U.S. citizen, on December 13, 2001.

10. McCurdy filed a Form I-130, Petition for Alien Relative, claiming Defendant as her spouse, with the Immigration and Naturalization Service (“INS”)<sup>1</sup> on or about January 17, 2002. Defendant concurrently filed a Form I-485, Application to Adjust Status, with the INS as a spouse of a U.S. citizen.

11. U.S. Citizenship and Immigration Services (“USCIS”) approved McCurdy’s Form I-130 and Defendant’s Form I-485 on June 10, 2003. With the approved Forms I-130 and I-485, USCIS thereby adjusted Defendant’s immigration status to that of a permanent resident on a conditional status as the spouse of a U.S. citizen.

12. On or about February 28, 2005, Defendant and McCurdy jointly filed Form I-751, Petition to Remove Conditions on Residence, with USCIS.

13. USCIS approved Defendant and McCurdy’s Form I-751 on May 2, 2005, thereby removing conditions on Defendant’s permanent residence.

B. Defendant’s Relevant Criminal History

14. On or about November 1, 2016, a criminal indictment was filed against Defendant in the Hidalgo County, Texas, District Court. Ex. B, Indictment, *State v. Carlos Noe Gallegos*, CR-4248-16-E (93rd Dist. Ct., Hidalgo Co., Tex.).

15. In the Indictment, the Grand Jury charged Defendant with two counts of aggravated sexual assault of a child: (1) on or about March 7, 2007, he intentionally or knowingly caused the sexual organ of a child younger than 14 years of age to contact his own sexual organ; and (2) on or about March 1, 2007, he intentionally or knowingly caused the anus of a child younger than 14 years of age to contact his own sexual organ. *Id.*

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<sup>1</sup> On March 1, 2003, the INS ceased to exist and many of its relevant functions transferred to DHS. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, 110 Stat. 2135 (Nov. 25, 2002). However, because some of the immigration events in this case took place prior to the transfer, “INS” will be referenced where factually appropriate.

16. On April 19, 2017, Defendant pleaded guilty in the District Court of Hidalgo County, Texas, to Aggravated Sexual Assault of a Child in violation of Texas Penal Code § 22.021(a)(2)(B), as charged in Count One of the Indictment. The court entered an Order of Deferred Adjudication & Community Supervision requiring Defendant to serve six years of community supervision, pay a fine of \$1,000.00, and register as a sex offender. Ex. C, Order of Deferred Adjudication & Community Supervision, *State v. Carlos Noe Gallegos*, CR-4248-16-E (275th Dist. Ct., Hidalgo Co., Tex.).

17. In its April 19, 2017 order, the District Court of Hidalgo County, Texas, specifically found the offense was committed on March 7, 2007, and the age of the victim at the time of the offense was seven years old. *Id.*

C. Defendant's Unlawful Naturalization

18. On or about October 26, 2009, Defendant filed a Form N-400, Application for Naturalization ("Form N-400"), with USCIS. Ex. D, Defendant's Form N-400, Application for Naturalization.

19. Question 15 of Part 10, Additional Questions, of Defendant's Form N-400 asked if the applicant had "**ever** committed a crime or offense for which you were **not** arrested?" (emphasis in original).

20. On his Form N-400, Defendant checked the box "No" to answer Question 15 of Part 10.

21. On or about October 23, 2009, Defendant signed his Form N-400 under penalty of perjury under the laws of the United States, thereby certifying that his answers to the questions therein were all true and correct.

22. On January 7, 2010, Maria Francis Stewart, an Immigration Services Officer with USCIS, orally interviewed Defendant in person regarding his Form N-400 to determine Defendant's eligibility for naturalization.

23. At the beginning of the interview, Officer Stewart placed Defendant under oath.

24. During the interview, Officer Stewart asked Defendant whether he had ever committed a crime or offense for which he had not been arrested, consistent with Question 15, Part 10, of Defendant's Form N-400.

25. Consistent with his written answer to Question 15, Part 10, of Defendant's Form N-400, Defendant testified that he had never committed a crime or offense for which he had not been arrested.

26. At the end of his interview, Defendant signed his Form N-400 in the presence of Officer Stewart and swore that the contents of his application, including corrections made at his request to the application during the interview, and his amended application were true to the best of his knowledge and belief.

27. Based upon the information supplied by Defendant on his Form N-400 and based on the sworn answers he gave during his naturalization interview, USCIS approved Defendant's naturalization application on February 18, 2010.

28. On March 10, 2010, Defendant took the oath of allegiance and became a naturalized U.S. citizen. *See* Ex. E, Certification of Naturalization No. 32386781.

29. On March 10, 2010, USCIS issued Certificate of Naturalization No. 32386781 to Carlos Noe Gallegos. *See id.*

GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

30. No alien has a right to naturalization “unless all statutory requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). Indeed, the Supreme Court has underscored that “[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981); *see also id.* (“An alien who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress.”) (quoting *Ginsberg*, 243 U.S. at 474)).

31. Congress has mandated that an individual may not naturalize unless that person “during all periods referred to in this subsection has been and still is a person of good moral character . . . .” *See* 8 U.S.C. § 1427(a)(3). The required statutory period for good moral character typically begins five years before the date the applicant files the application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a United States citizen. *Id.*; 8 C.F.R. § 316.10(a)(1).

32. As a matter of law, an applicant necessarily lacks good moral character if he or she commits a crime involving moral turpitude (“CIMT”) during the statutory period and later either is convicted of the crime or admits his or her commission of the criminal activity. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i) (providing that an applicant “shall be found to lack good moral character” if, for example, they committed and were convicted of one or more crimes involving moral turpitude).

33. Congress has also explicitly precluded individuals who give false testimony for the purpose of obtaining immigration benefits from being able to establish the good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6).

34. Further, Congress created a “catch-all” provision, which states, “[t]he fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character.” 8 U.S.C. § 1101(f).

35. Under the catch-all provision, individuals who commit unlawful acts during the statutory period adversely reflecting upon their moral character cannot meet the good moral character requirement, unless they prove that extenuating circumstances exist. *See* 8 C.F.R. § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f).

36. “[A] conviction during the statutory period is not necessary for a finding that an applicant lacks good moral character. It is enough that the offense was ‘committed’ during that time.” *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011) (discussing 8 C.F.R. § 316.10(b)(3)(iii)).

37. Nevertheless, an individual who has been convicted is collaterally estopped from contesting all facts that were essential to proving the elements of the crime. *See Johnson v. Sawyer*, 47 F.3d 716, 722 n.13 (5th Cir. 1995) (en banc).

B. The Denaturalization Statute

38. Recognizing that there are situations where an individual has naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship or by concealing or misrepresenting facts that are material to the decision on whether to grant his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

39. Under 8 U.S.C. § 1451(a), this Court must revoke Defendant’s naturalization and cancel his Certificate of Naturalization if his naturalization was either:

- (a) illegally procured, or
- (b) procured by concealment of a material fact or by willful misrepresentation.

40. Failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship renders the citizenship “illegally procured.” *Fedorenko*, 449 U.S. at 506.

41. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (1) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (2) the misrepresentation or concealment was willful; (3) the fact was material; and (4) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

42. Where the government establishes that the defendant’s citizenship was procured illegally or by willful misrepresentation of material facts, “district courts lack equitable discretion to refrain from entering a judgment of denaturalization.” *Fedorenko*, 449 U.S. at 517.

### CAUSES OF ACTION

#### COUNT I

#### ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (CRIME INVOLVING MORAL TURPITUDE)

43. The United States incorporates by reference the allegations set forth in paragraphs 1 through 42 of this Complaint.

44. As discussed above, to be eligible for naturalization an applicant must show that he has been a person of good moral character for the five-year statutory period before he filed a naturalization application, and until the time he becomes a naturalized United States citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1). Thus, Defendant was required to show that he was a person of good moral character from October 26, 2004 (five years before he filed his

naturalization application) until he naturalized on March 10, 2010. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

45. Defendant was statutorily barred from showing that he was a person of good moral character because he committed a CIMT during the statutory period. 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

46. Aggravated sexual assault of a child, in violation of Texas Penal Code § 22.021, is an intentional act of aggravated sexual assault and thus a CIMT. *See, e.g., United States v. Ekpin*, 214 F. Supp. 2d 707, 714 (S.D. Tex. 2002) (finding defendant's crime of aggravated sexual assault of his daughter to be a CIMT); *see also Ashcroft v. Free Speech Coal.*, 535 U.S. 234, 244 (2002) ("The sexual abuse of a child is a most serious crime and an act repugnant to the moral instincts of a decent people.").

47. Defendant both admitted in his guilty plea that he had committed, and he was convicted of intentionally committing, the crime of Aggravated Sexual Assault of a Child Under 14 Years of Age, as charged.

48. Defendant committed the crime on March 7, 2007, which was during the statutory period within which he was required to show good moral character.

49. Because Defendant committed a CIMT during the statutory period, to which he later admitted and for which he was convicted, he was barred under 8 U.S.C. § 1101(f)(3) from showing that he had the good moral character necessary to become a naturalized United States citizen.

50. Because Defendant could not establish that he was a person of good moral character during the statutory period, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

51. Because Defendant was ineligible to naturalize, he illegally procured his naturalization and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

## COUNT II

### ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (UNLAWFUL ACTS)

52. The United States incorporates by reference the allegations set forth in paragraphs 1 through 51 of this Complaint.

53. As noted above, to be eligible for naturalization, Defendant was required to show that he was a person of good moral character from October 26, 2004, to March 10, 2010. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

54. Defendant could not establish the requisite good moral character for naturalization because he committed unlawful acts during the statutory period that reflected adversely on his moral character and there were no extenuating circumstances. 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

55. Specifically, Defendant engaged in aggravated sexual assault of a child under 14 years of age in violation of Texas Penal Code § 22.021(a)(2)(B), which adversely reflected on his moral character and for which there are no extenuating circumstances. *See* 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

56. The regulatory catch-all provision for unlawful acts at 8 C.F.R. § 316.10(b)(3)(iii) applies to Defendant because he committed the unlawful act on March 7, 2007, during the statutory period before he was naturalized, even though he pleaded guilty to this crime after he was granted citizenship. *See, e.g., United States v. Ledesma*, 33 F. Supp. 3d 734, 743 (S.D. Tex. 2012).

57. The regulatory catch-all provision for unlawful acts at 8 C.F.R. § 316.10(b)(3)(iii) applies to Defendant regardless of whether his conduct and subsequent conviction also constitute a CIMT (set forth in Count 1).

58. Because Defendant committed unlawful acts that adversely reflected on his moral character during the statutory period and he cannot demonstrate extenuating circumstances, he was barred under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that he had the good moral character necessary to become a naturalized United States citizen.

59. Because Defendant could not establish that he was a person of good moral character during the statutory period, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

60. Because Defendant was ineligible to naturalize, he illegally procured his naturalization and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

### COUNT III

#### ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (FALSE TESTIMONY)

61. The United States incorporates by reference the allegations set forth in paragraphs 1 through 60 of this Complaint.

62. As noted above, to be eligible for naturalization Defendant was required to show that he was a person of good moral character from October 26, 2004, to March 10, 2010. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

63. Defendant could not establish the requisite good moral character for naturalization because he gave false testimony for the purpose of obtaining an immigration benefit. 8 U.S.C. § 1101(f)(6).

64. Specifically, on January 7, 2010, Defendant provided false testimony, under oath, for the purpose of obtaining naturalization, an immigration benefit. 8 U.S.C. § 1101(f)(6).

65. As set forth in paragraphs 22 through 26, Defendant testified that he had never committed a crime or offense for which he had not been arrested.

66. Defendant's testimony that he had never committed a crime or offense for which he had not been arrested was false.

67. At his naturalization interview on January 7, 2010, Defendant did not disclose that on March 7, 2007, he had intentionally committed aggravated sexual assault of a child under 14 years of age, a first degree felony, in violation of Texas Penal Code § 22.021.

68. As set forth in paragraph 16, Defendant pleaded guilty to and was convicted of this offense on April 19, 2017.

69. Because he provided false testimony under oath for the purpose of obtaining his naturalization, Defendant was barred under 8 U.S.C. § 1101(f)(6) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

70. Because Defendant was not a person of good moral character, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

71. Because he was ineligible to naturalize, Defendant procured his citizenship illegally, and this Court must revoke his citizenship, as provided for by 8 U.S.C. § 1451(a).

#### COUNT IV

#### PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

72. The United States incorporates by reference the allegations set forth in paragraphs 1 through 71 of this Complaint.

73. Under 8 U.S.C. § 1451(a), this Court must revoke Defendant's citizenship and cancel his Certificate of Naturalization because he procured his naturalization by concealment of a material fact or by willful misrepresentation.

74. Defendant willfully misrepresented and concealed throughout the naturalization process his aggravated sexual assault of a child younger than 14 years of age.

75. At no point during the naturalization process did Defendant disclose that he committed aggravated sexual assault of a child younger than 14 years of age on March 7, 2007, a crime for which he had not been arrested prior to his naturalization.

76. Defendant knew his representations that he had never committed a crime or offense for which he had not been arrested and his concealment of his aggravated sexual assault of a child were false and misleading, and he made such representations willfully.

77. Defendant's misrepresentation and concealment of his criminal conduct were material to his naturalization application because they would have had a natural tendency to influence USCIS's decision whether to approve his naturalization application. Indeed, Defendant's conduct rendered him ineligible for citizenship.

78. Had Defendant disclosed his criminal conduct, USCIS would have denied his application for naturalization.

79. Defendant therefore procured his naturalization by concealment of material facts and willful misrepresentations, and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

#### PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully requests:

- (1) A declaration that Defendant procured his citizenship illegally;

(2) A declaration that Defendant procured his citizenship by concealment of material facts and by willful misrepresentation;

(3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. 32386781, effective as of the original date of the order and certificate, March 10, 2010;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to United States citizenship that he obtained as a result of his March 10, 2010 naturalization;

(5) Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment, his Certificate of Naturalization No. 32386781 and any copies thereof in his possession—and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession of others—to the Attorney General, or his designated representative, including undersigned counsel;

(6) Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment, any other indicia of United States citizenship (including, but not limited to, U.S. passports, voter registration cards, and other relevant documents, whether current or expired), and any copies thereof in his possession—and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession of others—to the Attorney General, or his designated representative, including undersigned counsel; and

(7) Judgment granting the United States such other relief that may be lawful and proper in this case.

Dated: February 22, 2018

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Respectfully submitted,

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*Counsel for the United States*

# **Exhibit A**

UNITED STATES OF AMERICA )  
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SOUTHERN DISTRICT OF TEXAS )  
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In the Matter of the Revocation of the )  
Naturalization of )  
 )  
Carlos Noe Gallegos )  
A079-695-116 )

AFFIDAVIT OF GOOD CAUSE

I, Juan R. Cienega, declare under penalty of perjury as follows:

1. I am an Enforcement Officer for the U.S. Customs and Border Protection (CBP), U.S. Department of Homeland Security (DHS). In this capacity, I have access to the official records of DHS, including the immigration file of Carlos Noe Gallegos (hereafter Mr. Gallegos), A079-695-116.
2. I have examined the records relating to Mr. Gallegos. Based upon my review of these records, I state, on information and belief, that the information set forth in this Affidavit of Good Cause is true and correct.
3. Mr. Gallegos was born in Mexico in [REDACTED] 1976. Mr. Gallegos adjusted his status to that of a lawful permanent resident of the United States on June 10, 2003. On or about October 26, 2009, Mr. Gallegos filed an application for naturalization, U.S. Citizenship and Immigration Services (USCIS) Form N-400, with USCIS pursuant to Section 316(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1427(a).
4. On his Form N-400, where asked "Have you ever committed a crime or offense for which you were not arrested?" Mr. Gallegos checked the box marked "No."
5. On January 7, 2010, Mr. Gallegos appeared before Officer Maria Francis Stewart, an Immigration Services Officer, in Harlingen, Texas, to determine his eligibility for

naturalization. At that time, Mr. Gallegos stated, under oath, that he had never committed a crime or offense for which he had not been arrested. At the completion of his interview Mr. Gallegos swore or affirmed that the contents of his application were true and correct.

6. On the basis of Mr. Gallegos's written application, documents he submitted, and his testimony at the naturalization interview, his application for naturalization was approved on February 18, 2010. On or about February 24, 2010, USCIS sent Mr. Gallegos a Notice of Naturalization Oath Ceremony, Form N-445 (hereafter Form N-445). The Form N-445 advised Mr. Gallegos that he was scheduled to appear for a hearing on his Petition for Naturalization, to take the oath of allegiance, and that he was required to bring and submit Form N-445 with all questions answered prior to being sworn in as a United States citizen. Mr. Gallegos completed his answers to the questions on Form N-445 and signed Form N-445 on March 10, 2010, thereby certifying that his answers to the questions on this form were true and correct.
7. On the basis of the representations made on his completed Application to File Petition for Naturalization, Form N-400, and his responses to the questions on Form N-445, Mr. Gallegos was permitted to take the oath of allegiance and was admitted as a citizen of the United States on March 10, 2010. On this same date he was issued a Certificate of Naturalization, number 32386781.
8. Mr. Gallegos illegally procured his naturalization because he could not have established that he was a person of good moral character. As an applicant for naturalization pursuant to section 316(a) of the Immigration and Nationality Act, 8 U.S.C. § 1429(a), Mr. Gallegos was required to prove that he was a person of good moral character from on or

about October 26, 2004, five years before he filed his application for naturalization, until March 10, 2010, the date on which he was admitted as a citizen of the United States (“the statutory period”).

9. Mr. Gallegos could not have established that he was a person of good moral character because he was convicted of an act which constitutes the essential elements of a crime involving moral turpitude.
  - a. Pursuant to section 101(f) of the Immigration and Nationality Act, an applicant for naturalization is precluded from establishing the required good moral character if, during the statutory period, commits a crime involving moral turpitude, for which such person was convicted or for which he admits committing.
  - b. On or about November 1, 2016, the Hidalgo County, Texas, District Court filed an indictment against Mr. Gallegos on two counts of aggravated sexual assault of a child: (1) by intentionally and knowingly causing the sexual organ of Maria Salazar, a pseudonym, a child who was then and there younger than 14 years of age, to contact the sexual organ of Mr. Gallegos, on or about March 7, 2007; and (2) by intentionally and knowingly causing the anus of Maria Salazar, a pseudonym, a child who was then and there younger than 14 years of age, to contact the sexual organ of Mr. Gallegos, on or about March 1, 2007.
  - c. On April 19, 2017, Mr. Gallegos pleaded guilty in the 275th Judicial District Court of Hidalgo County, Texas, to the first count of aggravated sexual assault of a child, a first degree felony, in violation of Texas Penal Code §

22.021(a)(2)(B). The court found the offense to have been committed on March 7, 2007. The court ordered Mr. Gallegos to be placed on community supervision for six years and fined \$1,000.00.

- d. Mr. Gallegos' guilty plea indicates that the offense of aggravated sexual assault of a child occurred on March 7, 2007; which was during the statutory period.
  - e. The crime of aggravated sexual assault of a child for which Mr. Gallegos was convicted is a crime involving moral turpitude as contemplated under section 212(a)(2)(A)(i) of the Immigration and Nationality Act.
  - f. Because Mr. Gallegos committed acts which constitute the essential elements of a crime involving moral turpitude within the period of time in which he was required to establish good moral character, for which he was convicted, he was precluded from establishing good moral character. Consequently, he illegally procured his naturalization.
10. Mr. Gallegos could not have established that he was a person of good moral character because he committed unlawful acts that adversely reflected on his moral character.
- a. Unless there are extenuating circumstances, an applicant for naturalization is precluded from establishing good moral character if, during the statutory period, he commits unlawful acts that adversely reflect upon his moral character.
  - b. Whether unlawful acts affect an applicant's moral character is a case-by-case determination, considering the standards of the average citizen in the applicant's community of residence.

- c. On or about November 1, 2016, the Hidalgo County, Texas, District Court filed an indictment against Mr. Gallegos on two counts of aggravated sexual assault of a child: (1) by intentionally and knowingly causing the sexual organ of Maria Salazar, a pseudonym, a child who was then and there younger than 14 years of age, to contact the sexual organ of Mr. Gallegos, on or about March 7, 2007; and (2) by intentionally and knowingly causing the anus of Maria Salazar, a pseudonym, a child who was then and there younger than 14 years of age, to contact the sexual organ of Mr. Gallegos, on or about March 1, 2007.
- d. On April 19, 2017, Mr. Gallegos pleaded guilty in the 275th Judicial District Court of Hidalgo County, Texas, to the first count of aggravated sexual assault of a child, a first degree felony, in violation of Texas Penal Code § 22.021(a)(2)(B). The court found the offense to have been committed on March 7, 2007. The court ordered Mr. Gallegos to be placed on community supervision for six years and fined \$1,000.00.
- e. Mr. Gallegos' guilty plea indicates that the offense of aggravated sexual assault of a child occurred on March 7, 2007; which was during the statutory period.
- f. Committing aggravated sexual assault of a child, by intentionally and knowingly causing the sexual organ of Maria Salazar, a pseudonym, a child who was then and there younger than 14 years of age, to contact the sexual organ of Mr. Gallegos, is an unlawful act that adversely reflects upon an

individual's moral character as measured against the standards of the average citizen in the community of residence.

- g. The crime of aggravated sexual assault of a child is an unlawful act that adversely reflects upon Mr. Gallegos' good moral character as contemplated under 8 C.F.R. § 316.10(b)(3).
- h. As evidenced by his post-naturalization conviction, there were no extenuating circumstances that could have mitigated the effect of Mr. Gallegos' actions on his ability to establish good moral character.
- i. Because Mr. Gallegos committed unlawful acts affecting his moral character within the period of time in which he was required to establish good moral character, he was precluded from establishing good moral character.

Consequently, he illegally procured his naturalization.

11. Mr. Gallegos procured his naturalization by willful misrepresentation and concealment of material facts.

- a. Mr. Gallegos willfully misrepresented and concealed his criminal history.
- b. In response to Question 15 under Part 10 of the Application for Naturalization, Form N-400, Mr. Gallegos asserted that he had never knowingly committed a crime or offense for which he had not been arrested.
- c. At his naturalization interview on January 7, 2010, during the statutory period, Mr. Gallegos testified under oath that he had never committed a crime or offense for which he was not arrested. At the end of his interview, Mr. Gallegos signed his N-400, indicating that the contents of his naturalization application, including his representation that he had never committed a crime

or offense for which he was not arrested, were true and correct to the best of his knowledge or belief.

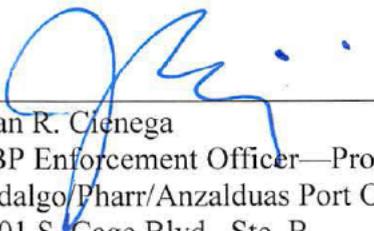
- d. In fact, Mr. Gallegos' representation was false because at the time of his interview, and prior to his naturalization interview, during the statutory period, he had committed the crime of aggravated sexual assault of a child.
  - e. The facts misrepresented by Mr. Gallegos were material to determining his eligibility for naturalization because they would have had the natural tendency to affect the INS decision whether to approve his application. In fact, Mr. Gallegos' criminal activity precluded him from establishing good moral character.
  - f. Mr. Gallegos procured his naturalization by misrepresenting and concealing his criminal conduct.
12. Mr. Gallegos could not have established that he was a person of good moral character because he provided false testimony during his naturalization for the purpose of obtaining his naturalization.
- a. On January 7, 2010, Mr. Gallegos appeared before an Immigration Services Officer for an interview regarding his application for naturalization.
  - b. At the beginning of the naturalization interview Mr. Gallegos took an oath or affirmed that he would answer all questions truthfully.
  - c. During the course of the naturalization interview, and in order to adjudicate his eligibility for naturalization, the INS officer asked Mr. Gallegos about whether he had ever committed a crime or offense for which he had not been arrested.

- d. In response to this question, Mr. Gallegos testified, under oath, that he had not.
  - e. This testimony was false. Mr. Gallegos had committed the offense of aggravated sexual assault of a child on March 7, 2007.
  - f. Mr. Gallegos' false testimony concealed the fact that he had committed a crime.
  - g. Because Mr. Gallegos provided false testimony, he could not establish that he was a person of good moral character.
13. Based on the facts outlined in the foregoing paragraphs, good cause exists to institute proceedings pursuant to section 340(a) of the Immigration and Nationality Act, 8 U.S.C. § 1451(a), to revoke Mr. Gallegos' citizenship and to cancel his certificate of naturalization.
14. Mr. Gallegos' last known place of residence is [REDACTED] Alamo, Texas 78516. Therefore, venue is proper in this district.

DECLARATION IN LIEU OF JURAT

(28 U.S.C. § 1746)

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 1st day of December, 2017.

  
\_\_\_\_\_  
Juan R. Cienega  
CBP Enforcement Officer—Prosecutions Office  
Hidalgo/Pharr/Anzalduas Port Of Entry  
9901 S. Cage Blvd., Ste. B  
Pharr, TX 78577

## **Exhibit B**

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Hidalgo, State of Texas, duly selected, impaneled, sworn, charged and organized as such at the July term A.D. 2016 of the 93<sup>rd</sup> Judicial District Court for said County, upon their oaths present in and to said court at said term that CARLOS NOE GALLEGOS, hereinafter styled Defendant, on or about the 7th day of March A.D., 2007, and before the presentment of this indictment, in Hidalgo County, Texas, did then and there intentionally or knowingly cause the sexual organ of Maria Salazar, a pseudonym, a child who was then and there younger than 14 years of age, to contact the sexual organ of the defendant;

COUNT TWO

THE GRAND JURY, for the County of Hidalgo, State of Texas, duly selected, impaneled, sworn, charged and organized as such at the July term A.D. 2016 of the 93<sup>rd</sup> Judicial District Court for said County, upon their oaths present in and to said court at said term that CARLOS NOE GALLEGOS, hereinafter styled Defendant, on or about the 1st day of March A.D., 2007, and before the presentment of this indictment, in Hidalgo County, Texas, did then and there intentionally or knowingly cause the anus of Maria Salazar, a pseudonym, a child who was then and there younger than 14 years of age, to contact the sexual organ of the defendant;

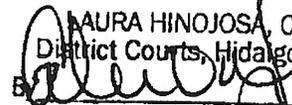
AGAINST THE PEACE AND DIGNITY OF THE STATE.

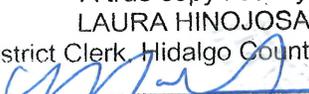
  
FOREPERSON OF THE GRAND JURY

CR- 4248-16-E  
DA Control No. DA-16-05837  
Agency: SAN JUAN POLICE DEPARTMENT  
Arrest Date: 03/10/2016  
Bond: \$75,000.00 10  
State of Texas vs. 10 CARLOS NOE GALLEGOS  
PID: 2121509  
Charge: AGG SEXUAL ASSAULT CHILD (counts 1,2)

**FILED**  
AT 3:00 O'CLOCK P M

NOV 01 2016

  
LAURA HINOJOSA, CLERK  
District Courts, Hidalgo County  
Deputy#34

Date 1-17-18  
A true copy I certify  
LAURA HINOJOSA  
District Clerk, Hidalgo County, Texas  
By  Deputy#3

# **Exhibit C**

Case No. CR-4248-16-E (COUNT ONE)  
TRN 9220501058 A001

THE STATE OF TEXAS § IN 275TH DISTRICT COURT  
VS. § OF  
CARLOS NOE GALLEGOS § HIDALGO COUNTY, TEXAS  
SID: TX-16103959

ORDER OF DEFERRED ADJUDICATION  
& COMMUNITY SUPERVISION

DATE OF ORDER: April 19, 2017  
VISITING JUDGE PRESIDING: G. JAIME GARZA  
COURT REPORTER: GLORIA CASIANO  
ATTORNEY FOR THE STATE: LAUREN SEPULVEDA  
ATTORNEY FOR THE DEFENDANT: RICHARD D. GONZALES  
OFFENSE CODE: 11990004  
OFFENSE: AGG SEXUAL ASSAULT CHILD, AS CHARGED IN THE INDICTMENT  
DATE OF OFFENSE: March 07, 2007  
DEGREE OF OFFENSE: FELONY 1ST DEGREE  
STATUTE FOR OFFENSE: 22.021(A)(2)(B) PENAL CODE  
PUNISHMENT RANGE: LIFE OR 5-99 YEARS IN PRISON/MAX  
(Including enhancements if any): \$10,000 FINE  
CHARGING INSTRUMENT: INDICTMENT or INFORMATION  
PLEA TO OFFENSE: GUILTY  
TERMS OF PLEA AGREEMENT OR FINDINGS OF THE COURT, TO WIT:  
COMMUNITY SUPERVISION PERIOD: SIX (6) YEARS  
FINE: \$1,000.00  
RESTITUTION: NONE  
TIME SPENT IN JAIL: 15 DAYS  
DISMISS: CR-4248-16-E  
PLEA TO ENHANCEMENT: NONE  
PARAGRAPH(S):  
FINDING TO ENHANCEMENT: NONE  
FINDING ON DEADLY WEAPON: NONE  
COURT COSTS: \$ 629.00

On APRIL 19, 2017, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by LAUREN SEPULVEDA and the Defendant and the Defendant's attorney, RICHARD D. GONZALES, were also present. Thereupon both sides announced ready for trial, and the Defendant, Defendant's attorney, and the State's attorney agreed in open court and in writing to waive a jury in the trial of this cause and to submit it to the Court. The Court consented to the waiver of a jury. The Defendant further waived the reading of the indictment or information, and, upon being asked by the Court as to how the Defendant pleaded, entered a plea of GUILTY to the offense of AGG SEXUAL ASSAULT

**CHILD, AS CHARGED IN THE INDICTMENT, FELONY 1ST DEGREE.** Furthermore, as to the enhancement paragraphs, if any, the Defendant entered a plea of **NONE**.

Thereupon, the Court admonished the Defendant of the range of punishment attached to the offense, that any recommendation of the State is not binding on the Court, that the existence of a plea bargain limits the right of an appeal to only pre-trial matters raised and preserved, and that if the Defendant is not a citizen of the United States of America, a plea of guilty or no contest may result in deportation under federal law; it appeared to the Court that the Defendant was competent to stand trial and was not influenced in making said plea(s) by any consideration of fear or by any persuasion prompting a confession of guilt; and that the Defendant understood the admonitions of the Court and was aware of the consequences of the plea(s); and the Court received the free and voluntary plea(s), which are now entered of record in the minutes of the Court.

The Court then proceeded to hear evidence from the State and the Defendant and, having heard argument of counsel, found there was sufficient evidence to support the Defendant's plea and found the offense was committed on **MARCH 07, 2007**, and made a finding of **NONE** on the enhancement paragraph(s), if any.

A pre-sentence investigation report **WAS NOT DONE** according to Article 42.12, Section 9, CCP.

However, the Court, after due consideration, is of the opinion and so finds that the best interests of society and the Defendant are served in this cause by deferring further proceedings without an adjudication of guilty.

It is, therefore, **ORDERED**, by the Court that further proceedings in this cause shall be and are hereby deferred. The Defendant is placed on community supervision for a period of **SIX (6) YEARS** with a fine of **\$1,000.00** subject to the conditions of supervision imposed by the Court in an Order that is hereby incorporated into this Order.

#### Order Imposing Conditions of Community Supervision

In accordance with the authority conferred by Article 42.12 of the Code of Criminal Procedure, the Court has placed the Defendant on community supervision in the above styled and numbered cause for the offense of **AGG SEXUAL ASSAULT CHILD, AS CHARGED IN THE INDICTMENT** for a period of **SIX (6) YEARS**. The Court hereby **ORDERS** the Defendant to comply with the following conditions of community supervision:

1. Commit no offense against the laws of this State, or of any other State, or the United States.
2. Avoid injurious or vicious habits.
3. Avoid persons or places of disreputable or harmful character.
4. Obey all rules and regulations of the Hidalgo County Community Supervision and Corrections Department.
5. Permit the Supervision Officer to visit Defendant at Defendant's home or elsewhere.
6. Work faithfully at suitable employment as far as possible.
7. Remain within the limits of Hidalgo County, Texas, unless given permission to leave there from.
8. Support any dependents.
9. Attain an educational skill level that is equal to or greater than the average skill level of students who have completed the sixth grade in public schools in this State by participating

fully in the Hidalgo County Community Corrections & Supervision Education and Employment Program beginning immediately, comply with the developmental training, and obey all rules and regulations of the program.

10. Report monthly in person to the Supervision Officer beginning immediately and continue as directed by the Supervision Officer.
11. **ATTEND TREATMENT or COUNSELING SESSION, including but not limited to psychological counseling,** for **SEX OFFENDERS** with the Hidalgo County Community Supervision & Corrections Department **SEX OFFENDER PROGRAM**, comply with the treatment, obey all rules and regulations of the program, and report immediately to the Sex Offender Program Supervision Officer, at 3100 S. Highway 281, Edinburg, Texas.
12. **NOT GO IN, ON, or WITHIN 1000 FEET** of premises where **CHILDREN** commonly **GATHER**, including a school, day-care facility, playground, public or private youth center, public swimming pool, or video arcade facility.
13. **NOT PURCHASE, POSSESS, or ACCESS or VIEW**, sexually explicit visual or audio material on any medium; **INSTALL and ACTIVATE**, at Defendant's own cost, software approved by the Department and capable of blocking access to explicit material on any personal computer in Defendant's residence or any electronic device available; **PERMIT** the Supervision Officer or his Designee access at any time to any personal computer or electronic device in Defendant's residence or any electronic device available in order to monitor compliance.
14. **NOT SUPERVISE or PARTICIPATE** in any **PROGRAM** that includes as **PARTICIPANTS or RECIPIENTS**, persons who are **17 YEARS OF AGE OR YOUNGER** and that regularly provides athletic, civic, or cultural activities.
15. **PAY**, in addition to court costs or any other fee imposed, to the Hidalgo County Community Supervision & Corrections Department Supervision Officer a **COMMUNITY SUPERVISION FEE** in the amount of **\$5.00**, due on or before 30 days from the date of this Order and every month thereafter during the period of community supervision, and payable at the Hidalgo County Community Supervision & Corrections Department, 3100 S. Highway 281, Edinburg, Texas.
16. **PERMIT**, during the term of community supervision and on the basis of a "reasonable suspicion of criminal activity", any community supervision officer, government agency or their designee, to search Defendant's person, property, vehicle(s), residence or any place where Defendant may be living, with or without a search warrant.
17. **PRODUCE**, commencing immediately, for inspection and copying of any matters contained therein, to the Hidalgo County Community Supervision & Corrections Department or any government agency or their designees, any computer or electronic device which Defendant owns, possesses, or uses, including providing security codes, passwords, log on codes, or other access codes required to access the electronic device of computer's data, records, files, folders, databases, electronic mail, or any other computer or electronic information contained in said computers or electronic device.
18. **REGISTER** under **CHAPTER 62**, Code of Criminal Procedure.
19. **REIMBURSE** to the **TEXAS DEPARTMENT OF PUBLIC SAFETY** the amount of **\$144.00** for the **ANALYSIS** of blood for the purpose of creating a **DNA** record of the Defendant said payment due **six (6) months** from the date of this Order and payable at the Hidalgo County Community Supervision and Corrections Department, 3100 S. Highway 281, Edinburg, Texas.
20. **SUBMIT a BLOOD SAMPLE OR OTHER SPECIMEN** to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, for the purpose of creating a **DNA** record of the Defendant.

21. **PAY** part of the reasonable and necessary costs of sex offender treatment in monthly installments of **\$20.00**, beginning on or before 30 days from the date of this Order and continuing every month thereafter during the entire period of treatment in the Sex Offender Program, and payable to the Hidalgo County Community Supervision and Corrections Department, 3100 S. Highway 281, Edinburg, Texas.
22. **SUBMIT**, upon the request of Dr. Gregorio Pina or Jerry Amaya, licensed sex offender therapist, to a **POLYGRAPH EXAMINATION** by a state licensed/certified examiner as directed by the Hidalgo County Community Supervision & Corrections Department, 3100 S. Highway 281, Edinburg, Texas, for treatment and counseling purposes only, co-operate fully with the examiner, and immediately pay all costs and fees incurred therein.
23. **PAY** the **FINE** in the amount of **\$1,000.00** in monthly installments of **\$20.00** beginning **thirty (30) days** from the date of this Order and continuing every month thereafter until paid in full, payable at the Hidalgo County Clerk Collections Department, 100 N. Clossner, Edinburg, Texas.
24. **Avoid bars, taverns, "cantinas", lounges, pool halls**, and all establishments whose primary business or source of income is selling or distributing alcoholic beverages.
25. **Avoid the use or abuse of any and all alcoholic beverages or mind-altering drugs** during the entire period of community supervision.
26. Make a payment in the amount of **\$8.00** for the cost of the analysis for alcohol or controlled substances, said payment due on the date of each analysis, and payable at the Hidalgo County Community Supervision & Corrections Department, 3100 S. Highway 281, Edinburg, Texas.
27. Make **one payment** on or before **ninety (90) days** from the date of this Order to the local **Crime Stoppers Program**, as defined by Section 414.001 of the Government Code and certified by the Crime Stoppers Advisory counsel, in the amount of **\$50.00**, payable at the Hidalgo County Community Supervision and Corrections Department, 3100 S. Highway 281, Edinburg, Texas.
28. **Pay a monthly fee** to the Court in the amount of **\$60.00** on or before **thirty (30) days** from the date of this Order, and continuing every month thereafter during the community supervision period, payable at the Hidalgo County Community Supervision & Corrections Department, 3100 S. Highway 281, Edinburg, Texas.
29. **Pay court costs** to the County of Hidalgo **within ninety (90) days** from the date of this Order payable at the Hidalgo County Clerk Collections Department, 100 N. Clossner, Edinburg, Texas.
30. Submit to random testing for alcohol or controlled substances by authorized personnel of the Hidalgo County Community Supervision and Corrections Department.
31. **Work 240 hours** at a community service project(s) for an organization(s) approved by the Judge and designated by the Hidalgo County Community Supervision & Corrections Department at the rate of not less than **eight (8) hours** per week **beginning immediately** and continuing every week thereafter until completed in full.
32. Submit as directed by the Supervision Officer to other programs within the community supervision continuum of programs and sanctions designed to protect or restore the community, protect or restore the victim, or punish, rehabilitate, or reform the Defendant, and comply with the rules and regulations of such programs.
33. Not communicate directly or indirectly with the victim, and not go within **1,000 FEET** of the Victim's residence, place of employment, or place of business.
34. Make one payment to Women Together/Mujeres Unidas Emergency Shelter in the amount of **\$100.00** due on or before 30 days from the date of this Order payable at the Hidalgo County Community Supervision & Corrections Department, 3100 S. Highway 281, Edinburg, Texas.

**Furthermore, the following special findings or orders apply:**

The Court finds that placing the Defendant on community supervision is in the best interest of the victim.

The Court finds that the Sex Offender Registration Requirements under Chapter 62, CCP, apply to the Defendant, and the age of the victim of the offense is **7 YEARS OF AGE**.

The Court finds that all court-ordered payments, if any, are suspended during the Defendant's custodial supervision, if any, and such payments shall be reinstated thirty days from the date of discharge from such custodial supervision.

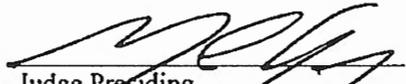
The Court finds that **THERE IS** plea bargain agreement between the State and the Defendant.

The Court, upon the State's motion, **DISMISSED** the following count(s), case(s), or complaint(s): **CR-4248-16-E, 275<sup>TH</sup> DISTRICT COURT, HIDALGO COUNTY, TEXAS.**

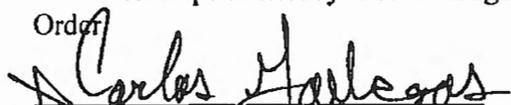
The Court finds that the Defendant has spent **15 DAYS** in county jail.

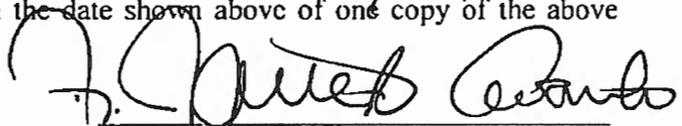
The Defendant is hereby advised that, under the laws of the State of Texas, the Court shall determine the conditions of community supervision and may, at any time during the period of supervision, alter or modify the conditions of supervision. The Court also may extend the period of supervision and has the authority to revoke the community supervision at any time during the period of supervision for any violation of the conditions.

Signed on the 19 day of April, 2017.

  
Judge Presiding

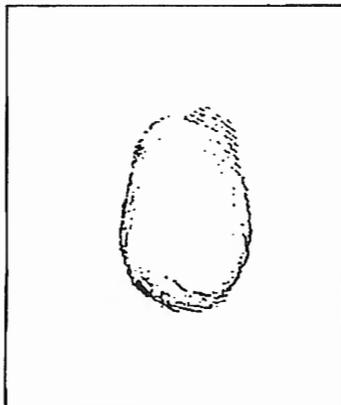
Receipt is hereby acknowledged on the date shown above of one copy of the above

Order  
  
Defendant

  
Community Supervision Officer

JM

Defendant's right thumbprint



Date 1-17-18  
A true copy I certify  
LAURA HINOJOSA  
District Clerk, Hidalgo County, Texas  
By  Deputy

## **Exhibit D**

Department of Homeland Security  
U.S. Citizenship and Immigration Services

OMB No. 1615-0052; Expires 12/31/09

**N-400 Application  
for Naturalization**

Print clearly or type your answers using CAPITAL letters. Failure to print clearly may delay your application. Use black ink.

**Part 1. Your Name (Person applying for naturalization)**

Write your USCIS A-Number here:

A# 079-695-116

**A. Your current legal name.**

Family Name (Last Name)

Gallegos

Given Name (First Name)

Carlos

Full Middle Name (If applicable)

Noe

**B. Your name exactly as it appears on your Permanent Resident Card.**

Family Name (Last Name)

Gallegos

Given Name (First Name)

Carlos

Full Middle Name (If applicable)

**C. If you have ever used other names, provide them below.**

Family Name (Last Name)      Given Name (First Name)      Middle Name

N/A		

**D. Name change (optional)**

Read the Instructions before you decide whether to change your name.

1. Would you like to legally change your name?       Yes       No

2. If "Yes," print the new name you would like to use. Do not use initials or abbreviations when writing your new name.

Family Name (Last Name)

N/A

Given Name (First Name)

N/A

Full Middle Name

N/A

**Part 2. Information About Your Eligibility (Check only one)**

I am at least 18 years old AND

I have been a lawful permanent resident of the United States for at least five years.

I have been a lawful permanent resident of the United States for at least three years, and I have been married to and living with the same U.S. citizen for the last three years, and my spouse has been a U.S. citizen for the last three years.

C.  I am applying on the basis of qualifying military service.

D.  Other (Explain) \_\_\_\_\_

For USCIS Use Only

Bar Code

Date Stamp



NBC\*000550843

Remarks

Action Block



**Part 3. Information About You**

Write your USCIS A-Number here:

A# 079-695-116

A. U.S. Social Security Number

[Redacted] - 3220

B. Date of Birth (mm/dd/yyyy)

[Redacted] - 1976

C. Date You Became a Permanent Resident (mm/dd/yyyy)

06-10-2003

D. Country of Birth

Mexico

E. Country of Nationality

Mexican

F. Are either of your parents U.S. citizens? (If yes, see instructions)

Yes  No

G. What is your current marital status?

Single, Never Married  Married  Divorced  Widowed

Marriage Annulled or Other (Explain) \_\_\_\_\_

H. Are you requesting a waiver of the English and/or U.S. History and Government requirements based on a disability or impairment and attaching Form N-648 with your application?

Yes  No

I. Are you requesting an accommodation to the naturalization process because of a disability or impairment? (See instructions for some examples of accommodations.)

Yes  No

If you answered "Yes," check the box below that applies:

I am deaf or hearing impaired and need a sign language interpreter who uses the following language: N/A

I use a wheelchair.

I am blind or sight impaired.

I will need another type of accommodation. Explain: N/A

**Part 4. Addresses and Telephone Numbers**

A. Home Address - Street Number and Name (Do not write a P.O. Box in this space.)

Apartment Number

[Redacted] Rent

City: San Juan County: Hidalgo State: Texas ZIP Code: 78589 Country: U.S.A.

B. Care of

Mailing Address - Street Number and Name (If different from home address)

Apartment Number

N/A N/A N/A

City: N/A State: N/A ZIP Code: N/A Country: N/A

C. Daytime Phone Number (If any)

(956) 566-8672

Evening Phone Number (If any)

(956) 566-8702

E-Mail Address (If any)

N/A

**Part 5. Information for Criminal Records Search**

Write your USCIS A-Number here:

A# 079-695-116

NOTE: The categories below are those required by the FBI. See instructions for more information.

**A. Gender**

Male  Female

**B. Height**

5 Feet 10 Inches

**C. Weight**

189 Pounds

**D. Are you Hispanic or Latino?**

Yes  No

**E. Race (Select one or more)**

White  Asian  Black or African American  American Indian or Alaskan Native  Native Hawaiian or Other Pacific Islander

**F. Hair color**

Black  Brown  Blonde  Gray  White  Red  Sandy  Bald (No Hair)

**G. Eye color**

Brown  Blue  Green  Hazel  Gray  Black  Pink  Maroon  Other

**Part 6. Information About Your Residence and Employment**

**A. Where have you lived during the last five years? Begin with where you live now and then list every place you lived for the last five years. If you need more space, use a separate sheet of paper.**

Street Number and Name, Apartment Number, City, State, Zip Code, and Country	Dates (mm/dd/yyyy)	
	From	To
Current Home Address - Same as Part 4.A	08/06	Present <input checked="" type="checkbox"/>
1327 Andrew St. San Juan TX 78589	09/05	08/06
1659 Cr 180 Blue Springs Ms. 38828	03/2005	09/2005
1086 Cr 150 New Albany Ms. 38652	06/2003	01/2005
1821 Cr 121 lot 1 Blue Springs Ms 38828	09/2001	06/2003

**B. Where have you worked (or, if you were a student, what schools did you attend) during the last five years? Include military service. Begin with your current or latest employer and then list every place you have worked or studied for the last five years. If you need more space, use a separate sheet of paper.**

Employer or School Name	Employer or School Address (Street, City, and State)	Dates (mm/dd/yyyy)		Your Occupation
		From	To	
#1 Galvotec Alloys Inc.	6712 South 36 <sup>th</sup> St Mcallen TX 78503	05/2009	Present	welder helper <input checked="" type="checkbox"/>
#2 PCS Onshore	15150 Memorial Dr. Houston TX 77079	08/2008	01/2009	Truck driver
#3 Lack's	1300 San Patricia St. Pharr TX 78577	12/2006	08/2008	shipping and receiving
#4 Galvotec Alloy. Inc.	6712 South 36 <sup>th</sup> St. Mcallen TX 78503	04/2006	12/2006	welder helper
#5 Rio Management Comp.	3701 west. Military Mcallen TX 78503	11/2005	04/2006	operator forklift.

**Part 7. Time Outside the United States**  
(Including Trips to Canada, Mexico and the Caribbean Islands)

Write your USCIS A-Number here:

#079-695-116

- A. How many total days did you spend outside of the United States during the past five years?  days
- B. How many trips of 24 hours or more have you taken outside of the United States during the past five years?  trips
- C. List below all the trips of 24 hours or more that you have taken outside of the United States since becoming a lawful permanent resident. Begin with your most recent trip. If you need more space, use a separate sheet of paper.

Date You Left the United States (mm/dd/yyyy)	Date You Returned to the United States (mm/dd/yyyy)	Did Trip Last Six Months or More?		Countries to Which You Traveled	Total Days Out of the United States
N/A		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		

**Part 8. Information About Your Marital History**

A. How many times have you been married (including annulled marriages)?  If you have **never** been married, go to Part 9.

B. If you are now married, give the following information about your spouse:

1. Spouse's Family Name (Last Name)  Given Name (First Name)  Full Middle Name (If applicable)

2. Date of Birth (mm/dd/yyyy)  3. Date of Marriage (mm/dd/yyyy)  4. Spouse's U.S. Social Security #

5. Home Address - Street Number and Name  Apartment Number

City  State  Zip Code

**Part 8. Information About Your Marital History** (Continued)

Write your USCIS A-Number here:

A# 079-695-116

C. Is your spouse a U.S. citizen?  Yes  No

D. If your spouse is a U.S. citizen, give the following information:

1. When did your spouse become a U.S. citizen?  At Birth  Other

If "Other," give the following information:

2. Date your spouse became a U.S. citizen

N/A

3. Place your spouse became a U.S. citizen (See instructions)

N/A

City and State

E. If your spouse is **not** a U.S. citizen, give the following information :

1. Spouse's Country of Citizenship

N/A

2. Spouse's USCIS A- Number (If applicable)

A N/A

3. Spouse's Immigration Status

Lawful Permanent Resident  Other \_\_\_\_\_

F. If you were married before, provide the following information about your prior spouse. If you have more than one previous marriage, use a separate sheet of paper to provide the information requested in Questions 1-5 below.

1. Prior Spouse's Family Name (Last Name)

McCurdy

Given Name (First Name)

Angelica

Full Middle Name (If applicable)

Kay

2. Prior Spouse's Immigration Status

U.S. Citizen  
 Lawful Permanent Resident  
 Other \_\_\_\_\_

3. Date of Marriage (mm/dd/yyyy)

12-13-2001

4. Date Marriage Ended (mm/dd/yyyy)

02-21-2006

5. How Marriage Ended

Divorce  Spouse Died  Other \_\_\_\_\_

G. How many times has your current spouse been married (including annulled marriages)?

N/A

If your spouse has **ever** been married before, give the following information about **your spouse's** prior marriage.

If your spouse has more than one previous marriage, use a separate sheet(s) of paper to provide the information requested in Questions 1 - 5 below.

1. Prior Spouse's Family Name (Last Name)

N/A

Given Name (First Name)

N/A

Full Middle Name (If applicable)

N/A

2. Prior Spouse's Immigration Status

U.S. Citizen  
 Lawful Permanent Resident  
 Other \_\_\_\_\_

3. Date of Marriage (mm/dd/yyyy)

N/A

4. Date Marriage Ended (mm/dd/yyyy)

N/A

5. How Marriage Ended

Divorce  Spouse Died  Other \_\_\_\_\_

**Part 9. Information About Your Children**

Write your USCIS A-Number here:

A# 079-695-116

A. How many sons and daughters have you had? For more information on which sons and daughters you should include and how to complete this section, see the Instructions.

1

B. Provide the following information about all of your sons and daughters. If you need more space, use a separate sheet of paper.

Full Name of Son or Daughter	Date of Birth (mm/dd/yyyy)	USCIS A- number (if child has one)	Country of Birth	Current Address (Street, City, State and Country)
C. [Redacted] A. [Redacted] Gallegos	[Redacted] - 2002	A	U.S.A	[Redacted] Blue Springs Ms 38828
N/A		A		
		A		
		A		
		A		
		A		
		A		
		A		

Add Children

Go to continuation page

**Part 10. Additional Questions**

Answer Questions 1 through 14. If you answer "Yes" to any of these questions, include a written explanation with this form. Your written explanation should (1) explain why your answer was "Yes" and (2) provide any additional information that helps to explain your answer.

**A. General Questions.**

- Have you ever claimed to be a U.S. citizen (in writing or any other way)?  Yes  No
- Have you ever registered to vote in any Federal, State, or local election in the United States?  Yes  No
- Have you ever voted in any Federal, State, or local election in the United States?  Yes  No
- Since becoming a lawful permanent resident, have you ever failed to file a required Federal, State, or local tax return?  Yes  No
- Do you owe any Federal, State, or local taxes that are overdue?  Yes  No
- Do you have any title of nobility in any foreign country?  Yes  No
- Have you ever been declared legally incompetent or been confined to a mental institution within the last five years?  Yes  No

**Part 10. Additional Questions (Continued)**

Write your USCIS A-Number here:

A# 079-695-116

**B. Affiliations.**

8. a. Have you ever been a member of or associated with any organization, association, fund foundation, party, club, society, or similar group in the United States or in any other place?  Yes  No

b. If you answered "Yes," list the name of each group below. If you need more space, attach the names of the other group(s) on a separate sheet of paper.

Name of Group	Name of Group
1. N/A	6.
2.	7.
3.	8.
4.	9.
5.	10.

9. Have you ever been a member of or in any way associated (either directly or indirectly) with:

- a. The Communist Party?  Yes  No
- b. Any other totalitarian party?  Yes  No
- c. A terrorist organization?  Yes  No

10. Have you ever advocated (either directly or indirectly) the overthrow of any government by force or violence?  Yes  No

11. Have you ever persecuted (either directly or indirectly) any person because of race, religion, national origin, membership in a particular social group, or political opinion?  Yes  No

12. Between March 23, 1933, and May 8, 1945, did you work for or associate in any way (either directly or indirectly) with:

- a. The Nazi government of Germany?  Yes  No
- b. Any government in any area (1) occupied by, (2) allied with, or (3) established with the help of the Nazi government of Germany?  Yes  No
- c. Any German, Nazi, or S.S. military unit, paramilitary unit, self-defense unit, vigilante unit, citizen unit, police unit, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, or transit camp?  Yes  No

**C. Continuous Residence.**

Since becoming a lawful permanent resident of the United States:

13. Have you ever called yourself a "nonresident" on a Federal, State, or local tax return?  Yes  No

14. Have you ever failed to file a Federal, State, or local tax return because you considered yourself to be a "nonresident"?  Yes  No

**Part 10. Additional Questions (continued)**

Write your USCIS A-Number here:

A# 079-695-116

**D. Good Moral Character.**

For the purposes of this application, you must answer "Yes" to the following questions, if applicable, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record.

- 15. Have you ever committed a crime or offense for which you were **not** arrested?  Yes  No
- 16. Have you ever been arrested, cited, or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason?  Yes  No
- 17. Have you ever been charged with committing any crime or offense?  Yes  No
- 18. Have you ever been convicted of a crime or offense?  Yes  No
- 19. Have you ever been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)?  Yes  No
- 20. Have you ever received a suspended sentence, been placed on probation, or been paroled?  Yes  No
- 21. Have you ever been in jail or prison?  Yes  No

If you answered "Yes" to any of Questions 15 through 21, complete the following table. If you need more space, use a separate sheet of paper to give the same information.

Why were you arrested, cited, detained, or charged?	Date arrested, cited, detained, or charged? (mm/dd/yyyy)	Where were you arrested, cited, detained, or charged? (City, State, Country)	Outcome or disposition of the arrest, citation, detention, or charge (No charges filed, charges dismissed, jail, probation, etc.)
N/A			

Answer Questions 22 through 33. If you answer "Yes" to any of these questions, attach (1) your written explanation why your answer was "Yes" and (2) any additional information or documentation that helps explain your answer.

- 22. Have you ever:
  - a. Been a habitual drunkard?  Yes  No
  - b. Been a prostitute, or procured anyone for prostitution?  Yes  No
  - c. Sold or smuggled controlled substances, illegal drugs, or narcotics?  Yes  No
  - d. Been married to more than one person at the same time?  Yes  No
  - e. Helped anyone enter or try to enter the United States illegally?  Yes  No
  - f. Gambled illegally or received income from illegal gambling?  Yes  No
  - g. Failed to support your dependents or to pay alimony?  Yes  No
- 23. Have you ever given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?  Yes  No
- 24. Have you ever lied to any U.S. Government official to gain entry or admission into the United States?  Yes  No

**Part 10. Additional Questions (Continued)**

Write your USCIS A-Number here:

A# 079-695-116

**E. Removal, Exclusion, and Deportation Proceedings.**

- 25. Are removal, exclusion, rescission, or deportation proceedings pending against you?  Yes  No ✓
- 26. Have you ever been removed, excluded, or deported from the United States?  Yes  No ✓
- 27. Have you ever been ordered to be removed, excluded, or deported from the United States?  Yes  No ✓
- 28. Have you ever applied for any kind of relief from removal, exclusion, or deportation?  Yes  No ✓

**F. Military Service.**

- 29. Have you ever served in the U.S. Armed Forces?  Yes  No ✓
- 30. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces?  Yes  No ✓
- 31. Have you ever applied for any kind of exemption from military service in the U.S. Armed Forces?  Yes  No ✓
- 32. Have you ever deserted from the U.S. Armed Forces?  Yes  No

**G. Selective Service Registration.**

- 33. Are you a male who lived in the United States at any time between your 18th and 26th birthdays in any status except as a lawful nonimmigrant?  Yes  No ✓

If you answered "NO," go on to question 34.

If you answered "YES," provide the information below.

If you answered "YES," but you did not register with the Selective Service System and are still under 26 years of age, you must register before you apply for naturalization, so that you can complete the information below:

Date Registered (mm/dd/yyyy)

N/A

Selective Service Number

N/A

If you answered "YES," but you did not register with the Selective Service and you are now 26 years old or older, attach a statement explaining why you did not register.

**H. Oath Requirements. (See Part 14 for the text of the oath)**

Answer Questions 34 through 39. If you answer "No" to any of these questions, attach (1) your written explanation why the answer was "No" and (2) any additional information or documentation that helps to explain your answer.

- 34. Do you support the Constitution and form of government of the United States?  Yes  No ✓
- 35. Do you understand the full Oath of Allegiance to the United States?  Yes  No ✓
- 36. Are you willing to take the full Oath of Allegiance to the United States?  Yes  No ✓
- 37. If the law requires it, are you willing to bear arms on behalf of the United States?  Yes  No ✓
- 38. If the law requires it, are you willing to perform noncombatant services in the U.S. Armed Forces?  Yes  No ✓
- 39. If the law requires it, are you willing to perform work of national importance under civilian direction?  Yes  No ✓

**Part 11. Your Signature**

Write your USCIS A-Number here:

A# 079-695-116

I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct. I authorize the release of any information that the USCIS needs to determine my eligibility for naturalization.

Your Signature

Date (mm/dd/yyyy)

Carlos Gallegos

10/23/2009

**Part 12. Signature of Person Who Prepared This Application for You (If applicable)**

I declare under penalty of perjury that I prepared this application at the request of the above person. The answers provided are based on information of which I have personal knowledge and/or were provided to me by the above named person in response to the exact questions contained on this form.

Preparer's Printed Name

Preparer's Signature

Date (mm/dd/yyyy)

Preparer's Firm or Organization Name (If applicable)

Preparer's Daytime Phone Number

Preparer's Address - Street Number and Name

City

State

Zip Code

**NOTE: Do not complete Parts 13 and 14 until a USCIS Officer instructs you to do so.**

**Part 13. Signature at Interview**

I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, including corrections numbered 1 through 2 and the evidence submitted by me numbered pages 1 through 1, are true and correct to the best of my knowledge and belief.

Subscribed to and sworn to (affirmed) before me

F. Stewart

JAN 07 2010

Date (mm/dd/yyyy)

Complete Signature of Applicant

Officer's Signature

Carlos Gallegos

F. Stewart

**Part 14. Oath of Allegiance**

If your application is approved, you will be scheduled for a public oath ceremony at which time you will be required to take the following Oath of Allegiance immediately prior to becoming a naturalized citizen. By signing, you acknowledge your willingness and ability to take this oath:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen;

that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic;

that I will bear true faith and allegiance to the same;

that I will bear arms on behalf of the United States when required by the law;

that I will perform noncombatant service in the Armed Forces of the United States when required by the law;

that I will perform work of national importance under civilian direction when required by the law; and

that I take this obligation freely, without any mental reservation or purpose of evasion, so help me God.

Printed Name of Applicant

Complete Signature of Applicant

Carlos Noe Gallegos

Carlos Gallegos

Name: Gallegos Carlos A Number 079 395 116

Addendum for form N400

Addendum to Part 6 Past Employers.

Caye Upholstery 1201 West Bankhead  
New Albany MS. 38652

07/2002 / 10/2005

200924444510 2100528 010258 22 0100873 102709 11:10 102609 1400874-29102E

*Attachment # 1*

# **Exhibit E**

UNITED STATES OF AMERICA



No. 32386781

CERTIFICATE OF

NATURALIZATION

Personal description of holder as of date of naturalization:

CIS Registration No. A079695116

Date of birth [redacted] 1976

I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.

Sex: MALE

(Complete and true signature of holder)

Height: 5 feet 10 inches

Marital status: DIVORCED

Be it known that, pursuant to an application filed with the Secretary of Homeland Security

Country of former nationality:

at: HARLINGEN, TEXAS

MEXICO

The Secretary having found that:

CARLOS NOE GALLEGOS



then residing in the United States, intends to reside in the United States when so required by the Naturalization Laws of the United States; and had in all other respects complied with the applicable provisions of such naturalization laws and was entitled to be admitted to citizenship, such person having taken the oath of allegiance in a ceremony conducted by the

US DIST COURT SOUTHERN DISTRICT OF TX

at: BROWNSVILLE, TEXAS

on: MARCH 10, 2010

that such person is admitted as a citizen of the United States of America.

Alfonso N. Navarro

IT IS PUNISHABLE BY U. S. LAW TO COPY, PRINT OR PHOTOGRAPH THIS CERTIFICATE.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.