

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MELCHOR MUNOZ,
a/k/a Melchor Muñoz Correa,

Defendant.

Case No. _____

**COMPLAINT TO REVOKE
NATURALIZATION**

PRELIMINARY STATEMENT

The United States of America brings this civil action against Defendant Melchor Munoz a/k/a Melchor Munoz-Correa (“Defendant”) to revoke his naturalized U.S. citizenship. This action under 8 U.S.C. § 1451(a) is based on Defendant’s criminal conduct prior to naturalizing, for which he was charged and convicted after naturalizing.

Specifically, between 2008 and 2011, Defendant led a six-person conspiracy to distribute marijuana and cocaine throughout the southeast United States. Yet when Defendant filed his naturalization application in June 2009 and was interviewed under oath in July 2009, in the middle of his criminal conspiracy, Defendant did not disclose his involvement in this criminal conduct.

On May 29, 2011, after Defendant naturalized, he was arrested for the foregoing crime. On April 9, 2012, he pled guilty in the U.S. District Court for the Northern District of Florida, to conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine

and 100 kilograms or more of marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii).

In light of Defendant's criminal history, which he has admitted to and been convicted for, and which he misrepresented and concealed throughout his naturalization proceedings, he was ineligible for naturalization and thus procured his citizenship unlawfully. Accordingly, as shown below, Defendant unlawfully naturalized and this Court must order the denaturalization of Defendant.

I. JURISDICTION, VENUE, AND PARTIES

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel Defendant's Certificate of Naturalization No. 32588918.

2. This Court has subject-matter jurisdiction pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. §§ 1331 and 1345.

3. Plaintiff is the United States of America, suing on behalf of itself.

4. Defendant was born in Mexico in or about June 1975, and is a naturalized U.S. citizen.

5. Prior to his incarceration, Defendant resided in Marianna, Florida, which is within the jurisdiction and venue of this Court. Thus, venue is proper in this district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391.

II. FACTUAL BACKGROUND

6. The affidavit of Michael A. Laird, a Special Agent with U.S. Immigration and Customs Enforcement, an agency within the U.S. Department of Homeland Security, showing

good cause for this action, as required by 8 U.S.C. § 1451(a), is attached hereto as Exhibit (“Exh.”) A.

A. Defendant’s Drug Distribution Conspiracy & Conviction

7. Beginning in 2008 and continuing to in or about May 2011, Defendant led a conspiracy to distribute cocaine marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii).

8. On or about May 29, 2011, Defendant was arrested in connection with the foregoing crime.

9. On or about May 31, 2011, Defendant and multiple co-defendants were charged by criminal complaint in the U.S. District Court for Northern District of Florida with conspiracy to distribute five kilograms or more of cocaine and 100 kilograms or more of marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and 846. *See* Criminal Complaint, ECF No. 1, *United States v. Melchor Munoz*, No. 4:11-cr-37 (N.D. Fla. May 31, 2011) (attached as Exh. B).

10. On or about October 4, 2011, a grand jury in the Northern District of Florida returned a superseding indictment, charging Defendant with committing the foregoing offenses “[b]etween on or about June 1, 2008, and on or about May 30, 2011.” *See* Superseding Indictment, ECF No. 202, *United States v. Melchor Munoz*, No. 4:11-cr-37 (N.D. Fla. Oct. 4, 2011) (attached as Exh. B).

11. On April 9, 2012, Defendant pled guilty pursuant to a plea agreement to conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine and 100 kilograms or more of marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii). *See* Plea Agreement, ECF No. 321, *United States v. Melchor Munoz*, No. 4:11-cr-37 (N.D. Fla. April 9, 2012) (attached as Exh. C). In the plea agreement, Defendant

acknowledged that his conviction may lead to revocation of his U.S. citizenship and deportation. *Id.* at 3 ¶ f.

12. In support of his April 9, 2012 guilty plea, Defendant signed a Statement of Facts, admitting *inter alia* that “[b]etween 2008 and 2010, [co-conspirators] picked up marijuana from [Defendant] . . . about sixty times, in amounts from 60 to 100 lbs., with an average of about 80 lbs.” and that Defendant “kept 400 to 500 lbs. of marijuana on hand,” “had gallon zip-lock bags of methamphetamine most of the time,” and “multiple blocks of cocaine most of the time.” *See* Statement of Facts ¶ 11, *United States v. Melchor Munoz*, No. 4:11-cr-37 (N.D. Fla. April 9, 2012) (attached as Exh. D).

13. During his change of plea hearing, Defendant acknowledged the truth of the facts recited above from his signed Statement of Facts, and admitted under oath that he conspired to sell and distribute marijuana, and began receiving marijuana, starting in “late 2008.” *See* Tr. of Change of Plea Proceedings at 8-9, *United States v. Melchor Munoz*, No. 4:11-cr-37 (N.D. Fla. April 9, 2012) (attached as Exh. E). Defendant also testified that he was aware that by pleading guilty he could lose his U.S. citizenship and be removed from the United States. *Id.* at 18 to 20.

14. On July 27, 2012, the District Court for the Northern District of Florida sentenced Defendant to 188 months’ imprisonment and 5 years’ supervised release. *See* Judgment, *United States v. Melchor Munoz*, No. 4:11-cr-37 (attached as Exh. C).

B. Defendant’s Naturalization Application and Proceedings

15. At the same time Defendant was engaged in his controlled substance distribution conspiracy, he applied to naturalize and become a U.S. citizen, maintaining that he possessed the requisite good moral character.

16. On or about June 6, 2009, Defendant filed a Form N-400, Application for Naturalization (“N-400” or “naturalization application”) with U.S. Citizenship and Immigration Services (“USCIS”). *See* Form N-400, Application for Naturalization (attached as Exh. F).

17. On his naturalization application, Defendant checked “No” in response to part 10, question 15, which asked: “Have you **ever** committed a crime or offense for which you were **not** arrested?” *Id.* at 8 (emphasis in original).

18. On his naturalization application, Defendant checked “No” in response to part 10, question 22, which asked: “Have you **ever** committed a crime or offense for which you were **not** arrested?” *Id.* at 8 (emphasis in original).

19. On his naturalization application, Defendant checked “No” in response to part 10, question 22c, which asked: “Have you **ever**: Sold or smuggled controlled substances, illegal drugs, or narcotics?” *Id.* at 8 (emphasis in original).

20. On or before June 6, 2009, Defendant signed the naturalization application in Part 11 thereby certifying, under penalty of perjury, that his answers to the questions therein were true and correct.

21. On July 6, 2009, an officer with USCIS orally interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

22. At the beginning of the interview, the USCIS officer placed Defendant under oath.

23. During the interview, the USCIS officer asked Defendant, consistent with part 10, question 22c of Defendant’s naturalization application, whether he had ever sold or smuggled controlled substances, illegal drugs, or narcotics.

24. Defendant verbally confirmed his written response, stating that he had never sold or smuggled controlled substances, illegal drugs, or narcotics.

25. Defendant's testimony regarding his sale of controlled substances, illegal drugs, or narcotics was false.

26. At his naturalization interview, Defendant did not disclose his ongoing controlled substance distribution conspiracy.

27. In fact, at no point during the naturalization process did Defendant disclose to USCIS his then on-going conduct conspiring to distribute controlled substances.

28. At the end of his naturalization interview on July 6, 2009, Defendant again signed his N-400 under penalty of perjury, thereby attesting that the information it contained, including five numbered corrections, was true and correct.

29. Based upon the information supplied by Defendant in his naturalization application, and the sworn answers he gave during his July 6, 2009 naturalization interview, USCIS approved the application.

30. Defendant received a Notice of Naturalization Oath Ceremony ("Oath Notice"), which indicated his naturalization oath ceremony would take place on September 8, 2009, in Jacksonville, Florida. *See* Form N-445, Notice of Naturalization Oath Ceremony (attached as Exh. G).

31. The following instructions appear on the Oath Notice:

In connection with your application for naturalization, please answer each of the questions by checking "Yes" or "No."

You must answer these questions the day you are to appear for your citizenship oath ceremony. These questions refer to actions since the date you were first interviewed on your Application for Naturalization. The questions do not refer to anything that happened before the interview.

After you have answered every question, sign your name and fill in the date and place of signing, and provide your current address.

You MUST bring this completed questionnaire with you to the oath ceremony, as well as the documents indicated on the front, and give them to the employee of the U.S. Citizenship and Immigration Services at the oath ceremony. You may be questioned further on your answers at that time.

See Exhibit G at 2.

32. Defendant answered “No” in response to Question 3 on the Oath Notice, which asked: “Since your interview, have you knowingly committed any crime or offense, for which you have not been arrested?” *Id.*

33. Defendant answered “No” in response to Question 8 on the Oath Notice, which asked: “Since your interview, have you . . . illicitly trafficked in drugs or marijuana . . . ?” *Id.*

34. Defendant signed the Oath Notice, certifying that “each answer shown above were [sic] made by me or at my direction, and that each answer is true and correct as of the date of my naturalization oath ceremony.” *Id.*

35. On September 8, 2009, Defendant took the Oath of Allegiance to become a U.S. citizen. He was issued Certificate of Naturalization No. 32588918. *See* Form N-550, Certificate of Naturalization (attached as Exh. H).

III. GOVERNING LAW

A. Congressionally imposed prerequisites to the acquisition of citizenship.

36. 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 the Nation can rightfully obtain them only upon the terms and conditions specified by Congress.”) (quoting *Ginsberg*, 243 U.S. at 474)).

37. Among other requirements, 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 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 U.S. citizen. *Id.*

38. Although Congress has not specifically defined what constitutes good moral character for naturalization purposes, the Immigration and Nationality Act lists certain classes of applicants who cannot be found to have the requisite good moral character. 8 U.S.C. § 1101(f).

39. As a matter of law, an applicant necessarily lacks good moral character if he or she commits a crime involving moral turpitude (“CIMT”) or a drug offense 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, he committed and were convicted of one or more crimes involving moral turpitude) and (b)(2)(iii) ((providing that an applicant “shall be found to lack good moral character” if, for example, he “[v]iolated any law of the United States . . . relating to a controlled substance, provided that the violation was not a single offense for simple possession of 30 grams or less of marijuana”).

40. 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).

41. 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).

42. Thus, individuals who commit unlawful acts adversely reflecting upon their moral character cannot meet the good moral character requirement, unless they prove that extenuating circumstances existed. *See* 8 C.F.R § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f).

43. “[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. Zhou*, 815 F.3d 639, 644 (9th Cir. 2016) (quoting *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011)).

44. Thus, an individual unlawfully procured naturalization if she committed unlawful acts during the statutory period before she was naturalized, even if she was convicted of those crimes after she was granted citizenship. *See United States v. Jean-Baptiste*, 395 F.3d 1190, 1193-94 (11th Cir. 2005), *cert. denied*, 546 U.S. 852 (2005).

B. The Denaturalization Statute

45. 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.

46. Under 8 U.S.C. § 1451(a), this Court must revoke an order of naturalization and cancel the individual's Certificate of Naturalization if his or her naturalization was *either*:

- i. illegally procured, *or*
- ii. procured by concealment of a material fact or by willful misrepresentation.

47. 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.

48. 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. *See Kungys v. United States*, 485 U.S. 759, 767 (1988).

49. 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.

IV. CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION **LACK OF GOOD MORAL CHARACTER** **(COMMISSION OF A CONTROLLED SUBSTANCE OFFENSE)**

50. The United States re-alleges and incorporates by reference the foregoing paragraphs.

51. 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 files his N-400, 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 establish that he was a person of good moral character from June 6, 2004 until the date he became a U.S. citizen, on September 8, 2009 (the “statutory period”).

52. Defendant was statutorily precluded from establishing the good moral character necessary to naturalize because he committed a controlled substance offense during the statutory period. 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(iii).

53. As set forth above, Defendant has admitted to, and been convicted of, conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine and 100 kilograms or more of marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii).

54. As set forth in paragraphs 11 to 13 above, Defendant further admitted that he entered into the conspiracy and began possessing and distributing marijuana in late 2008, during the statutory period.

55. Defendant’s conviction for conspiracy to possess with intent to distribute marijuana and cocaine under 21 U.S.C. §§ 841(a)(1), and 841(b)(1)(B)(vii) is a controlled substance offense. *See* 21 U.S.C. § 841(a)(1) (requiring proof that a defendant “knowingly or intentionally . . . manufacture[d], distribute[d], or dispense[d], or possess[ed] with intent to manufacture, distribute, or dispense, a controlled substance.”); *id.* §§ 802(6), 812 (providing that marijuana and cocaine are considered “controlled substances”).

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

57. Because Defendant committed a controlled substance offense and was therefore not a person of good moral character, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

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

COUNT II

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

59. The United States re-alleges and incorporates by reference the foregoing paragraphs.

60. As discussed above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character from June 6, 2004, until the date he became a U.S. citizen, on September 8, 2009. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

61. Defendant was statutorily precluded from establishing the good moral character necessary to naturalize 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).

62. As set forth above, Defendant has admitted to, and been convicted of, conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine and 100 kilograms or more of marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii).

63. As set forth in paragraphs 11 to 13 above, Defendant further admitted that he entered into the conspiracy and began possessing and distributing marijuana in late 2008, during the statutory period.

64. Defendant's conviction under 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii)371, as a drug-related offense, constitutes a CIMT. *See, e.g., Barragan-Lopez v. Mukasey*, 508 F.3d 899, 903-05 (9th Cir. 2007) (conviction for solicitation to possess at least four pounds of marijuana is a CIMT); *Matter of J-S*, 2017 WL 5992206, at *3 (AAO Nov. 16, 2017) (noting that the Board of Immigration Appeals "has held that the illegal distribution of drugs involves an inherently evil intent, and participation in illicit drug trafficking is a CIMT.").

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

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

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

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION **LACK OF GOOD MORAL CHARACTER** **(UNLAWFUL ACT ADVERSELY REFLECTING ON MORAL CHARACTER)**

68. The United States re-alleges and incorporates by reference the foregoing paragraphs.

69. As noted above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character from June 6, 2004, until the date he became a U.S. citizen, on September 8, 2009. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

70. 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).

71. As set forth above, Defendant has admitted to, and been convicted of, conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine and 100 kilograms or more of marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii).

72. As set forth in paragraphs 11 to 13 above, Defendant further admitted that he entered into the conspiracy and began possessing and distributing marijuana in late 2008, during the statutory period.

73. Commission of a federal controlled substance offense adversely reflects on Defendant's moral character.

74. Defendant cannot establish extenuating circumstances with regard to the conspiratorial conduct and drug offenses underlying his guilty plea pursuant to 21 U.S.C. § 841. He therefore cannot avoid the regulatory bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii).

75. The regulatory "unlawful acts" bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii) applies to Defendant regardless of whether the statutory controlled substance bar (set forth in Count I) and CIMT bar (set forth in Count II) also apply to him.

76. Defendant's criminal conduct precluded him from establishing good moral character, rendering him ineligible for naturalization at the time he took the oath of allegiance. *See* 8 C.F.R. § 316.10(b)(3)(iii).

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

COUNT IV

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

78. The United States re-alleges and incorporates by reference the foregoing paragraphs.

79. As noted above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character from June 6, 2004, until the date he became a U.S. citizen, on September 8, 2009. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

80. Defendant was statutorily precluded from showing that he was a person of good moral character because he gave false testimony, under oath during the statutory period, for the purpose of obtaining an immigration benefit, specifically naturalization. 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

81. As set forth above, during the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he swore, under oath, during his July 6, 2009 naturalization interview, that he had never committed a crime or offense for which he had not been arrested.

82. Because Defendant provided false testimony for the purpose of obtaining an immigration benefit during the statutory period, he 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.

83. 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 V

PROCUREMENT OF UNITED STATES CITIZENSHIP BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

84. The United States re-alleges and incorporates by reference the foregoing paragraphs.

85. 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.

86. As set forth in paragraphs 16 to 43 above, throughout the naturalization process, Defendant willfully misrepresented and concealed his involvement in a conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine and 100 kilograms or more of marijuana, for which he later pled guilty in the U.S. District Court for the Northern District of Florida to violations of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii).

87. Specifically, Defendant represented on his Naturalization Application, during his naturalization interview, and on his Oath Notice that he had never knowingly committed any crime or offense for which he had not been arrested, despite knowing that such representations were false and misleading. Accordingly, Defendant made these representations willfully.

88. Defendant's misrepresentations were material to his naturalization because the disclosure of his drug distribution conspiracy would have had a natural tendency to influence USCIS's decision whether to approve Defendant's naturalization application. Indeed, had Defendant disclosed the truth about his conduct, his statutory ineligibility for naturalization would have been disclosed, and USCIS would not have approved his application or administered the oath of allegiance.

89. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and this Court must revoke his citizenship pursuant to the requirements of 8 U.S.C. § 1451(a).

VI. PRAYER FOR RELIEF

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

- (1) A declaration that Defendant illegally procured his citizenship;
- (2) A declaration that Defendant procured his citizenship by concealment and willful misrepresentation of material facts;
- (3) Judgment revoking and setting aside Defendant's naturalization and canceling Certificate of Naturalization No. 32588918, effective as of the original date of the order and certificate, September 8, 2009;
- (4) Judgment forever restraining and enjoining the Defendant from claiming any rights, privileges, benefits, or advantages related to U.S. citizenship that he obtained as a result of his September 8, 2009 naturalization;
- (5) Judgment requiring Defendant, within ten days of judgment, to surrender and deliver his Certificate of Naturalization No. 32588918, and any copies thereof in his possession – and to make good faith efforts to recover and surrender any copies thereof that he knows are in the

possession of others – to the Attorney General, or his representative, including undersigned counsel;

(6) Judgment requiring Defendant, within ten days of judgment, to surrender and deliver any other indicia of U.S. citizenship (including, but not limited to, any U.S. passports or passport cards, voter identification card, and other voting documents) 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 representative, including undersigned counsel; and

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

Dated: July 26, 2018

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY
Director, District Court Section
Office of Immigration Litigation

TIMOTHY M. BELSAN
Deputy Chief, National Security &
Affirmative Litigation Unit

s/ Ari Nazarov _____
ARI NAZAROV
Trial Attorney
District Court Section
Office of Immigration Litigation
U.S. Department of Justice
Connecticut State Bar No. 414491
Ben Franklin Station, P.O. Box 868
Washington, DC 20044
Telephone: (202) 514-4120
E-Mail: ari.nazarov@usdoj.gov

Attorneys for Plaintiff