

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
Houston Division**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CIVIL ACTION NO. 4:15-cv-00454
)	
v.)	
)	
JOSE ARIZMENDI,)	COMPLAINT TO REVOKE
)	NATURALIZATION
)	
Defendant.)	
)	

Plaintiff, the United States of America, by its attorneys, Troy D. Liggett, Office of Immigration Litigation of the U.S. Department of Justice, and Adam Goldman, Assistant United States Attorney for the Southern District of Texas, alleges as follows:

I. JURISDICTION AND VENUE

1. This is an action under 8 U.S.C. § 1451(a), to revoke and set aside the order admitting Jose Arizmendi to United States citizenship and to cancel Mr. Arizmendi's Certificate of Naturalization No. 22712898, issued on November 26, 1996. Plaintiff has attached as an Exhibit an affidavit of Alex Cantu, Special Agent with Homeland Security Investigations, Houston Office of the Document and Benefit Fraud Task Force within U.S. Immigration and Customs Enforcement ("ICE") of the U.S. Department of Homeland Security ("DHS"), showing good cause for this action. *See* Exhibit A, Affidavit of Good Cause (Feb. 4, 2015).
2. Plaintiff is the United States of America, and this Court has jurisdiction under 28 U.S.C. § 1345, for a cause of action under 8 U.S.C. § 1451(a).

3. Mr. Arizmendi is a naturalized United States citizen currently incarcerated at the Centro Readaptacion Social in Chilpancingo de los Bravos, Guerrero, Mexico. Mr. Arizmendi's last known residence in the United States was 7605 Avenue J, Houston, Texas 77012-1026. Therefore, venue for this action properly lies in the Southern District of Texas under 8 U.S.C. § 1451(a).

II. FACTUAL BACKGROUND

Mr. Arizmendi's Criminal Proceedings

4. In October 1995, Mr. Arizmendi was arrested by an officer of the Houston Police Department for sexually assaulting a nine-year-old girl in June 1995.
5. On April 15, 1996, Mr. Arizmendi pled guilty to Aggravated Sexual Assault of a Child Under 14 under Texas Penal Code § 22.011 in the 180th District Court of Harris County, Texas. On the same day, the 180th District Court issued a Community Supervision Order and Deferral of Adjudication of Guilty, which placed Mr. Arizmendi on probation for ten years and required him to pay for counseling for his victim, register as a sex offender, submit to sex offender treatment evaluation, perform 320 hours of community service, and refrain from contact with the victim or any child under the age of 17 for the duration of his community supervision.
6. On January 25, 1997, the 180th District Court granted a motion to arrest and adjudicate Mr. Arizmendi's guilty plea after he admittedly had contact with a 14-year-old girl in violation of the terms of his April 15, 1996, plea agreement. The warrant to arrest Mr. Arizmendi to adjudicate his guilty plea remains active.

Mr. Arizmendi's Naturalization Proceedings

7. Mr. Arizmendi was born on November 24, 1963, in Mexico.
8. Mr. Arizmendi became a lawful permanent resident alien of the United States on December 1, 1990.
9. On April 20, 1996, Mr. Arizmendi submitted a sworn Form N-400, Application for Naturalization, with the Houston, Texas, District Office of the Immigration and Naturalization Service ("INS"). He sought naturalization under 8 U.S.C. § 1427(a) based on his status as a lawful permanent resident alien for at least five years.
10. Mr. Arizmendi checked "No" in response to Part 7, question 15(b), on the naturalization application, which asked "Have you ever been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations?"
11. On March 22, 1996, Mr. Arizmendi signed the naturalization application under penalty of perjury, swearing that the information on his application was true and correct.
12. Mr. Arizmendi's response to Part 7, question 15(b) on the naturalization application was false.
13. On October 10, 1996, an immigration officer interviewed Mr. Arizmendi under oath to determine his eligibility for naturalization. The immigration officer asked Mr. Arizmendi if he had ever been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law, and he responded that he had not. At the end of the interview, Mr. Arizmendi again signed his naturalization application

under penalty of perjury, swearing that it was true to the best of his knowledge and belief.

14. On October 10, 1996, based on his naturalization application and his testimony at the naturalization interview, the INS approved Mr. Arizmendi's naturalization application.
15. On November 26, 1996, Mr. Arizmendi took the Oath of Allegiance before the United States District Court for the Southern District of Texas. Mr. Arizmendi was admitted to United States Citizenship upon taking the Oath of Allegiance, and the INS issued to him Certificate of Naturalization No. 22712898 on the same day.

III. THE RELEVANT LAW

16. The Court must revoke a U.S. citizen'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.8 U.S.C. § 1451(a).
17. No person shall be naturalized unless the applicant "has been and still is a person of good moral character." 8 U.S.C. § 1427(a). The Immigration and Nationality Act ("INA") requires the applicant to establish good moral character during the statutory period, which begins five years before the applicant submits a naturalization application and continues until the date the applicant takes the Oath of Allegiance and becomes a naturalized citizen. *Id.*

18. Although Congress has not specifically defined what constitutes good moral character for naturalization purposes, the INA lists certain classes of applicants who cannot be found to have the requisite good moral character. *See* 8 U.S.C. § 1101(f).
19. Aggravated Sexual Assault of a Child Under 14 under Texas Penal Code § 22.011 is an aggravated felony under 8 U.S.C. § 1101(a)(43)(A).
20. An alien convicted of an aggravated felony at any time is barred under 8 U.S.C. § 1101(f)(8) from the requisite good moral character for naturalization under 8 U.S.C. § 1427(a).
21. Deferred adjudication of a felony in Texas is a conviction under 8 U.S.C. § 1101(a)(48)(A) for naturalization purposes.
22. In addition to the enumerated crimes that adversely reflect on good moral character, an applicant cannot establish the requisite good moral character and is barred from naturalization if he commits any crime that adversely reflects on his moral character during the statutory period and there are no extenuating circumstances that lessen his guilt. *See* 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

COUNT I

Mr. Arizmendi Unlawfully Procured His Naturalization Because He Committed Unlawful Acts that Adversely Reflected on his Good Moral Character During the Statutory Period

23. Plaintiff realleges and incorporates by reference paragraphs 1 through 22 of this Complaint.
24. This Court must revoke Mr. Arizmendi's citizenship and cancel his Certificate of Naturalization under 8 U.S.C. § 1451(a) if Mr. Arizmendi procured his naturalization illegally.

25. Under 8 U.S.C. § 1427(a)(3), Mr. Arizmendi could not naturalize as a United States citizen unless Mr. Arizmendi was a person of good moral character from five years before he applied for naturalization until he took the Oath of Allegiance (“the statutory period”).
26. Mr. Arizmendi applied for naturalization on April 20, 1996, and took the Oath of Allegiance and became a United States citizen on November 26, 1996. Thus, the statutory period in which Mr. Arizmendi must demonstrate that he was a person of good moral character was April 20, 1991, through November 26, 1996.
27. On June 1, 1995, Mr. Arizmendi committed Aggravated Sexual Assault of a Child Under 14 under Texas Penal Code § 22.011, and pleaded guilty to the crime in the 180th District Court of Harris Country, Texas on April 15, 1996.
28. Because Mr. Arizmendi pleaded guilty to an aggravated felony after November 29, 1990, and the District Court deferred adjudication of his guilt but imposed punishment for his crime, he committed an aggravated felony and was precluded from establishing good moral character and, therefore, was ineligible for naturalization under 8 U.S.C. § 1429(a).
29. Because Mr. Arizmendi admittedly committed a crime during the statutory period, he was also unable to establish the requisite good moral character for naturalization under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii). There were no extenuating circumstances that mitigated the effect of Mr. Arizmendi’s criminal activity on his ability to establish good moral character.

30. Because Mr. Arizmendi could not establish that he was a person of good moral character during the statutory period, he was ineligible – and remains ineligible – for naturalization under 8 U.S.C. § 1427(a).
31. Thus, Mr. Arizmendi illegally procured his citizenship, and this Court must revoke Mr. Arizmendi’s citizenship and set aside his Certification of Naturalization in accordance with 8 U.S.C. § 1451(a).

COUNT II

Mr. Arizmendi Unlawfully Procured His Naturalization by Willful Misrepresentation and Concealment of the Material Fact that He Was Arrested and Convicted of an Unlawful Act During the Statutory Period

32. Plaintiff realleges and incorporates by reference paragraphs 1 through 31 of this Complaint.
33. This Court must revoke Mr. Arizmendi’s citizenship and cancel his Certificate of Naturalization under 8 U.S.C. § 1451(a) if Mr. Arizmendi procured his naturalization by willful misrepresentation or concealment of a material fact.
34. Mr. Arizmendi filed a Form N-400, Application for Naturalization, that required him to answer specific questions regarding activities and events that took place during the period in which he needed to establish good moral character, and to certify that the answers he provided were true and correct.
35. Question 15(b), Part 7, on the naturalization application, asked Mr. Arizmendi if he had ever “been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations.”
36. In response to this question, Mr. Arizmendi checked, “No,” which was false. Mr. Arizmendi certified this answer with his signature.

37. An INS officer interviewed Mr. Arizmendi and asked him if he had ever been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law, and he responded that he had not. This testimony under oath was false.
38. Because he answered no to Question 15(b), Part 7, and answered in the negative to the same question posed at his naturalization interview, Mr. Arizmendi willfully concealed that he committed an unlawful act during the naturalization process. Moreover, Mr. Arizmendi misrepresented and concealed facts that were material to determining his eligibility for naturalization because they would have the natural tendency to influence the INS's decision whether to approve his naturalization application. Mr. Arizmendi's unlawful act would have precluded him from establishing the requisite good moral character for naturalization.
39. Thus, Mr. Arizmendi procured his naturalization by willful misrepresentation and concealment of material facts, and this Court must revoke Mr. Arizmendi's citizenship and set aside his Certification of Naturalization in accordance with 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands:

- (1) A declaration that Mr. Arizmendi illegally procured his citizenship and Certificate of Naturalization.
- (2) A declaration that Mr. Arizmendi procured his citizenship by willful concealment and misrepresentation of material facts.

(3) Judgment revoking and setting aside the November 26, 1996, order that admitted Mr. Arizmendi as a United States citizen and cancelling Mr. Arizmendi's Certificate of Naturalization No. 22712898.

(4) Judgment restraining and enjoining Mr. Arizmendi from claiming any rights, privileges, benefits, or advantages under any document evidencing United States citizenship.

(5) Judgment requiring Mr. Arizmendi to immediately surrender and deliver to the United States Attorney General his Certificate of Naturalization No. 22712898 and any other indicia of United States citizenship, including but not limited to any United States passport relating to Mr. Arizmendi or copies of these documents.

(6) Such other relief as may be lawful and proper.

Dated: February 19, 2015

KENNETH MAGIDSON
United States Attorney
Southern District of Texas

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Respectfully submitted,

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Counsel for the United States of America

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
Houston Division**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE ARIZMENDI,

Defendant.

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CIVIL ACTION NO. 4:15-cv-00454

**COMPLAINT TO REVOKE
NATURALIZATION**

EXHIBIT A

AFFIDAVIT OF GOOD CAUSE

UNITED STATES OF AMERICA)	
)	
HOUSTON, TEXAS)	
)	
In the Matter of the Revocation)	AFFIDAVIT OF GOOD CAUSE
of the Naturalization of)	
)	
JOSE ARIZMENDI)	
A [REDACTED] 6-154)	

I, Alex Cantu, declare under penalty of perjury as follows:

- I. I am a Special Agent with the Office of Homeland Security Investigations ("HSI"), Houston's Document and Benefit Fraud Task Force, within U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security ("DHS"). In this capacity, I have access to the official records DHS maintains, including the immigration file of Jose Arizmendi, A [REDACTED] 6-154 ("Mr. Arizmendi").
- II. I have examined the records relating to Mr. Arizmendi. Based on 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.
- III. On April 20, 1996, Mr. Arizmendi filed an Application for Naturalization (Form N-400) with the Houston District Office of the U.S. Immigration and Naturalization Service ("INS").¹ On October 10, 1996, INS officer Lisa Brackens interviewed Mr. Arizmendi under oath regarding Mr. Arizmendi's Application for Naturalization. On the basis of his written application and naturalization interviews, the INS approved Mr. Arizmendi's Application for Naturalization on October 10, 1996. Mr. Arizmendi took the oath of

¹ As of March 1, 2003, the INS ceased to exist and its functions were transferred to various agencies within DHS. See Homeland Security Act of 2002, §§ 441, 451, 471, Pub. L. No. 107296, 116 Stat. 2135 (200) (codified at 6 U.S.C. §§ 251, 271, 291). This transfer does not affect the issues in this case. Because Mr. Arizmendi's naturalization case was adjudicated before the transfer, this Affidavit of Good Cause will reference the INS as necessary.

allegiance on November 26, 1996, and was admitted to the United States citizenship on that date. He was issued a Certificate of naturalization, number 22 712 898.

IV. Mr. Arizmendi illegally procured his naturalization because he was ineligible to naturalize since he could not have established that he was a person of good moral character during the five-year period immediately preceding the date he naturalized. As an application for naturalization pursuant to section 316(a) of the Immigration and nationality Act ("INA"), 8 U.S.C. SSS 1427(a), Mr. Arizmendi was required to prove that he was a person of good moral character from April 20, 1991, five years before he filed his Application for naturalization, until the time he became a naturalized citizen on November 26, 1996 ("statutory period").

A. An applicant for naturalization is precluded from establishing good moral character if he was convicted for an aggravated felony after November 29, 1990.

1. On April 15 1996, Mr. Arizmendi was convicted for Aggravated Sexual Assault of a Child, and sentenced to ten years' probation. Aggravated Sexual Assault of a Child is an aggravated felony.
2. Because Mr. Arizmendi was convicted for an aggravated felony after November 29, 1990, he was precluded from establishing good moral character, and was therefore ineligible for naturalization. Consequently, he illegally procured his naturalization.

B. An individual who, during the statutory period, commits and is convicted for a crime involving moral turpitude for which the maximum penalty possible exceeds imprisonment for one year is precluded from establishing good moral character.

1. As noted above, on April 15, 1996, Mr. Arizmendi was convicted for Aggravated Sexual Assault of a Child, and sentenced to ten years' probation. He committed this offense on June 1, 1995. Aggravated Sexual Assault of a Child is a crime involving moral turpitude for which the maximum penalty possible exceeds imprisonment for one year.
2. Because, during the statutory period, Mr. Arizmendi committed and was convicted for a crime involving moral turpitude for which the maximum penalty possible exceeds imprisonment for one year, he was precluded from establishing good moral character, and was therefore ineligible for naturalization. Consequently, he illegally procured his naturalization.

C. Mr. Arizmendi could not have established that he was a person of good moral character because, during his naturalization interview conducted under oath on October 10, 1996, he provided false testimony of the purpose of obtaining his naturalization.

1. An individual who, during the statutory period, provides false testimony with the intent of obtaining any benefit under the INA, including naturalization, is precluded from establishing good moral character.
2. On October 10, 1996, Mr. Arizmendi appeared before INS Officer Brackens for an interview regarding his Application for Naturalization.
3. At the beginning of this naturalization interview, Mr. Arizmendi took an oath or affirmed that he would answer all questions

truthfully.

4. During the course of his naturalization interview, and in order to adjudge his eligibility for naturalization, Officer Brackens asked Mr. Arizmendi whether he had ever been arrested, cited, charged, indicted, convicted, fined, or imprisoned for any crime.
5. In response to this question, Mr. Arizmendi testified under oath that he had never been arrested, cited, charged, indicted, convicted, fined, or imprisoned for any crime.
6. This testimony was false. As indicated above, Mr. Arizmendi was arrested for Aggravated Sexual Assault of a Child on October 16, 1995, was convicted for this offense on April 15, 1996, and was sentenced to ten years' probation.
7. Mr. Arizmendi's false testimony concealed that he had been convicted for a crime that precluded him from establishing good moral character and that he was on probation for this offense.
8. Because Mr. Arizmendi provided false testimony during the statutory period for the purpose of obtaining naturalization, he could not have established that he was a person of good moral character. Therefore, he was ineligible to naturalize and illegally procured his naturalization.

- D. Mr. Arizmendi was not eligible to naturalize at the time he took the oath of allegiance because his application for naturalization was unlawfully approved.

1. The INS is precluded by law from approving an application for naturalization while an individual is on probation, parole, or under a suspended sentence.
2. On April 15, 1996, Mr. Arizmendi was convicted for Aggravated Sexual Assault of a Child and was sentenced to ten years' probation, which was not set to expire until April 15, 2006.
3. The INS approved Mr. Arizmendi's Application for Naturalization on October 10, 1996 and Mr. Arizmendi naturalized on November 26, 1996, while he was on probation.
4. Because Mr. Arizmendi was on probation at the time the INS approved his naturalization application and when he naturalized, Mr. Arizmendi's application was not lawfully approved. Mr. Arizmendi, therefore, illegally procured his naturalization because he was ineligible to naturalize when he took the oath of allegiance on November 26, 1996.

V. Mr. Arizmendi procured his naturalization through willful misrepresentation and concealment of material facts.

A. Mr. Arizmendi willfully misrepresented and concealed material facts, specifically his criminal history, during his naturalization process.

1. On his Application for Naturalization, Form N-400, Mr. Arizmendi represented that he had never been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations. Mr. Arizmendi signed his

application on March 22, 1996, thereby certifying, under penalty of perjury, that the information on his application for Naturalization was true and correct. Mr. Arizmendi filed this application with the INS on April 20, 1996.

2. During his naturalization interview on October 10, 1996, Mr. Arizmendi testified, under oath, that he had never been arrested, cited, charged, indicted, convicted, fined, or imprisoned for any crime.
3. At the end of his naturalization interview, Mr. Arizmendi again signed his naturalization application, swearing that the contents of his naturalization application were true.
4. These representations by Mr. Arizmendi on his application for Naturalization and during his naturalization interview were false because Mr. Arizmendi was arrested for Aggravated Sexual Assault of a Child on October 16, 1995 and was convicted of this offense on April 15, 1996, only five days before he filed his Application for Naturalization and was sentenced to ten years' probation.
5. Mr. Arizmendi misrepresented and concealed his criminal record knowing his representations were false and misleading.

- B. Mr. Arizmendi's misrepresentations and concealment of his criminal record were material to determining his eligibility for naturalization because they would have had the natural tendency to influence the INS decision whether to approve his naturalization application. In fact, Mr. Arizmendi's criminal conviction would have precluded him from establishing the requisite good moral character, as well

as statutory and regulatory eligibility for naturalization.

C. Mr. Arizmendi procured his naturalization unlawfully by misrepresenting and concealing his criminal record.

VI. Based on the facts outlined in the foregoing paragraphs, good cause exists to institute proceedings pursuant to INA § 340(a), 8 U.S.C. § 1451(a), to revoke Mr.

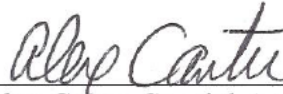
Arizmendi's citizenship and to cancel his Certificate of Naturalization.

VII. Mr. Arizmendi's last known place of residence is Mexico. His last known residence within the United States was 7605 Avenue J, Houston, TX 77012-1029.

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 February 04, 2015.



Alex Cantu, Special Agent
Homeland Security Investigations (HSI),
U.S. Department of Homeland Security

CIVIL COVER SHEET

The JS 44 civil coversheet 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

United States of America

(b) County of Residence of First Listed Plaintiff _____

(EXCEPT IN U.S. PLAINTIFF CASES)

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

Troy D. Liggett, U.S. Department of Justice, P.O. Box 868, Ben Franklin Station, Washington, DC 20044; Adam Laurence Goldman, Assistant United States Attorney, 1000 Louisiana St., 27th Fl., Houston, TX 77002

DEFENDANTS

Jose Arizmendi

County of Residence of First Listed Defendant **Harris**

(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)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 & | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input checked="" type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

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

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1345; 8 U.S.C. § 1451(a)

Brief description of cause:

Action to revoke and set aside the order admitting Defendant to United States citizenship.

VII. REQUESTED IN COMPLAINT:

- ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S)**PENDING OR CLOSED:**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE &

SIGNATURE OF ATTORNEY OF RECORD

02/19/2015

/s/ Troy D. Liggett

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.C.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; 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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

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 dollar amount (in thousands of dollars) 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 cases that are related to this filing, if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is "related" to this filing if the case: (1) involves some or all of the same parties and is based on the same or similar claim; (2) involves the same property, transaction, or event; (3) involves substantially similar issues of law and fact; and/or (4) involves the same estate in a bankruptcy appeal.

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