

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

UNITED STATES OF AMERICA,	*	CIVIL NO. 2:25-cv-201
	*	
Plaintiff,	*	
	*	
versus	*	
	*	
	*	
ELLIOTT CHARLES RICHARD CLIVE DUKE,	*	
	*	
Defendant.	*	

COMPLAINT

Plaintiff, the United States of America, by and through its undersigned counsel, files this civil action against Defendant Elliott Charles Richard Clive Duke (“Defendant”) to revoke his naturalized U.S. citizenship pursuant to 8 U.S.C. § 1451(a), and alleges as follows:

I. PRELIMINARY STATEMENT

In 2012, while he was stationed overseas with the U.S. Army, Defendant began downloading child sex abuse materials. In December 2012, after he had been transferred to Fort Polk, Louisiana, and one month before he became a naturalized U.S. citizen, Defendant used his email account to exchange images of children [REDACTED] After Defendant became a U.S. citizen in January 2013, he continued to collect and distribute child sex abuse materials.

Defendant, who naturalized under a provision specific to military personnel, was convicted of receipt and distribution of child pornography and then discharged from the military under other than honorable conditions. As detailed below, Defendant concealed and misrepresented his criminal activity throughout his naturalization proceedings, enabling him to fraudulently and unlawfully procure U.S. citizenship. With the attached affidavit of good cause,

the United States thus brings this civil action to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel his certificate of naturalization.

II. JURISDICTION, VENUE, AND PARTIES

1. This is an action filed 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

Number 

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1345 for this cause of action under 8 U.S.C. § 1451(a).

3. Plaintiff is the United States of America ("Plaintiff").

4. Defendant is a native of the United Kingdom.

5. Defendant obtained U.S. citizenship through naturalization.

6. Venue is proper in the Western District of Louisiana under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant's last residence prior to his current incarceration was in Leesville, Louisiana, which is within the jurisdiction and venue of this Court.

7. Defendant is currently incarcerated in the Federal Correctional Institution in Seagoville, Texas.

III. FACTUAL BACKGROUND

8. As required by 8 U.S.C. § 1451(a), an affidavit showing good cause for this action, signed by  Special Agent, U.S. Immigration and Customs Enforcement ("ICE"), an agency within the U.S. Department of Homeland Security, is attached to this Complaint. *See* Exhibit A, Affidavit of Good Cause.

A. Defendant's Biographical and Immigration History

9. Defendant began serving in the U.S. Army on November 17, 2009.

10. Defendant was stationed with the U.S. Army in [REDACTED] from May 3, 2010, to May 28, 2012.

11. Defendant moved from [REDACTED] to [REDACTED] on June 1, 2012, after being reassigned to [REDACTED]

12. Defendant was living in Leesburg, Louisiana on the day of his arrest for child-pornography related charges on May 14, 2013.

13. On November 13, 2012, Defendant filed his Form N-400, Application for Naturalization ("N-400"), and a true and complete copy of which is attached hereto as Exhibit B, except that it has redacted to obscure immaterial personally identifying information regarding Defendant and others.

14. Defendant sought U.S. citizenship pursuant to 8 U.S.C. § 1440(a), which provides for naturalization of those who have or are serving honorably in the U.S. armed forces during enumerated conflicts or during a period of foreign hostilities designated by executive order.

15. Such periods of hostilities include the period designated the War on Terrorism and running from September 11, 2001, to the present. *See* Exec. Order No. 13269, Expedited Naturalization of Aliens and Noncitizen Nationals Serving in an Active-Duty Status During the War on Terrorism, 67 Fed. Reg. 45287 (July 3, 2002); USCIS, Policy Manual, Volume 12, Chapter 3, Military Service during Hostilities (INA 329), <https://www.uscis.gov/policy-manual/volume-12-part-i-chapter-3#footnote-19>.

16. Defendant's military service fell within the officially designated War on Terrorism period.

17. Part 10, Section D, Question 15 of Defendant's N-400 asked, "Have you **ever** committed a crime or offense for which you were not arrested?"

18. In response to that question, Defendant checked the box for "Yes."

19. In the portion of his N-400 where he was instructed to explain his "Yes" answer to Part 10, Section D, Question 15 of his N-400, Defendant wrote that he had been "cited for speeding" on August 10, 2012, at Fort Polk. He wrote no other information in response to Question 15.

20. Part 10, Section D, Question 23 of Defendant's N 400 asked, "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?"

21. In response to that question, Defendant checked the box for "No."

22. Part 10, Section D, Question 23 of Defendant's N-400 asked, "Have you **ever** lied to any U.S. Government official to gain entry or admission into the United States?"

23. In response to that question, Defendant checked the box for "No."

24. On November 2, 2012, Defendant signed the N-400, certifying under penalty of perjury that his responses to the questions on the Form N-400 were true and correct.

25. On January 18, 2013, a USCIS immigration services officer interviewed Defendant under oath about his N-400 ("Naturalization Interview").

26. During the Naturalization Interview, the immigration services officer asked Defendant if he had ever committed any crimes for which he had not been arrested.

27. Defendant answered yes to that question but disclosed only a speeding citation, consistent with his written response to Part 10, Section D, Question 15 of his N-400.

28. During the Naturalization Interview, the immigration services officer asked Defendant if he had 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.

29. Defendant answered no to that question, consistent with his written response to Part 10, Section D, Question 23 of his N-400.

30. During the Naturalization Interview, the immigration services officer asked Defendant if he had ever lied to any U.S. government official to gain entry or admission into the United States.

31. Defendant answered no to that question, consistent with his written response to Part 10, Section D, Question 24 of his N 400.

32. At the conclusion of his Naturalization Interview, Defendant again signed the N-400, this time in the presence of the immigration services officer conducting the Naturalization Interview, and swore under the penalty of perjury that “I know the contents of this application for naturalization subscribed by me,” including four numbered, handwritten changes made to his written responses on the N-400, were “true and correct to the best of my knowledge and belief.”

33. Based upon the information Defendant swore was correct in his N-400 and upon the sworn testimony he gave during his Naturalization Interview, USCIS approved Defendant’s N-400.

34. Later on January 18, 2013, Defendant took the oath of naturalization, was admitted as a U.S. citizen, and was issued Certification of Naturalization number 

B. Defendant’s criminal history

35. On May 14, 2013, law enforcement officers executed a search warrant at Defendant’s apartment.

36. While officers were executing the search warrant, Defendant admitted that he possessed child pornography on his computer. Defendant further admitted exchanging images of child pornography with others via the internet.

37. During execution of the search warrant, officers found images depicting child sexual abuse on Defendant's computer.

38. On May 14, 2013, Defendant was taken into custody, advised of his *Miranda* rights, and interviewed.

39. During that interview, Defendant admitted that he possessed child pornography on his computer and stated that the youngest subject depicted in those images was a girl who was



40. During the same interview on May 14, 2013, Defendant said that he began receiving child pornography approximately one year prior, while stationed in 

41. During the same interview, Defendant allowed the law enforcement officers to access his email account to identify other individuals involved in trading child pornography.

42. Subsequently, Homeland Security Investigations ("HSI"), a law enforcement component of ICE, examined Defendant's electronic devices and email accounts and identified over 50 emails between Defendant and another account concerning the trading of child pornography, many of which Defendant had saved in a folder titled "Christy."

43. One email that Defendant sent from his email account to that other email account in December of 2012 included four still images, two of which depicted juvenile girls 



44. The recipient of that email then sent Defendant two videos of child pornography and one video of child erotica. [REDACTED]

45. HSI reviewed similar email messages from March 2013 that Defendant had sent to or received from three other email accounts. In at least one such email, Defendant had specifically requested, in graphic language, images of “young girls” engaged in sexual intercourse. In other email messages, Defendant had sent or received videos and still images of child pornography, [REDACTED]

46. On June 6, 2013, HSI conducted a forensic review of a laptop computer seized from Defendant and found on that laptop 168 videos and 187 still images of minor boys and girls engaged in [REDACTED]

47. On November 13, 2013, a grand jury in the U.S. District Court for the Western District of Louisiana issued an indictment against Defendant charging him with nine counts of receiving and distributing child pornography (“Indictment”).

48. On January 23, 2014, Defendant executed a plea agreement in his criminal proceedings.

49. In his plea agreement, Defendant agreed to plead guilty to Count 9 of the Indictment in exchange for the government dropping the remaining charges in the indictment.

50. Count 9 of the Indictment charged Defendant with receiving child pornography “[o]n or about the 25th day of April, 2013” in violation of 18 U.S.C. § 2252A(a)(2)(B) and (b).

51. The plea agreement contains a “Stipulated Factual Basis for Guilty Plea” (“Stipulation”) that Defendant and his attorney signed, and a true and complete copy of which is attached hereto as Exhibit C.

52. The preamble paragraph of the Stipulation states that the government and Defendant, “for the purposes of providing the Court with a factual basis for a plea agreement pursuant to Rule 11(b)(3) of the Federal Rules of Criminal Procedure, stipulate as follows ...”

53. In the Stipulation, Defendant admitted that on May 14, 2013, authorities executed a search warrant at his home and that Defendant, after receiving a *Miranda* rights advisement, admitted to downloading, possessing, and distributing child pornography via his email account, smooore99@ymail.com, to which he had given the authorities access.

54. In the Stipulation, Defendant admitted that he used his email account, smooore99@ymail.com, to trade child sex abuse material in December 2012.

55. At a plea hearing on January 23, 2014, Defendant submitted his signed plea agreement and Stipulation to the Court.

56. During the hearing and while under oath, Defendant affirmed the truth of the statements set forth in the Stipulation.

57. On April 21, 2014, the U.S. Army discharged Defendant under “other than honorable conditions.”

58. On May 22, 2014, Defendant was sentenced to 20 years in prison.

59. Defendant remains incarcerated.

IV. GOVERNING LAW

60. No individual 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).

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

61. 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).

62. For veterans or servicemembers who apply for naturalization pursuant to 8 U.S.C. § 1440(a), this statutory period of good moral character (“statutory period”) begins one year prior to individual filing the application for naturalization. *See* 8 C.F.R. § 329.2(d).

63. As a matter of law, an applicant necessarily lacks good moral character if he commits a crime involving moral turpitude (“CIMT”) during the statutory period and later either is convicted of the crime or admits his 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 he committed and was convicted or admitted committing of one or more crimes involving moral turpitude).

64. Congress has also explicitly precluded individuals who give false testimony during their statutory periods 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).

65. 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) (flush text).

B. The Denaturalization Statute

66. Recognizing that there are circumstances 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.

67. Under 8 U.S.C. § 1451(a), this Court must revoke an order of naturalization and cancel an individual's Certificate of Naturalization if that individual's naturalization was either (i) illegally procured or (ii) procured by concealment of a material fact or by willful misrepresentation.

68. 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.

69. Naturalization is 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).

70. Where the government establishes that citizenship was procured illegally or by willful misrepresentation or concealment of material facts, "district courts lack equitable discretion to refrain from entering a judgment of denaturalization." *Fedorenko*, 449 U.S. at 517. In such a circumstance, the district court must order "such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization ... effective as of the original date of the order." 8 U.S.C. § 1451(a).

V. CAUSES OF ACTION

COUNT I

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

71. The United States re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through IV of this Complaint.

69. To be eligible for naturalization, an individual seeking naturalization pursuant to 8 U.S.C. § 1440(a) must show that he has been a person of good moral character for at least the one-year statutory period before he files a naturalization application, and until the time he becomes a naturalized U.S. citizen. *See* 8 C.F.R. § 329.2(d).

70. Defendant filed his naturalization application on November 13, 2012.

71. Thus, Defendant was required to establish that he was a person of good moral character from November 13, 2011, until the date he was admitted to U.S. citizenship on January 18, 2013 (the “statutory period”).

72. Defendant was statutorily precluded from establishing the good moral character necessary to naturalize because he committed a CIMT during the statutory period, to which he later admitted. 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

73. As set forth above at paragraphs 48 through 56, Defendant admitted in his Stipulation, which he and his attorney signed and filed with the Court, that in December 2012, he had received and distributed child pornography in violation of 18 U.S.C. § 2252A(a)(2)(B).

74. Defendant committed that crime during his statutory period.

75. The receipt and distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(B) constitutes a crime involving moral turpitude (“CIMT”). *See In re. Olquin-*

Rufino, 23 I. & N. Dec. 896, 897 (BIA 2006); *United States v. Santacruz*, 563 F.3d 894, 896 (9th Cir. 2009); *United States v. Winkler*, 639 F.3d 692, 696 n.2 (5th Cir. 2011).

76. Because Defendant committed a CIMT during the statutory period, to which he later admitted, 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.

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

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

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (COMMISSION OF UNLAWFUL ACTS THAT ADVERSELY REFLECT ON MORAL CHARACTER)

79. The United States re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through IV of this Complaint.

80. Defendant was statutorily precluded from establishing the good moral character necessary to naturalize because he committed unlawful acts during his statutory period that reflected adversely on his moral character, and there were no extenuating circumstances that would lessen his guilt. 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

81. As set forth above at paragraph 40, Defendant received child pornography in 2012, while stationed in Germany, in violation of 18 U.S.C. § 2252A(a)(2)(B).

82. As set forth above at paragraphs 42-44, Defendant received and distributed child pornography in December 2012, in violation of 18 U.S.C. § 2252A(a)(2)(B).

83. Defendant committed the unlawful acts set forth above at paragraphs 40 and 42-44 during his statutory period.

84. Those unlawful acts that Defendant committed during his statutory period adversely reflected upon his moral character.

85. Defendant cannot establish extenuating circumstances with regard to his unlawful acts that would render his conduct less reprehensible than it otherwise would be or that tend to palliate or mitigate his guilt. He therefore cannot avoid the regulatory bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii).

86. Defendant's unlawful conduct precluded him 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 U.S. citizen.

87. Defendant's unlawful conduct reflects so adversely on his moral character that no evidence of his good moral character would permit Defendant to satisfy his burden of establishing good moral character as required for naturalization.

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

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

COUNT III

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

90. The United States re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through IV of this Complaint.

91. Defendant was statutorily precluded from showing that he was a person of good moral character because he gave false testimony, under oath, during his 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).

92. During the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he said, under oath at his Naturalization Interview, that he had committed only one crime, speeding, for which he had not been arrested.

93. That answer was false because prior to his naturalization interview, Defendant had, as set forth above at paragraphs 40 and 42-44, used his computer to receive child pornography in 2012 while stationed in Germany and had used his email account in December 2012 to knowingly receive and distribute child pornography, both in violation of 18 U.S.C. § 2252A(a)(2)(B), crimes for which he would not be arrested until after he naturalized.

94. Defendant also said, under oath at his Naturalization Interview, that he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit.

95. That testimony was false because he had provided false information on his N-400 when he indicated that he had not committed any crime, other than speeding, for which he had not been arrested. This testimony was also false because, earlier in that same interview, he had given false information when asked this same question about his prior criminal conduct.

96. Because Defendant provided false testimony under oath for the purpose of obtaining his naturalization, 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.

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

98. 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 IV

PROCUREMENT OF U.S. CITIZENSHIP BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

99. The United States re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through IV of this Complaint.

100. 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 and by willful misrepresentation.

101. Specifically, as set forth above, both on his N-400 and during his Naturalization Interview, Defendant represented that he had not committed any crime, other than speeding citation, for which he had not been arrested, despite knowing that such representation was false and misleading.

102. That representation was false and misleading because throughout the naturalization process, Defendant willfully misrepresented and concealed that during his statutory period, and as set forth above at paragraphs 40 and 42-44, he had used his computer to receive child pornography in 2012 while stationed in Germany and had used his email account in December 2012 to knowingly receive and distribute child pornography, both in violation of 18 U.S.C. § 2252A(a)(2)(B), crimes for which he would not be arrested until after he naturalized.

103. Defendant also represented during his Naturalization Interview that he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit, despite knowing that his representation was false and misleading.

104. That representation was false and misleading because he had given false information on his written N-400 and again during his naturalization interview when he represented that he had not committed any crime, other than speeding, for which he had not been arrested.

105. Defendant's misrepresentations and concealment of his criminal conduct were material to his naturalization because the disclosure of his receipt and distribution of child pornography would have had a natural tendency to influence USCIS's decision whether to approve Defendant's naturalization application as that conduct related to statutory eligibility criteria for such benefit.

106. Had Defendant disclosed the truth about his criminal conduct, USCIS would have discovered his statutory ineligibility for naturalization and would not have approved his application or administered the oath of allegiance.

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

PRAYER FOR RELIEF

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

1. A declaration that Defendant illegally procured his U.S. citizenship;
2. A declaration that Defendant procured his U.S. citizenship by concealment of material facts and willful misrepresentation;

3. Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No.  effective as of the original date of the order and certificate, January 18, 2013;

4. Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to U.S. citizenship that he obtained as a result of his January 18, 2013, naturalization;

5. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, his Certificate of Naturalization 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;

6. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, any other indicia of U.S. citizenship (including, but not limited to, U.S. passports), 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 representative, including undersigned counsel; and

7. Judgment granting Plaintiff such other relief as may be lawful and proper in this case.

Dated: February 19, 2025

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