IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 1:25cv23617

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	**COMPLAINT TO REVOKE**
vs.	)	**NATURALIZATION**
	)	
HENRY BRICENO,	)	
	)	
Defendant.	)	
	)	

I. PRELIMINARY STATEMENT

The United States of America brings this civil action against Defendant Henry Briceno ("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. When Defendant filed his naturalization application in October 2009 and when he was interviewed in January 2010, he stated that he had never committed a crime for which he had not been arrested. But starting in July 2008, before he had filed his naturalization application, and before he became a citizen of the United States, Defendant was a member of a conspiracy that operated three health care clinics that fraudulently billed Medicare for more than $5.4 million in false medical claims. Defendant worked at one of those clinics with the knowledge that it was submitting to Medicare fraudulent claims. That clinic submitted $2.1 million in false claims to Medicare and received $592,813 from those false claims. On March 14, 2012, Defendant signed a plea agreement in which he admitted to engaging, before he naturalized, in a conspiracy to commit health care fraud, in violation of 18 U.S.C. §§ 1347 and 1349. He was subsequently convicted of that crime. In light of Defendant's fraudulent scheme, he was ineligible for naturalization and thus procured his citizenship unlawfully and through fraud. Additionally, because he withheld his prior crimes from the government throughout his naturalization proceedings, he also procured his citizenship by concealment of a material fact or by willful misrepresentation. Accordingly, this Court must order the denaturalization of Defendant.

II. PARTIES, JURISDICTION, AND VENUE

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

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. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant can be found in and resides in this District.

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

5. Defendant is a native of Venezuela and obtained his U.S. citizenship through naturalization.

6. Defendant's last known address of residence is in Miami-Dade County, Florida.

III. FACTUAL BACKGROUND

7. The affidavit of Ralph Reichard, a Deportation Officer 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 A.

A. Defendant's Fraud Scheme & Federal Conviction

8. Beginning in approximately July 2008, Defendant, together with others, began operating a purported medical clinic known as Manuel MC, LLC ("Manuel").

9. Defendant incorporated Manuel within the state of Michigan.

10. Defendant signed a Medicare enrollment form or forms in which he certified that he would not knowingly submit false or fraudulent claims to Medicare.

11. Defendant signed those Medicare enrollment forms to conceal from Medicare that others in his criminal conspiracy were the true owners of Manuel.

12. Defendant signed documents creating the bank account in which Manuel's proceeds were deposited.

13. Defendant signed those bank account creation documents to conceal that others in his criminal conspiracy were the true owners of Manuel.

14. From the outset of his operation of Manuel, Defendant was aware that this clinic was established for the sole purpose of defrauding Medicare by billing Medicare for expensive and medically unnecessary tests.

15. Patients were not referred to Manuel by primary-care physicians.

16. Rather, Defendant obtained cash for payments to patient recruiters, and those patient recruiters paid cash kickbacks to individuals enrolled in Medicare, who would undergo expensive and diagnostic testing that was not medically necessary.

17. In exchange for their kickbacks, those individuals would visit Manuel and sign documents indicating that they had received the medically unnecessary services billed to Medicare.

18. The criminal conspiracy of which Defendant was a part operated three clinics that submitted a total of $5,460,323 in fraudulent claims to Medicare, which ultimately paid $2,998,321 on those claims.

19. Between approximately July 2008 and January 2010, Defendant and his co-conspirators caused the submission of $2,198,439 in false and fraudulent claims to Medicare for medically unnecessary services at Manuel that resulted in Medicare paying just the Manuel clinic $592,813 on those false and fraudulent claims.

20. On November 12, 2011, Defendant was charged by a Second Superseding Indictment with, among other charges, Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. §§ 1347 and 1349. *See* Second Superseding Indictment, *United States v. Karina Hernandez, et al.*, No. 11-cr-20076 (E.D. Mich. Sept. 12, 2011), ECF No. 113 (attached hereto as Exhibit B).

21. On March 14, 2012, Defendant and his attorney signed a Rule 11 Plea Agreement that was filed in the criminal case. *See* Rule 11 Plea Agreement, *United States v. Briceno*, No. 11-cr-20076 (E.D. Mich. Mar. 14, 2012), ECF No. 220 ("Plea Agreement") (attached hereto as Exhibit C).

22. The Plea Agreement sets forth the elements of the crime of Conspiracy to Commit Health Care Fraud as follows:

> First: That two or more persons, in some way or manner, came to a mutual understanding to try to accomplish a common or unlawful plan, as charged in the Indictment, and;
> Second: That the defendant, knowing the unlawful purpose of the plan, willfully joined in it.

Id. at 1-2.

23. The Plea Agreement states that it provides a "sufficient and accurate" factual basis for Defendant's guilty plea.

24. In the Plea Agreement, Defendant admitted to the facts alleged in the preceding paragraphs 8-18 of this Complaint.

25. In the Plea Agreement, Defendant admitted that "Beginning in or around July 2008, and continuing through approximately January 2010, Defendant, Henry Briceno, willfully conspired with others to commit health care fraud, in violation of 18 U.S.C. § 1349."

26. The Plea Agreement reflects Defendant's agreement to plead guilty to the crime of Conspiracy to Commit Health Care Fraud.

27. On March 14, 2012, Defendant appeared before the U.S. District Court for the Eastern District of Michigan and pleaded guilty to one count of Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. §§ 1347 and 1349. *See* Transcript of Arraignment and Guilty Plea Hearing at 1:1-2, 3:22-4:1, 17:9-11, *United States v. Briceno*, No. 11-cr-20076 (E.D. Mich. filed Aug. 10, 2012), ECF No. 293-3 ("Transcript of Guilty Plea Hearing") (attached as Exhibit D).

28. Following the entry of Defendant's guilty plea, the U.S. District Court for the Eastern District of Michigan convicted Defendant of one count of Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. § 1349. *See* Judgment in a Criminal Case at 1, *United States v. Briceno*, No. 11-cr-20076 (E.D. Mich. Aug. 28, 2012), ECF No. 301 ("Judgment") (attached hereto as Exhibit E).

29. The Judgment states that Defendant's offense of Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. § 1349, ended in October 2009, which is months before Defendant became a naturalized U.S. citizen on January 29, 2010.

30. As a result of his conviction, the U.S. District Court for the Eastern District of Michigan sentenced Defendant to 24 months in prison followed by two years of supervised release, and ordered him to pay $592,813 in restitution to the Medicare Trust Fund.

B. Defendant's Application to Remove Conditions from Lawful Permanent Residence

31. On or around January 4, 2005, Defendant was granted conditional permanent resident status as a result of his marriage to a U.S. citizen.

32. On February 2, 2009, Defendant sought to remove the conditions on his permanent resident status by filing a Form I-751, Petition to Remove Conditions on Residence ("Form I-751") with U.S. Citizenship and Immigration Services ("USCIS") (attached hereto as Exhibit F).

33. On his Form I-751, Defendant checked "No" in response to Part 3, Question 7, which asked, "Have you ever been arrested, detained, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance (excluding traffic regulations), or committed any crime for which you were not arrested in the United States or abroad?"

34. Defendant's answer on his Form I-751 regarding his commission of a crime for which he was not arrested was false.

35. When Defendant filed his Form I-751, he did not disclose his then-continuing involvement in the crime of Conspiracy to Commit Health Care Fraud.

36. Prior to filing his Form I-751, Defendant signed it under penalty of perjury, thereby certifying that his answers to the questions therein were true and correct.

C. Defendant's Naturalization Application and Oath Ceremony

37. On or about October 28, 2009, Defendant filed a Form N-400, Application for Naturalization ("Naturalization Application") with USCIS. *See* Form N-400, Application for Naturalization ("N-400") (attached hereto as Exhibit G).

38. On his Naturalization Application, Defendant failed to list or disclose his employment with Manuel when responding to Part 6, Question B, which asked "Where have you worked (or, if you were a student, what schools did you attend) during the last five years?"

39. 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?" (emphasis in original).

40. On his Naturalization Application, Defendant checked "No" in response to Part 10, Question 23, which 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." (emphasis in original).

41. On or about October 20, 2009, Defendant signed the Naturalization Application under penalty of perjury, thereby certifying that his answers to the questions therein were true and correct.

42. On January 19, 2010, Marilyn Kaplan, an officer with USCIS, orally interviewed Defendant regarding his Naturalization Application to determine his eligibility for naturalization.

43. At the beginning of the interview, Officer Kaplan placed Defendant under oath.

44. During the interview, Officer Kaplan asked Defendant, consistent with Part 10, Question 15 of Defendant's Naturalization Application, whether he had ever committed a crime or offense for which he was not arrested.

45. Defendant verbally confirmed his written response to Part 10, Question 15 of his Naturalization Application, testifying under oath that he had never committed a crime or offense for which he was not arrested.

46. Defendant's testimony regarding his commission of a crime or offense was false.

47. At his naturalization interview, Defendant did not disclose his involvement in a criminal conspiracy to commit health care fraud.

48. During the interview, Officer Kaplan asked Defendant, consistent with Part 10, Question 23 of Defendant's Naturalization Application, whether 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.

49. Defendant verbally confirmed his written response to Part 10, Question 23 of his Naturalization Application, testifying under oath that he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal.

50. Defendant gave false testimony when he stated under oath that he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal.

51. At his naturalization interview, Defendant did not disclose that he had given false or misleading information to U.S. Government officials by submitting his Form I-751 that stated that he had never committed a crime for which he had not been arrested.

52. At his naturalization interview, Defendant did not disclose that he had given false or misleading information to U.S. Government officials by submitting his Form N-400 that omitted his employment with Manuel and that stated that he had never committed a crime for which he had not been arrested.

53. Defendant's involvement in a criminal conspiracy to commit health care fraud constituted a crime for which he had not been arrested as of his submission of his Form I-751, as of his submission of his Form N-400, and as of his testimony at his naturalization interview.

54. In fact, at no point during the naturalization process did Defendant disclose to USCIS his participation in a conspiracy to commit health care fraud.

55. At the end of the interview, Defendant again signed the Naturalization Application under penalty of perjury in the presence of Officer Kaplan and swore that the contents of his application, including nine numbered changes and one page of additional evidence, were true and correct to the best of his knowledge.

56. Based upon the information Defendant supplied on his Naturalization Application and on the sworn answers he gave during his January 19, 2010 naturalization interview, USCIS approved the application.

57. On January 29, 2010, Defendant took the Oath of Allegiance to become a U.S. citizen. He was issued Certificate of Naturalization No. [redacted] *See* Form N-550, Certificate of Naturalization (attached as Exhibit H).

IV. GOVERNING LAW

A. <u>Congressionally Imposed Prerequisites to the Acquisition of U.S. Citizenship.</u>

58. 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); *see also id.* (an individual "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)).

59. 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.*

60. 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. *See* 8 U.S.C. § 1101(f).

61. Congress has mandated that an applicant necessarily lacks good moral character if he or she commits a crime involving moral turpitude ("CIMT") during the statutory period and later either is convicted of the crime or admits to the 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 applicants "shall be found to lack good moral character" if, for example, they committed and were convicted of one or more CIMTs).

62. Congress has also explicitly precluded individuals who, during the statutory period, 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).

63. 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 language).

64. 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) (flush language).

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

B. <u>The denaturalization statute</u>

66. 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.

67. 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 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 has been 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).

70. 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.

V. CAUSES OF ACTION

COUNT I
ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
<u>(CRIME INVOLVING MORAL TURPITUDE)</u>

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

72. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character from October 28, 2004, until the date he became a U.S. citizen, on January 29, 2010.

73. 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).

74. As described above in paragraphs 8 through 19, Defendant conspired with others to commit health care fraud, in violation of 18 U.S.C. §§ 1347 and 1349, from July 2008 to January 2010.

75. As described above in paragraph 21, Defendant signed a plea agreement on March 14, 2012 in which he admitted to conspiring with others to commit health care fraud, in violation of 18 U.S.C. §§ 1347 and 1349, from July 2008 to January 2010.

76. Defendant committed the crime of Conspiracy to Commit Health Care Fraud within the statutory period.

77. Defendant's conviction under 18 U.S.C. §§ 1347 and 1349 is for a fraud related offense, and constitutes a CIMT. *See, e.g.*, *Jordan v. De George*, 341 U.S. 223, 229 (1951) ("American courts have, without exception, included [fraud] crimes within the scope of moral turpitude."); *Itani v. Ashcroft*, 298 F.3d 1213, 1215 (11th Cir. 2002) ("Generally, a crime involving dishonesty or false statement is considered to be one involving moral turpitude." (citations omitted)).

78. 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.

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

80. 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
(UNLAWFUL ACTS)

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

82. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character from October 28, 2004, until the date he became a U.S. citizen, on January 29, 2010.

83. 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 that would lessen his guilt. 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

84. Specifically, as set forth above in paragraphs 8 through 19, between July 2008 and January 2010, Defendant conspired with others to cause the submission of false and fraudulent claims to the Medicare program for medically unnecessary services at Manuel that resulted in Medicare paying $592,813 on those false and fraudulent claims.

85. On March 14, 2012, Defendant appeared before the U.S. District Court for the Eastern District of Michigan and pleaded guilty to, and was subsequently convicted of, the crime of Conspiracy to Commit Health Care Fraud.

86. Defendant committed the crime of Conspiracy to Commit Health Care Fraud and the underlying fraud within the statutory period.

87. The crime of Conspiracy to Commit Health Care Fraud and the underlying fraud are crimes that adversely reflected upon Defendant's moral character.

88. Defendant cannot establish extenuating circumstances with regard to the conspiratorial conduct and fraudulent acts underlying his guilty plea pursuant to 18 U.S.C. § 1349 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).

89. 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 CIMT bar (set forth in Count I) also applies.

90. 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.

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

92. 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 III

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

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

94. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character from October 28, 2004, until the date he became a U.S. citizen, on January 29, 2010.

95. 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).

96. During the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he stated under oath during his January 19, 2010 naturalization interview that he had never committed a crime or offense for which he had not been arrested.

97. During the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he stated under oath during his January 19, 2010 naturalization interview that he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal.

98. As set forth above in paragraphs 46 through 53, Defendant's testimony on each of the foregoing issues was knowingly false and for the purpose of obtaining an immigration benefit, namely naturalization.

99. 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.

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

101. 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

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

103. 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.

104. As set forth above at paragraphs 38 through 53, throughout the naturalization process, Defendant willfully misrepresented and concealed his involvement in a criminal conspiracy to commit health care fraud between July 2008 until on or about December 2010, for which he later pleaded guilty in the U.S. District Court for the Eastern District of Michigan to one count of Conspiracy to Commit Health Care Fraud.

105. Specifically, Defendant represented on his Naturalization Application and during his naturalization interview 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.

106. Defendant knew the representations that he had never knowingly committed any crime or offense for which had not been arrested were false because starting in July 2008, he was a member of a conspiracy to commit health care fraud that he had joined with knowledge of its unlawful purpose, as he later admitted to in his Plea Agreement and for which he was later convicted.

107. Defendant also represented on his Naturalization Application and 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 or to prevent deportation, exclusion, or removal, despite knowing that such representations were false and misleading.

108. Defendant knew the representations that he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit were false because he had stated on his Form I-751 and on his Naturalization Application that he had never committed any crime for which he was not arrested, even though starting in July 2008 and at the time he completed both immigration forms, he had been member of a conspiracy to

commit health care fraud that he had joined with knowledge of its unlawful purpose, as he later admitted to in his Plea Agreement and for which he was later convicted.

109. Defendant's misrepresentations were material to his naturalization because the disclosure of his fraudulent scheme would have had a natural tendency to influence USCIS's decision whether to approve Defendant's Naturalization Application as they related to statutory eligibility criteria for such benefit.

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

111. 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).

PRAYER FOR RELIEF

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

1. A declaration that Defendant illegally procured his citizenship;

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

3. Judgment revoking and setting aside Defendant's naturalization and canceling Certificate of Naturalization No. [redacted], effective as of the original date of the order and certificate, January 29, 2010;

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 29, 2010 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, passport cards, and Enhanced Drivers Licenses, whether valid or expired), and any copies thereof in his possession – and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession of others – to the Attorney General, or his representative, including undersigned counsel; and

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

Dated: August 12, 2025

Respectfully submitted,

HAYDEN O'BYRNE
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