UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 1:25-cv-24512

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	**COMPLAINT TO REVOKE**
v.	)	**NATURALIZATION**
	)	
MIRELYS CABRERA DIAZ,	)	
	)	
Defendant.	)	
	)	

Plaintiff, the United States of America, by its attorneys, alleges as follows:

I. PRELIMINARY STATEMENT OF THE CASE

The United States of America brings this civil action against Defendant Mirelys Cabrera Diaz to revoke her naturalized U.S. citizenship under 8 U.S.C. § 1451(a). Before she became a citizen of the United States, Cabrera Diaz engaged in criminal activity that she concealed throughout the naturalization process and that disqualified her from U.S. citizenship.

From August 2011 to March 2014, Cabrera Diaz conspired to commit health care fraud, which resulted in a loss to the Medicare program adjudged to have been $6,005,878.11. At her naturalization interview in 2017, Cabrera Diaz falsely testified under oath that she had never committed any crime or offense for which she had not been arrested. Yet, in 2019, after Cabrera Diaz naturalized, she pleaded guilty to Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. § 1349, thus admitting to having committed criminal conduct prior to her naturalization interview.

The Court should denaturalize Cabrera Diaz under 8 U.S.C. § 1451(a) on two grounds. First, she illegally procured her naturalization because of her criminal conduct and her false testimony at her naturalization interview. Second, she concealed and willfully misrepresented her criminal acts throughout her naturalization proceedings. Accordingly, the United States seeks a judgment that revokes and sets aside the order admitting Cabrera Diaz to U.S. citizenship and that cancels her certificate of naturalization.

II. PARTIES, JURISDICTION, AND VENUE

1. This is an action filed under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Cabrera Diaz to U.S. citizenship and to cancel her Certificate of Naturalization No. [redacted] issued on October 27, 2017.

2. Plaintiff is the United States of America.

3. Defendant Cabrera Diaz is a naturalized U.S. citizen whose last known address is in Miami-Dade County, Florida.

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

5. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Cabrera Diaz resides in this District.

III. FACTUAL BACKGROUND

6. The affidavit of Ralph Reichard, a Deportation Officer with U.S. Immigration and Customs Enforcement ("ICE") of the U.S. Department of Homeland Security ("DHS"), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

A. Cabrera Diaz's Criminal Acts

7. In November 2018, Cabrera Diaz was charged by Information with one count of Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. § 1349, in the United States District Court for the Southern District of Florida. Information, *United States v. Cabrera*, No. 18-cr-20846-Altonaga (S.D. Fla. Nov. 1, 2018), ECF No. 3 (attached as Ex. B).

8. In the Information, the United States alleged that, from beginning in or around August 2011, and continuing through at least in or around March 2014, Cabrera Diaz did willfully and knowingly conspire to defraud the federal Medicare program. *Id.*

9. On January 4, 2019, Cabrera Diaz entered a Plea Agreement whereby she agreed to plead guilty to Conspiracy to Commit Health Care Fraud, and the United States agreed to recommend a reduction in sentencing. Plea Agreement ¶¶ 1, 6, *United States v. Cabrera*, No. 18-cr-20846-Altonaga (S.D. Fla. Jan. 4, 2019), ECF No. 52 (attached as Ex. C).

10. On January 4, 2019, Cabrera Diaz signed a Factual Proffer, which she filed with the Plea Agreement and in which she admitted the following facts:

a. beginning in or around August 2011 and continuing through in or around March 2014, Cabrera Diaz worked as a licensed pharmacy technician at Excellent Pharmacy, a retail pharmacy located in the Southern District of Florida;

b. while she worked at Excellent Pharmacy, she conspired and agreed with others to execute a scheme to defraud the Medicare Part D program through the submission of false and fraudulent claims to the program;

c. Cabrera Diaz and co-conspirators submitted, or caused to be submitted, claims to the Medicare Part D program for drugs that were never dispensed to the Medicare beneficiaries for whom the claims were submitted;

d. Cabrera Diaz and co-conspirators paid patient recruiters for referring fraudulent prescriptions to Excellent Pharmacy;

e. Cabrera Diaz assisted a co-conspirator in maintaining a log of which patients belonged to which recruits, and how much money was owed to each recruiter for drugs that were billed but not dispensed;

f. Cabrera Diaz and her co-conspirators' scheme caused a loss to the Medicare Part D program of approximately $6,005,878.11.

Factual Proffer, *United States v. Cabrera*, No. 18-cr-20846-Altonaga (S.D. Fla. Jan. 4, 2019), ECF No. 53 (attached as Ex. D).

11. On January 4, 2019, the Court held a plea hearing at which Cabrera Diaz pleaded guilty to Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. § 1349. Tr. of Plea Hr'g 15:23–25, *United States v. Cabrera*, No. 18-cr-20846-Altonaga (S.D. Fla. Jan. 4, 2019), ECF No. 145 (attached as Ex. E).

12. At the plea hearing, Cabrera Diaz admitted under oath that from August 2011 through March 2014, she worked at a pharmacy where she engaged in a scheme to defraud the Medicare Part D program by submitting false and fraudulent claims for prescription drugs. *Id.* 14:11–15:17.

13. At the plea hearing, Cabrera Diaz stated that she understood that if she "acquired [her] citizenship during the commission of this offense conduct, [her plea of guilty and resulting adjudication of guilt] may be used against [her] to deport [her] to [her] native country." *Id.* 12:16–13:1.

14. At the plea hearing, the Court adjudicated Cabrera Diaz guilty of Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. § 1349. *Id.* 16:1-16.

15. On March 13, 2019, the Court held a sentencing hearing where it determined that "Ms. Cabrera obtained her U.S. citizenship after the commission of the offense conduct," and ordered the government to send a letter to ICE indicating that "her citizenship should be revoked." Tr. of Sentencing Hr'g at 16:15-21, *United States v. Cabrera*, No. 18-cr-20846-Altonaga (S.D. Fla. Mar. 13, 2019), ECF No. 146 (attached as Ex. F).

16. The Court sentenced Cabrera Diaz to 29 months of imprisonment followed by three years of supervised release, and it ordered her to pay restitution of $6,005,878.11. *Id.* 14:25–15:25; Amended Judgment, *United States v. Cabrera,* No. 18-cr-20846-Altonaga (S.D. Fla. Apr. 12, 2019), ECF No. 105 (attached as Ex. G).

B. Cabrera Diaz's Naturalization

17. Cabrera Diaz entered the United States on or about October 30, 2005.

18. On September 15, 2007, Cabrera Diaz adjusted status to permanent resident under the Cuban Refugee Adjustment Act and became a permanent resident as of her date of entry on October 30, 2005.

19. On or about March 27, 2017, Cabrera Diaz filed a Form N-400, Application for Naturalization ("naturalization application"), with U.S. Citizenship and Immigration Services ("USCIS"). Naturalization Application at 1 (showing barcode with date of 03/27/2017) (attached as Ex. H).

20. Question 22, Part 12, of the naturalization application asked the applicant "Have you **EVER** committed, assisted in committing, or attempted to commit, a crime or offense for which you were **NOT** arrested?" *Id.* at 14 (emphasis in original).

21. Cabrera Diaz checked the box "No" to answer Question 22, Part 12, of her naturalization application. *Id.*

22. On or about March 14, 2017, Cabrera Diaz signed the naturalization application under penalty of perjury, thereby certifying that her answers to the questions therein were true and correct. *Id.* at 17.

23. On October 17, 2017, USCIS Immigration Services Officer Diana Karantsalis orally interviewed Cabrera Diaz regarding her naturalization application to determine her eligibility for naturalization.

24. At the beginning of the interview, Officer Karantsalis placed Cabrera Diaz under oath.

25. During the interview, Officer Karantsalis asked Cabrera Diaz, consistent with Question 22, Part 12, of Cabrera Diaz's naturalization application, whether she had ever committed a crime or offense for which she was not arrested.

26. Cabrera Diaz verbally confirmed her written response to Question 22, Part 12, of her naturalization application, stating that she had never committed, assisted in committing, or attempted to commit a crime or offense for which she was not arrested.

27. Cabrera Diaz's oral testimony, under oath, regarding her commission, assistance in commission, or attempted commission of a crime or offense was false.

28. At the end of the interview, Cabrera Diaz signed the naturalization application in the presence of Officer Karantsalis and again swore that the contents of her naturalization application, including nine numbered changes, were true and correct to the best of her knowledge. Naturalization Application at 19.

29. At no point during the naturalization process did Cabrera Diaz disclose to USCIS her conspiracy to commit health care fraud.

30. Based upon the information supplied by Cabrera Diaz in her naturalization application and the sworn answers she gave during her October 17, 2017 naturalization interview, USCIS approved the naturalization application. *See* Naturalization Application, at 1.

31. On October 27, 2017, Cabrera Diaz took the Oath of Allegiance to become a U.S. citizen, and she was issued Certificate of Naturalization No. [redacted] *See* Form N-550, Certificate of Naturalization (attached as Ex. I).

IV. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship.

32. No noncitizen 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).

33. Among other requirements, Congress has mandated that an individual may not naturalize unless that person "during all periods referred to in this subsection has been and still is a person of good moral character . . . ." 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 naturalization application, and it continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. *See id.*

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

35. As a matter of law, an applicant 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 commission of the criminal act. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i) (providing that an applicant

"shall be found to lack good moral character" if, for example, the individual committed and was convicted of one or more crimes involving moral turpitude).

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

37. 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).

38. Thus, under the catch-all provision, individuals who commit unlawful acts during the statutory period that adversely reflect on their moral character cannot meet the good moral character requirement, unless they prove extenuating circumstances. *See* 8 U.S.C. § 1101(f) (flush language); 8 C.F.R § 316.10(b)(3)(iii).

B. The Denaturalization Statute

39. 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 a naturalization application, Congress enacted 8 U.S.C. § 1451.

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

a. illegally procured, *or*

b. procured by concealment of a material fact or by willful misrepresentation.

41. Failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship renders the naturalization "illegally procured." *Fedorenko*, 449 U.S. at 506 (quoting 8 U.S.C. § 1451(a)).

42. Naturalization was procured by concealment of a material fact or by willful misrepresentation where: (1) the naturalized citizen concealed or willfully misrepresented 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 concealment or misrepresentation. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

43. Where the government establishes that the defendant's citizenship was procured illegally or by concealment of material facts or willful misrepresentation, "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 (CRIME INVOLVING MORAL TURPITUDE)

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

45. As alleged in paragraph 33, to be eligible for naturalization an applicant must show that she has been a person of good moral character for the five-year statutory period before she files a naturalization application, and until the time she becomes a naturalized U.S. citizen. 8 U.S.C. §§ 1427(a)(3), 1429; 8 C.F.R. § 316.10(a)(1).

46. Cabrera Diaz was therefore required to establish that she was a person of good moral character from March 27, 2012, which was five years before she applied for naturalization, until the date she became a U.S. citizen on October 27, 2017 (the "statutory period").

47. Cabrera Diaz was statutorily precluded from establishing the good moral character necessary to naturalize because she committed a CIMT during the statutory period and later both admitted to commission of the criminal act and was convicted of that act. *See* 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

48. Cabrera Diaz was charged with one count of Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. § 1349, for willfully and knowingly conspiring to commit Health Care Fraud, in violation of 18 U.S.C. § 1347. *Id.*

49. Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. § 1349, involves moral turpitude because the underlying crime—Health Care Fraud, in violation of § 1347—is a reprehensible act with an intent to defraud. *Jordan v. De George*, 341 U.S. 223, 229 (1951) ("American courts have, without exception, included [fraud] crimes within the scope of moral turpitude."); *Zarate v. U.S. Att'y Gen.*, 26 F.4th 1196, 1206 (11th Cir. 2022) (explaining that crimes with an intent to defraud categorically involve moral turpitude).

50. Cabrera Diaz committed the crime between August 2011 and March 2014, when she was a licensed pharmacy technical at Excellent Pharmacy, which was during the statutory period of her naturalization.

51. In 2019, Cabrera Diaz pleaded guilty to the charge of Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. § 1349, and was adjudicated guilty.

52. Because Cabrera Diaz committed a CIMT during the statutory period and later both admitted and was convicted of the crime, Cabrera Diaz was barred under 8 U.S.C.

§ 1101(f)(3) from showing that she had the good moral character necessary to become a naturalized U.S. citizen.

53. Because Cabrera Diaz could not demonstrate the requisite good moral character, she was ineligible for naturalization.

54. Because she was ineligible to naturalize, Cabrera Diaz illegally procured her naturalization, and this Court must revoke her naturalization under 8 U.S.C. § 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(UNLAWFUL ACTS REFLECTING ADVERSELY ON HER MORAL CHARACTER)

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

56. As alleged in paragraphs 33, 45, and 46, to be eligible for naturalization, Cabrera Diaz was required to establish that she was a person of good moral character from March 27, 2012, to October 27, 2017.

57. Cabrera Diaz could not establish the requisite good moral character for naturalization because she committed unlawful acts during the statutory period that reflected adversely on her moral character, and there were no extenuating circumstances to excuse her actions. *See* 8 U.S.C. § 1101(f) (flush language); 8 C.F.R. § 316.10(b)(3)(iii).

58. As alleged in paragraphs 9-11, 49 and 51, Cabrera Diaz pleaded guilty to and was convicted of Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. § 1349, which adversely reflected on her moral character because it involves moral turpitude.

59. As alleged in paragraphs 10-12, and 50, Cabrera Diaz committed the crime during the statutory period of her naturalization.

60. Cabrera Diaz could not establish extenuating circumstances that would mitigate her culpability for her crime and, therefore, could not avoid the regulatory bar on establishing good moral character, which made her ineligible for naturalization.

61. Because Cabrera Diaz was ineligible to naturalize, she illegally procured her naturalization, and this Court must revoke her naturalization under 8 U.S.C. § 1451(a).

COUNT III

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

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

63. As alleged in paragraphs 33, 45, and 46, to be eligible for naturalization, Cabrera Diaz was required to establish that she was a person of good moral character from March 27, 2012, to October 27, 2017.

64. As alleged in paragraphs 23 through 27, Cabrera Diaz provided false testimony for the purpose of obtaining an immigration benefit when she verbally testified, under oath, at her October 17, 2017 naturalization interview that she had never committed a crime or offense for which she had not been arrested.

65. Because Cabrera Diaz provided false testimony under oath during the statutory period, she was barred under 8 U.S.C. § 1101(f)(6) from showing that she had the good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

66. Because Cabrera Diaz was unable to demonstrate good moral character, she was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

67. Because she was ineligible to naturalize, Cabrera Diaz illegally procured her naturalization, and this Court must revoke her naturalization under 8 U.S.C. § 1451(a).

COUNT IV

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

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

69. Under 8 U.S.C. § 1451(a), this Court must revoke Cabrera Diaz's citizenship and cancel her Certificate of Naturalization because she procured her naturalization by concealment of a material fact and willful misrepresentation.

70. Throughout the naturalization process, Cabrera Diaz concealed and willfully misrepresented her involvement in a criminal conspiracy to defraud the federal government by submitting, or causing to be submitted, false and fraudulent claims to the Medicare Part D program.

71. Specifically, Cabrera Diaz voluntarily and deliberately represented on her naturalization application and in her naturalization interview that she had never knowingly committed any crime or offense for which she had not been arrested, despite knowing that such representations were false and misleading.

72. Cabrera Diaz made these representations willfully.

73. Cabrera Diaz's misrepresentations were material to her naturalization because the disclosure of her fraudulent, criminal scheme would have had the natural tendency to influence USCIS's decision whether to approve her naturalization application.

74. Based on Cabrera Diaz's conviction for Conspiracy to Commit Health Care Fraud and the false statements she made on her naturalization application and at her naturalization interview, it is fair to infer that she could not have established the necessary good moral character for naturalization. Indeed, had Cabrera Diaz disclosed the truth about her criminal

conduct, she would have disclosed her ineligibility for naturalization, and USCIS would not have approved her naturalization application or administered the oath of allegiance.

75. Cabrera Diaz thus procured her naturalization by concealment of material facts and willful misrepresentation, and this Court must revoke her naturalization pursuant to 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

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

1. A declaration that Cabrera Diaz illegally procured her citizenship;

2. A declaration that Cabrera Diaz procured her citizenship by concealment of material facts and willful misrepresentation;

3. Judgment revoking and setting aside Cabrera Diaz's naturalization and canceling Certificate of Naturalization No. [redacted] effective as of October 27, 2017, the original date of the order and certificate;

4. Judgment forever restraining and enjoining Cabrera Diaz from claiming any rights, privileges, benefits, or advantages in connection with her October 27, 2017 naturalization;

5. Judgment requiring Cabrera Diaz to surrender and deliver, within ten days of the entry of judgment, her Certificate of Naturalization, and any copies thereof in her possession—and to make good faith efforts to recover and surrender any copies thereof that she knows are in the possession of others—to the Attorney General, or his representative, including undersigned counsel;

6. Judgment requiring Cabrera Diaz to surrender and deliver, within ten days of the entry of judgment, any other indicia of U.S. citizenship (including, but not limited to, U.S. passports), and any copies thereof in her possession—and to make good faith efforts to recover

and surrender any copies thereof that she 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.

September 30, 2025

Respectfully submitted,

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UNITED STATES OF AMERICA,

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vs.

MIRELYS CABRERA DIAZ,

Defendant.

EXHIBITS IN SUPPORT OF
COMPLAINT TO REVOKE NATURALIZATION

A. Affidavit of Good Cause of Ralph Reichard, Deportation Officer, ICE, DHS (July 25, 2025)

B. Information, *United States v. Cabrera*, No. 18-cr-20846-Altonaga (S.D. Fla. Nov. 1, 2018), ECF No. 3

C. Plea Agreement, *United States v. Cabrera*, No. 18-cr-20846-Altonaga (S.D. Fla. Jan. 4, 2019), ECF No. 52

D. Factual Proffer, *United States v. Cabrera*, No. 18-cr-20846-Altonaga (S.D. Fla. Jan. 4, 2019), ECF No. 53

E. Transcript of Change of Plea Hearing, *United States v. Cabrera*, No. 18-cr-20846-Altonaga (S.D. Fla. Jan. 4, 2019), ECF No. 145

F. Transcript of Sentencing Hearing, *United States v. Cabrera*, No. 18-cr-20846-Altonaga (S.D. Fla. Mar. 13, 2019), ECF No. 146

G. Amended Judgment, *United States v. Cabrera,* No. 18-cr-20846-Altonaga (S.D. Fla. Apr. 12, 2019), ECF No. 105

H. Naturalization Application (Mar. 27, 2017)

I. Certificate of Naturalization No. [redacted] (Oct. 27, 2017)