

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No. 1:25-cv-24512-WILLIAMS

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIRELYS CABRERA DIAZ,

Defendant.

**JOINT MOTION FOR CONSENT
JUDGMENT**

Plaintiff, the United States of America, and Defendant, Mirelys Cabrera Diaz, jointly move this Court to enter the attached proposed Consent Judgment Revoking Naturalization. This motion is supported by Defendant's admission to, and acknowledgment of the truth of, the specific facts identified below.

FACTUAL BACKGROUND

On or about March 27, 2017, Defendant filed a Form N-400, Application for Naturalization ("Naturalization Application"), with United States Citizenship and Immigration Services ("USCIS"). Compl. Ex. H, ECF No. 1-10. On October 17, 2017, USCIS approved Defendant's Naturalization Application. *Id.* at 1. On October 27, 2017, Defendant took the Oath of Allegiance and was admitted as a citizen of the United States. Compl. Ex. I, ECF No. 1-11.

On January 4, 2019, Defendant pleaded guilty in the United States District Court for the Southern District of Florida to conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349. Compl. Ex. E 15:23–25, ECF No. 1-7. In a factual proffer submitted with Defendant's plea agreement, Defendant admitted that 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 beginning in or around August 2011 and continuing through in or around March 2014. Compl. Ex. D at 1, ECF No. 1-6. On March 13, 2019, the United States District Court for the Southern District of Florida accepted Defendant's guilty plea and adjudged her guilty of conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349. Compl. Ex. F 16:13–16, ECF No. 1-8; Compl. Ex. G, ECF No. 1-9.

STATUTORY BACKGROUND

The Immigration and Nationality Act provides for the revocation of an individual's naturalized U.S. citizenship if the naturalization was illegally procured. 8 U.S.C. § 1451(a). Illegal procurement has occurred where an applicant naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship. *Fedorenko v. United States*, 449 U.S. 490, 517 (1981). Where the government establishes that the defendant's citizenship was procured illegally, “district courts lack equitable discretion to refrain from entering a judgment of denaturalization.” *Id.* Based on the agreed facts and law, Defendant illegally procured her naturalized citizenship, and the Court, therefore, should enter judgment revoking her naturalization.

ANALYSIS

The parties agree that Defendant illegally procured her naturalization as alleged in Count II of the Complaint. ECF No. 1, ¶¶ 55–61. Among the requirements for naturalization, Defendant was required to show that she was a person of good moral character during the “statutory period” from five years before she applied for naturalization until she took the oath of citizenship. *United States v. Coloma*, 535 F. Supp. 3d 1279, 1284 (S.D. Fla. 2021). Defendant's statutory period ran from March 2, 2012, to October 27, 2017. Defendant could not establish the required good moral character for naturalization because, during the relevant statutory period

beginning five years before she applied to naturalize and continuing until she took her oath of citizenship (*see* 8 U.S.C. § 1427), she committed an unlawful act 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); *United States v. Jean-Baptiste*, 395 F.3d 1190, 1195 (11th Cir. 2005) (“Case law discussions of extenuating circumstances in the context of a determination of good moral character establish that such circumstances must pertain to the reasons showing lack of good character, including acts negating good character, not to the consequences of these matters, including the consequences of denaturalization.”); *United States v. Prat*, No. 24-13407, 2025 WL 3081849 (11th Cir. Nov. 4, 2025) (affirming order revoking naturalization based on defendant’s inability to demonstrate good moral character for naturalization after committing conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349).

Defendant admits that she committed an unlawful act, namely that she conspired to commit health care fraud, in violation of 18 U.S.C. § 1349, during the statutory period of her naturalization. Defendant admits that conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349, adversely reflected on her moral character. Defendant admits that the crime adversely reflected on her moral character because, as she admitted in her factual proffer, she conspired with others to engage in a scheme to defraud the Medicare Part D prescription drug program through the submission of false and fraudulent claims. ECF No. 1-6 at 1. Defendant also admits that there were no extenuating circumstances pertaining to her culpability for the crime and its negative impact on her moral character. Defendant further admits that, because she committed the crime during the relevant statutory period before she naturalized, she illegally

procured her citizenship. Accordingly, Defendant concedes that the Court must revoke her naturalization under 8 U.S.C. § 1451(a) as set forth in Count II of the Complaint.¹

CONCLUSION

In light of the facts above that Defendant admits are true, and having fully discussed the case with her counsel, Defendant agrees with the United States that denaturalization is proper and, to avoid the delay, uncertainty, inconvenience, and expense of further litigation, does not wish to further contest denaturalization. Accordingly, the United States and Defendant jointly move this Court for an order providing the relief requested in the attached proposed Consent Judgment Revoking Naturalization. The parties also jointly request that the Court set a hearing for approximately 21 days from the date the Court enters Judgment at which Defendant, appearing in person with counsel, must demonstrate that she has complied with the Judgment, unless the United States provides notice that Defendant has fully complied and the Judgment is satisfied.

¹ The parties agree that because the four counts in the government's Complaint each seek the same relief, if the Court grants judgment in favor of the government on Count II, the remaining Counts I, III, and IV will be rendered moot and should be dismissed. *See, e.g., United States v. Negele*, 222 F.3d 443, 448 (8th Cir. 2000) ("Because each count in the government's complaint is independently sufficient to sustain the district court's judgment, we need not analyze Counts II and III."); *United States v. Okoro*, 852 F. App'x 798, 799 (5th Cir. 2021) (affirming order of denaturalization on only one of multiple counts, in which the district court declined to reach the others); *United States v. Drame*, No. 18-cv-11480, 2021 WL 1226996, at *3 (S.D.N.Y. Apr. 1, 2021) ("The Government now seeks summary judgment on all three counts; a finding in favor of the Government on any of the three counts requires revocation of Defendant's naturalization.").

Dated: March 10, 2026

Respectfully submitted,

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