

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS ESHUN,

Defendant.

*
*
*
*
*
*
*
*

Case No. 8:25-cv-4006

**COMPLAINT TO REVOKE
NATURALIZATION**

COMPLAINT

Plaintiff, the United States of America, by and through its undersigned counsel, files this civil action against Defendant Nicholas Eshun ("Defendant") to revoke his naturalized U.S. citizenship pursuant to 8 U.S.C. § 1440(c), and alleges as follows:

I. PRELIMINARY STATEMENT

In October 2011, ten months after immigrating to the United States, Defendant enlisted in the U.S. Marine Corps ("Marine Corps"). In 2013, he naturalized pursuant to a statute that grants U.S. citizenship to individuals based on their military service. But two years later, while serving overseas, he tarnished the honor of the Marine Corps by exchanging lewd messages with someone whom he believed to fourteen-years old and attempting to sexually abuse her.

Defendant was, in fact, communicating with an undercover officer. His actions led to a court-martial and his dishonorable discharge from the Marine Corps after four and a half years of service. Defendant is thus subject to denaturalization under 8 U.S.C. § 1440(c) as a servicemember who naturalized through the military but was dishonorably discharged without serving honorably for at least five years.

II. JURISDICTION, VENUE, AND PARTIES

1. This is an action filed under 8 U.S.C. §§ 1451(a) and 1440(c) 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. § 1440(c).

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

4. Defendant is a native of Ghana.

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

6. Venue is proper in the District of Maryland under 8 U.S.C. §§ 1451(a) and 1440(c) and 28 U.S.C. § 1391 because Defendant resides in Laurel, Maryland, which is within the jurisdiction and venue of this Court.

III. FACTUAL BACKGROUND

7. As required by 8 U.S.C. § 1451(a), an affidavit showing good cause for this action, signed by Andrew Gent, Special Agent with U.S. Immigration and Customs Enforcement, Homeland Security Investigations, is attached to this Complaint, as redacted for personally identifying information immaterial to this action. *See* Exhibit A, Affidavit of Good Cause.

A. Defendant's Immigration History

8. Defendant was born in Ghana.

9. On December 29, 2010, Defendant was admitted to the United States as a permanent resident.

10. On July 8, 2011, Defendant enlisted in the Marine Corps

11. On October 24, 2011, Defendant began his military service.

12. In 2013, Defendant was transferred to Camp Kinser, a Marine Corps base in Okinawa, Japan.

13. On September 30, 2014, Defendant applied for U.S. citizenship by filing with U.S. Citizenship and Immigration Services (“USCIS”) a Form N-400, Application for Naturalization (“N-400”). A true and complete copy of that N-400, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit B.

14. Defendant applied for U.S. citizenship pursuant to a statute that permits U.S. servicemembers to seek U.S. citizenship without having held permanent resident status for the period required of civilian naturalization applicants. The statute requires that servicemembers must have served or must be serving honorably during a designated period of engagement in armed conflict with a hostile foreign force. *See* 8 U.S.C. § 1440(a).

15. Such periods of hostilities include the period, designated the War on Terrorism, 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), at <https://www.uscis.gov/policy-manual/volume-12-part-i-chapter-3#footnote-19> (last visited Aug. 27, 2025).

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

17. On September 24, 2013, the Marine Corps completed a Form N-426, Certification of Honorable Service (“N-426”), certifying that Defendant had been serving honorably in the military since October 24, 2011. A true and complete copy of that N-426, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit C.

18. Defendant submitted the N-426 with his N-400.

19. On March 4, 2014, USCIS approved Defendant's N-400.

20. On March 7, 2014, Defendant took the oath of allegiance while stationed in Japan and became a naturalized U.S. citizen. USCIS issued him Certificate of Naturalization No.

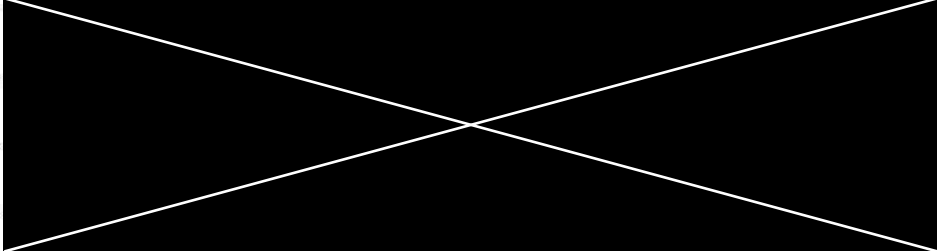
 A true and complete copy of that Certificate of Naturalization No.  except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit D.

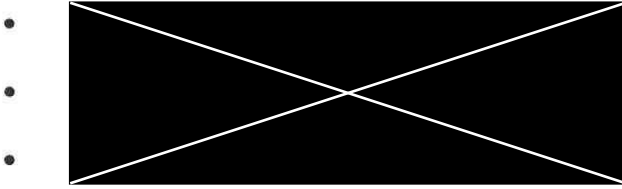
B. Defendant's Criminal History and Discharge from the Military

21. Between on or about February 24, 2015, and on or about March 6, 2015, while Defendant was an active-duty Marine stationed in Japan, he attempted to sexually assault a child by driving to the house of an individual whom he believed was fourteen-years old to have sexual intercourse with her.

22. Between on or about February 24, 2015, and on or about March 6, 2015, while Defendant was an active-duty Marine stationed in Japan, he attempted the sexual abuse of an individual whom he believed to be fourteen-years old by intentionally exchanging lewd and sexually explicit communications with her.

23. Defendant intentionally sent the following messages between on or about February 24, 2015, and on or about March 6, 2015, to the individual whom he believed to be fourteen-years old:

- 
-
-
-



24. While Defendant believed he was communicating with a fourteen-year old child to have sex with him, he was in fact communicating with an undercover officer from the Naval Criminal Investigation Service.

25. Defendant was subsequently arrested.

26. On April 14, 2015, the Marine Corps initiated a court-martial against Defendant by filing a Charge Sheet alleging three violations of the Uniform Code of Military Justice (“UCMJ”) against Defendant: (1) attempted sexual assault of a child and attempted sexual abuse of a child, in violation of UCMJ Article 80, which criminalizes attempted crimes; (2) indecent language, in violation of UCMJ Article 134 (conduct unbecoming), paragraph 89; and (3) wrongful solicitation, in violation of UCMJ Article 134, paragraph 105. A true and complete copy of that Charge Sheet, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit E.

27. On June 16, 2015, Defendant appeared before a court-martial convened by the Marine Corps and pleaded guilty to and was convicted of the first charge filed against him, attempted sexual assault of a child and attempted sexual abuse of a child, in violation of the UCMJ Article 80. A true and complete copy of Defendant’s Form NAVMC 118(13), Record of Conviction By Court-Martial, is attached hereto as Exhibit F.

28. Defendant was sentenced to eighteen months in confinement, less 102 days of time served, and ordered to register as a sex offender.

29. On May 5, 2016, the Marine Corps dishonorably discharged Defendant.

30. The U.S. Armed Forces, including the Marine Corps, issue a DD-214 to a servicemember upon his or her discharge from the U.S. Armed Forces.

31. On February 12, 2024, the Marine Corps administratively reissued a Form DD-214, Certificate of Release or Discharge from Active Duty, that reflects and records the circumstances of Defendant's discharge ("DD-214"). A true, complete, and copy of that DD-214, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit G.

32. Defendant's DD-214 was issued by the executive department under which Defendant was serving at the time of his separation from the U.S. Armed Forces. *See id.*

33. The Marine Corps has authenticated Defendant's DD-214 as a document made from information transmitted by a person with knowledge of the matters discussed in the DD-214, that was kept in the course of regularly conducted activity, and that was made by the regularly conducted activity as a regular practice. *See id.*

34. The DD-214 notes October 24, 2011, as the date Defendant entered service; May 6, 2016, as his date of discharge; and his active service as totaling four years, six months, and thirteen days. *See id.*

35. The DD-214 characterizes Defendant's military service as dishonorable. *See id.*

36. The DD-214 describes Defendant's court-martial as the reason for his discharge from the Marine Corps. *See id.*

IV. CAUSE OF ACTION

COUNT I

**SEPARATION FROM THE ARMED FORCES
UNDER OTHER THAN HONORABLE CONDITIONS
PRIOR TO FIVE YEARS OF HONORABLE SERVICE**

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

38. The Immigration and Nationality Act at 8 U.S.C. § 1440(c) provides that U.S. citizenship granted pursuant to 8 U.S.C. § 1440(a) “may be revoked in accordance with section 1451 of this title if the person is separated from the Armed Forces under other than honorable conditions before the person has served honorably for a period or periods aggregating five years.”

39. Section 1440(c) further provides as follows:

The fact that the naturalized person was separated from the service under other than honorable conditions shall be proved by a duly authenticated certification from the executive department under which the person was serving at the time of separation. Any period or periods of service shall be proved by duly authenticated copies of the records of the executive departments having custody of the records of such service.

40. Defendant obtained U.S. citizenship pursuant to 8 U.S.C. § 1440(a).

41. Defendant’s service with the U.S. Armed Forces began on October 24, 2011. *See* Ex. F.

42. Defendant was separated from the U.S. Armed Forces on May 6, 2016. *See id.*

43. Defendant was separated from the U.S. Armed Forces under other than honorable conditions. *See id.*

44. In fact, Defendant was separated from the U.S. Armed Forces under dishonorable conditions. *See id.*

45. As characterized by Defendant's DD-214, Defendant's entire term of service with the U.S. Armed Forces was dishonorable. *See id.*

46. Defendant was, therefore, separated from the U.S. Armed Forces under other than honorable conditions without serving honorably for any period of time.

47. Even if the characterization of Defendant's discharge from military service did not render the entirety of his military service as dishonorable, Defendant still only served in the U.S. Armed Forces for a total of four years, six months, and thirteen days. *See id.*

48. Thus, Defendant was separated from the U.S. Armed Forces under other than honorable conditions before he had served in the U.S. Armed Forces for a period or periods aggregating five years.

49. Because Defendant was separated from the U.S. Armed Forces under other than honorable conditions before he had served honorably for a period or periods aggregating five years, this Court should revoke his U.S. citizenship pursuant to 8 U.S.C. § 1440(c).

50. No equitable or discretionary factors preclude the revocation of Defendant's naturalization or justify Defendant's continued U.S. citizenship.

PRAYER FOR RELIEF

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

1. A declaration that Defendant obtained his naturalization pursuant to 8 U.S.C. § 1440(a) and subsequently separated from the U.S. Armed Forces under other than honorable conditions before completing a period or periods aggregating five years of honorable service;
2. A declaration that Defendant is subject to denaturalization under 8 U.S.C. § 1440(c);

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, March 7, 2014;

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 March 7, 2014, naturalization;

5. Judgment requiring Defendant to surrender and deliver, within twenty-one days of the entry of judgment against him, his Certificate of Naturalization and any copies thereof in his possession to the Attorney General through undersigned counsel located in Washington, D.C. and to make good faith efforts to recover and immediately surrender to the Attorney General through undersigned counsel any copies thereof that he knows are in the possession of others;

6. Judgment requiring Defendant to surrender and deliver, within twenty-one days of the entry of judgment against him, any other indicia of U.S. citizenship (including, but not limited to, U.S. passports and enhanced driver's licenses) and any copies thereof in his possession to the Attorney General through undersigned counsel located in Washington, D.C. and to make good faith efforts to recover and immediately surrender to the Attorney General through undersigned counsel any copies thereof that he knows are in the possession of others; and

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

Dated: December 8, 2025

KELLY O. HAYES
United States Attorney
District of Maryland

/s/ Thomas Corcoran
THOMAS CORCORAN
Assistant United States Attorney
District of Maryland
6406 Ivy Lane Suite 800
Greenbelt, MD 20770
Telephone: (301) 344-4433
Thomas.Corcoran@usdoj.gov

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General
U.S. Department of Justice
Civil Division

JENNIFER J. KEENEY
Associate Director
Office of Immigration Litigation
General Litigation & Appeals Section
Enforcement Unit

JOHN J.W. INKELES
Chief
Affirmative Litigation Unit

/s/ Hans H. Chen
HANS H. CHEN
Deputy Chief
Office of Immigration Litigation
General Litigation & Appeals Section
Affirmative Litigation Unit
P.O. Box 878
Washington, DC 20044
Telephone: (202) 305-0190
Hans.h.chen@usdoj.gov

Attorneys for Plaintiff
United States of America

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS ESHUN,

Defendant.

*
*
*
*
*
*
*
*

Case No. 8:25-cv-4006

**COMPLAINT TO REVOKE
NATURALIZATION**

EXHIBIT A

UNITED STATES OF AMERICA)

DISTRICT OF MARYLAND)

In the Matter of the Revocation
of the Naturalization of)

AFFIDAVIT OF GOOD CAUSE

Nicholas ESHUN)

A )

I, , declare under penalty of perjury as follows:

- I. I am a Special Agent for Immigration and Customs Enforcement – Homeland Security Investigations (ICE-HSI), Department of Homeland Security (DHS)¹. In this capacity, I have access to the official records of DHS, including the immigration file of Mr. Nicholas Eshun, A  hereafter “Mr. Eshun”.
- II. I have examined the records relating to Mr. Eshun. Based upon 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. Based on the facts and law contained herein, good cause exists to institute proceedings pursuant to section 340(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1451(a)² to revoke the citizenship of Mr. Eshun and to cancel his Certificate of Naturalization.

¹ Pursuant to the Department of Homeland Security Reorganization Plan, Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002), 6 U.S.C. §§ 101-557, as of March 1, 2003, the Immigration and Naturalization Service (INS) was abolished and its functions were transferred to USCIS within DHS. This affidavit will refer to INS or USCIS as appropriate.

² While some provisions of the Immigration and Nationality Act, as contained in the United States Code, have been renumbered throughout the years, not all provisions have undergone such renumbering. Where necessary, this Affidavit of Good Cause lists the applicable year for a United States Code reference. If no year is included within the citation, it means that the United States Code citation is the same today as it was during the time in question.

IV. Mr. Eshun's last known place of residence is [REDACTED]

Laurel, MD 20723.

BACKGROUND

- V. Mr. Eshun was born in Ghana on [REDACTED]. He entered the United States at New York City, NY on December 29, 2010 as a lawful permanent resident in DV1 immigrant status.
- VI. On October 24, 2011, Mr. Eshun enlisted into the Armed Forces of the United States.
- VII. On September 30, 2013, Mr. Eshun filed an Application for Naturalization, Form N-400, and on March 7, 2014, he was admitted as a citizen of the United States pursuant to INA § 329(a). On this same date he was issued a Certificate of Naturalization, number [REDACTED].
- VIII. On April 14, 2015, Mr. Eshun was charged, inter alia, pursuant to the Uniform Code of Military Justice, Article 80, specifying that he did (1) between on or about February 24, 2015 and on or about March 6, 2015, attempt sexual assault of a child, by driving to the house of an individual, who Corporal Eshun believed had not attained the age of 16 years, to have sexual intercourse with her; and (2) between on or about February 24, 2015 and on or about March 6, 2015, attempt sexual abuse of a child who Corporal Eshun believed had not attained the age of 16 years, by committing a lewd act, to wit: intentionally communicating indecent language, to wit: [...] or words to that affect, with an intent to arouse and to gratify his sexual desire.

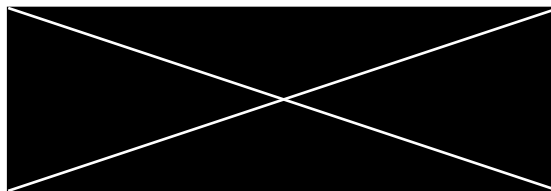
- IX. Mr. Eshun pleaded guilty to Specifications 1 and 2 and on June 16, 2015 was sentenced to a reduction in pay grade of E-1; to forfeit all pay and allowances; to be confined for 18 months; and to be discharged from the Marine Corps with a dishonorable discharge.
- X. On May 6, 2016, Mr. Eshun was dishonorably discharged from the Marine Corps.

REVOCATION OF CITIZENSHIP

- XI. Citizenship granted pursuant to INA §329 may be revoked if a person is separated from the Armed Forces under other than honorable conditions before the person has served honorably for a period or periods aggregating five years. INA § 329(c)
- XII. Mr. Eshun was separated from the Armed Forces under a dishonorable discharge on May 6, 2016.
- XIII. The time period in which Mr. Eshun served in the Armed Forces was from October 24, 2011, until May 6, 2016, a period of less than five years.

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 this 19th day of November 2025.



U.S. Department of Homeland Security
Immigration and Customs Enforcement
Homeland Security Investigations