

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 26-CV-21064-MOORE

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILIPPE BIEN-AIME,
a/k/a JEAN PHILIPPE JANVIER,

Defendant.

_____ /

**DEFENDANT PHILIPPE BIEN-AIME'S PARTIAL ANSWER AND
AFFIRMATIVE DEFENSES TO COUNTS I, IV, AND THE
UNCHALLENGED PORTIONS OF COUNT VI
OF THE COMPLAINT TO REVOKE NATURALIZATION**

The Defendant Philippe Bien-Aime ("Defendant"), through undersigned counsel, files this Partial Answer and Affirmative Defenses to the United States' Complaint to Revoke Naturalization (the "Complaint"). Contemporaneously with this Partial Answer, Defendant is filing a Motion to Dismiss Counts II, III, and V of the Complaint and to dismiss or narrow Count VI to the extent it alleges that Defendant affirmatively represented on his Form N-400 that he had never used another name.

Accordingly, Defendant answers the Complaint as set forth below with respect to the factual allegations incorporated into the remaining claims, Count I, Count IV, and the unchallenged portions of Count VI. Defendant does not waive, and expressly preserves, all arguments asserted in his contemporaneously filed Motion to Dismiss.

To the extent any allegation addressed below overlaps with a count or theory challenged in that Motion, Defendant's response is made without waiver of the Motion and without conceding that the challenged allegation states a claim upon which relief may be granted.

Except as expressly admitted below, Defendant denies each and every allegation of the Complaint, including any allegation that he illegally procured naturalization, procured naturalization by concealment of a material fact or willful misrepresentation, or is subject to revocation of his United States citizenship.

To the extent a response is required to the Complaint's unnumbered Preliminary Statement of the Case, Defendant denies the allegations, characterizations, and legal conclusions contained therein, except to the extent expressly admitted in this Partial Answer.

ANSWER TO NUMBERED ALLEGATIONS

I. PARTIES, JURISDICTION, AND VENUE

1. Paragraph 1 states legal conclusions regarding the nature of this action and the relief sought, to which no response is required. To the extent a response is required, Defendant admits that Plaintiff purports to bring this action under 8 U.S.C. § 1451(a), but denies that Plaintiff is entitled to revoke or set aside Defendant's naturalization or cancel his Certificate of Naturalization.

2. Defendant admits the allegations of Paragraph 2.

3. Defendant admits that he is a naturalized United States citizen and that his residence is in North Miami, Florida. Defendant denies any remaining allegations or implications of Paragraph 3 not expressly admitted.

4. Paragraph 4 states legal conclusions regarding subject-matter jurisdiction, to which no response is required. To the extent a response is required, Defendant admits only that Plaintiff invokes 28 U.S.C. §§ 1331 and 1345 and 8 U.S.C. § 1451(a), but denies that Plaintiff is entitled to the relief requested.

5. Paragraph 5 states a legal conclusion regarding venue, to which no response is required. To the extent a response is required, Defendant admits that venue is proper in this District.

6. Defendant admits that the Complaint attaches a document labeled as the Affidavit of Good Cause of Helen Villalobos as Exhibit A. Defendant denies that Exhibit A establishes good cause to institute this action, denies that it establishes the truth of the Complaint's allegations, and otherwise denies the allegations of Paragraph 6.

II. FACTUAL BACKGROUND

7. Defendant admits the allegations of Paragraph 7.

8. Defendant denies the allegations of Paragraph 8.

A. Defendant's Alleged Immigration History as Jean Philippe Janvier

9. Defendant admits that the Complaint refers to a Form I-862, Notice to Appear, attached as Exhibit B, and that Exhibit B speaks for itself. Defendant denies

the remaining allegations of Paragraph 9 and denies any characterization of Exhibit B inconsistent with its contents.

10. Defendant lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 10 and therefore denies them.

11. Defendant admits that the Complaint alleges that an NTA was filed before the Immigration Court on August 14, 1997. Defendant denies the remaining allegations of Paragraph 11, including any legal conclusions asserted therein.

12. Defendant denies the allegations of Paragraph 12.

13. Defendant admits that the Complaint refers to a document attached as Exhibit C and that Exhibit C speaks for itself. Defendant denies the remaining allegations of Paragraph 13 and denies any characterization of Exhibit C inconsistent with its contents.

14. Defendant admits that the Complaint refers to a document attached as Exhibit D and that Exhibit D speaks for itself. Defendant denies the remaining allegations of Paragraph 14 and denies any characterization of Exhibit D inconsistent with its contents.

15. Defendant admits that the Complaint refers to transcript excerpts attached as Exhibit E and that Exhibit E speaks for itself. Defendant denies the remaining allegations of Paragraph 15 and denies any characterization of Exhibit E inconsistent with its contents.

16. Defendant admits that Exhibit E speaks for itself. Defendant denies the remaining allegations of Paragraph 16 and denies any characterization of Exhibit E inconsistent with its contents.

17. Defendant admits that Exhibit E speaks for itself. Defendant denies the remaining allegations of Paragraph 17 and denies any characterization of Exhibit E inconsistent with its contents.

18. Defendant denies the allegations of Paragraph 18.

19. Defendant denies the allegations of Paragraph 19.

20. Defendant denies the allegations of Paragraph 20.

21. Defendant denies the allegations of Paragraph 21.

22. Defendant denies the allegations of Paragraph 22.

23. Defendant admits that the Complaint refers to a Form I-261 attached as Exhibit F and that Exhibit F speaks for itself. Defendant denies the remaining allegations of Paragraph 23 and denies any characterization of Exhibit F inconsistent with its contents.

24. Defendant denies the allegations of Paragraph 24.

25. Defendant admits that the Complaint refers to an order attached as Exhibit G and that Exhibit G speaks for itself. Defendant denies the remaining allegations of Paragraph 25 and denies any characterization of Exhibit G inconsistent with its contents or legal effect.

26. Defendant admits that the Complaint purports to quote from an Immigration Judge's oral decision and that the referenced decision speaks for itself.

Defendant denies the remaining allegations of Paragraph 26 and denies any characterization inconsistent with the referenced decision.

27. Defendant admits that the Complaint alleges that an appeal was filed with the Board of Immigration Appeals. Defendant denies the remaining allegations of Paragraph 27.

28. Defendant admits that the Complaint refers to a Notice of Voluntary Dismissal and attached letter, which are attached as Exhibit H and speak for themselves. Defendant denies the remaining allegations of Paragraph 28 and denies any characterization of Exhibit H inconsistent with its contents.

29. Defendant admits that the Complaint refers to a letter included within Exhibit H and that the document speaks for itself. Defendant denies the remaining allegations of Paragraph 29 and denies any characterization inconsistent with Exhibit H.

30. Defendant admits that the Complaint refers to a Board order attached as Exhibit I and that Exhibit I speaks for itself. Defendant denies the remaining allegations of Paragraph 30 and denies any characterization of Exhibit I inconsistent with its contents or legal effect.

31. Defendant admits that the Complaint refers to a Notice to Report for Deportation attached as Exhibit J and that Exhibit J speaks for itself. Defendant denies the remaining allegations of Paragraph 31 and denies any characterization of Exhibit J inconsistent with its contents or legal effect.

32. Defendant denies the allegations of Paragraph 32.

33. Defendant admits that the Complaint refers to a Warrant of Removal/Deportation attached as Exhibit K and that Exhibit K speaks for itself. Defendant denies the remaining allegations of Paragraph 33 and denies any characterization of Exhibit K inconsistent with its contents or legal effect.

34. Defendant denies the allegations of Paragraph 34.

B. Defendant's Immigration History as Philippe Bien-Aime

35. Defendant admits that the Complaint alleges that applications for immigration benefits were submitted under the name Philippe Bien-Aime. Defendant denies the remaining allegations of Paragraph 35 to the extent they imply wrongdoing, fraud, or entitlement to relief.

Form I-485, Adjustment Application

36. Defendant admits that the Complaint alleges that he married Marie Rose Chauvet on or about May 30, 2001, in Florida. Defendant denies any remaining allegations or implications of Paragraph 36 not expressly admitted.

37. Defendant denies the allegations of Paragraph 37.

38. Defendant denies the allegations of Paragraph 38.

39. Defendant denies the allegations of Paragraph 39.

40. Defendant denies the allegations of Paragraph 40.

41. Defendant denies the allegations of Paragraph 41.

42. Defendant lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 42 and therefore denies them.

43. Defendant admits that the Complaint refers to a Form I-485 attached as Exhibit L and that Exhibit L speaks for itself. Defendant denies the remaining allegations of Paragraph 43 and denies any characterization of Exhibit L inconsistent with its contents.

44. Defendant admits that the Complaint purports to quote or paraphrase Part 3, Section B of Exhibit L and that Exhibit L speaks for itself. Defendant denies any characterization inconsistent with Exhibit L.

45. Defendant admits that Exhibit L speaks for itself. Defendant denies that Paragraph 45 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 45.

46. Defendant admits that the Complaint purports to quote or paraphrase Part 3, Question 10 of Exhibit L and that Exhibit L speaks for itself. Defendant denies any characterization inconsistent with Exhibit L.

47. Defendant admits that Exhibit L speaks for itself. Defendant denies that Paragraph 47 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 47.

48. Defendant admits that Exhibit L speaks for itself. Defendant denies the remaining allegations of Paragraph 48 to the extent they imply wrongdoing or entitlement to relief.

49. Defendant lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 49 and therefore denies them.

50. Defendant admits that Exhibit L speaks for itself. Defendant denies any characterization of Exhibit L inconsistent with its contents and otherwise denies the allegations of Paragraph 50.

51. Defendant admits that the Complaint refers to a Haitian divorce extract attached as Exhibit M and that Exhibit M speaks for itself. Defendant denies the remaining allegations of Paragraph 51 and denies any characterization of Exhibit M inconsistent with its contents or legal effect.

52. Defendant admits that Exhibit M speaks for itself. Defendant denies any remaining allegations or implications of Paragraph 52 not expressly admitted.

53. Defendant admits that the Complaint refers to a Form G-325A attached as Exhibit N and that Exhibit N speaks for itself. Defendant denies the remaining allegations of Paragraph 53 and denies any characterization of Exhibit N inconsistent with its contents.

54. Defendant admits that Exhibit N speaks for itself. Defendant denies that Paragraph 54 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 54.

55. Defendant admits that Exhibit N speaks for itself. Defendant denies that Paragraph 55 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 55.

56. Defendant admits that Exhibit N speaks for itself. Defendant denies that Paragraph 56 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 56.

57. Defendant admits that Exhibit N speaks for itself. Defendant denies the remaining allegations of Paragraph 57 to the extent they imply wrongdoing or entitlement to relief.

58. Defendant denies the allegations of Paragraph 58.

59. Defendant admits that he appeared for an adjustment-related interview on or about August 14, 2002. Defendant denies the remaining allegations of Paragraph 59 and denies any implication that he made false oral statements or gave false testimony.

60. Defendant denies the allegations of Paragraph 60.

61. Defendant denies the allegations of Paragraph 61.

62. Defendant denies the allegations of Paragraph 62.

63. Defendant denies the allegations of Paragraph 63.

64. Defendant admits that the Complaint alleges INS approved Chauvet's Form I-130 and Defendant's adjustment application on August 14, 2002, and accorded Defendant conditional permanent resident status. Defendant denies any remaining allegations or implications of Paragraph 64 not expressly admitted.

65. Defendant lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 65 and therefore denies them.

Form I-751, Petition to Remove Conditions

66. Defendant admits that the Complaint refers to a Form I-751 attached as Exhibit O and that Exhibit O speaks for itself. Defendant denies the remaining

allegations of Paragraph 66 and denies any characterization of Exhibit O inconsistent with its contents.

67. Defendant admits that Exhibit O speaks for itself. Defendant denies that Paragraph 67 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 67.

68. Defendant admits that Exhibit O speaks for itself. Defendant denies any remaining allegations or implications of Paragraph 68 not expressly admitted.

69. Defendant admits that Exhibit O speaks for itself. Defendant denies that Paragraph 69 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 69.

70. Defendant admits that Exhibit O speaks for itself. Defendant denies the remaining allegations of Paragraph 70 to the extent they imply wrongdoing or entitlement to relief.

71. Defendant denies the allegations of Paragraph 71.

72. Defendant admits that the Complaint alleges that the Form I-751 was approved on March 14, 2005, and that Defendant was accorded permanent resident status as of August 14, 2002. Defendant denies any remaining allegations or implications of Paragraph 72 not expressly admitted.

Form N-400, Naturalization Application

73. Defendant admits that the Complaint refers to a Form N-400 attached as Exhibit P and that Exhibit P speaks for itself. Defendant denies the remaining

allegations of Paragraph 73 and denies any characterization of Exhibit P inconsistent with its contents.

74. Defendant admits that the Complaint purports to quote or paraphrase Part 1, Question C of Exhibit P and that Exhibit P speaks for itself. Defendant denies any characterization inconsistent with Exhibit P.

75. Defendant admits that the Complaint alleges that no response was provided to Part 1, Question C of the Form N-400. Defendant denies that this allegation constitutes an affirmative representation that he had never used another name, and otherwise denies the allegations of Paragraph 75.

76. Defendant admits that the Complaint purports to quote or paraphrase Part 8, Question A of Exhibit P and that Exhibit P speaks for itself. Defendant denies any characterization inconsistent with Exhibit P.

77. Defendant admits that Exhibit P speaks for itself. Defendant denies that Paragraph 77 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 77.

78. Defendant admits that the Complaint purports to quote or paraphrase Part 8, Question F of Exhibit P, and that Exhibit P speaks for itself. Defendant denies any characterization inconsistent with Exhibit P.

79. Defendant admits that Exhibit P speaks for itself. Defendant denies that Paragraph 79 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 79.

80. Defendant admits that the Complaint purports to quote or paraphrase Part 9, Question A of Exhibit P, and that Exhibit P speaks for itself. Defendant denies any characterization inconsistent with Exhibit P.

81. Defendant admits that Exhibit P speaks for itself. Defendant denies that Paragraph 81 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 81.

82. Defendant admits that the Complaint purports to quote or paraphrase Part 9, Question B of Exhibit P and that Exhibit P speaks for itself. Defendant denies any characterization inconsistent with Exhibit P.

83. Defendant admits that Exhibit P speaks for itself. Defendant denies that Paragraph 83 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 83.

84. Defendant admits that the Complaint purports to quote or paraphrase Part 10, Question 22(d) of Exhibit P and that Exhibit P speaks for itself. Defendant denies any characterization inconsistent with Exhibit P.

85. Defendant admits that Exhibit P speaks for itself. Defendant denies that Paragraph 85 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 85.

86. Defendant admits that the Complaint purports to quote or paraphrase Part 10, Question 23 of Exhibit P and that Exhibit P speaks for itself. Defendant denies any characterization inconsistent with Exhibit P.

87. Defendant admits that Exhibit P speaks for itself. Defendant denies that Paragraph 87 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 87.

88. Defendant admits that the Complaint purports to quote or paraphrase Part 10, Question 24 of Exhibit P and that Exhibit P speaks for itself. Defendant denies any characterization inconsistent with Exhibit P.

89. Defendant admits that Exhibit P speaks for itself. Defendant denies that Paragraph 89 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 89.

90. Defendant admits that the Complaint purports to quote or paraphrase Part 10, Question 27 of Exhibit P and that Exhibit P speaks for itself. Defendant denies any characterization inconsistent with Exhibit P.

91. Defendant admits that Exhibit P speaks for itself. Defendant denies that Paragraph 91 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 91.

92. Defendant admits that the Complaint purports to quote or paraphrase Part 10, Question 28 of Exhibit P and that Exhibit P speaks for itself. Defendant denies any characterization inconsistent with Exhibit P.

93. Defendant admits that Exhibit P speaks for itself. Defendant denies that Paragraph 93 establishes any false statement, fraud, misrepresentation, or ground for denaturalization, and otherwise denies the allegations of Paragraph 93.

94. Defendant admits that Exhibit P speaks for itself. Defendant denies the remaining allegations of Paragraph 94 to the extent they imply wrongdoing or entitlement to relief.

95. Defendant admits that he appeared for a naturalization-related interview on or about February 23, 2006. Defendant denies the remaining allegations of Paragraph 95 and denies any implication that he made false oral statements or gave false testimony.

96. Defendant denies the allegations of Paragraph 96.

97. Defendant denies the allegations of Paragraph 97.

98. Defendant denies the allegations of Paragraph 98.

99. Defendant denies the allegations of Paragraph 99.

100. Defendant denies the allegations of Paragraph 100.

101. Defendant denies the allegations of Paragraph 101.

102. Defendant admits that Exhibit P speaks for itself. Defendant denies the remaining allegations of Paragraph 102, including any allegation that the alleged signature establishes false oral testimony, willful misrepresentation, concealment of material facts, or a basis for denaturalization.

103. Defendant denies the allegations of Paragraph 103.

104. Defendant denies the allegations of Paragraph 104.

105. Defendant denies the allegations of Paragraph 105.

106. Defendant denies the allegations of Paragraph 106.

107. Defendant denies the allegations of Paragraph 107.

108. Defendant denies the allegations of Paragraph 108.

109. Defendant denies the allegations of Paragraph 109.

110. Defendant denies the allegations of Paragraph 110.

111. Defendant denies the allegations of Paragraph 111.

112. Defendant admits that the Complaint alleges USCIS approved his naturalization application on or about September 11, 2006. Defendant denies any remaining allegations or implications of Paragraph 112 not expressly admitted.

113. Defendant admits that he took the Oath of Allegiance and was admitted as a citizen of the United States on September 22, 2006, under the name Philippe Bien-Aime. Defendant denies any remaining allegations or implications of Paragraph 113 not expressly admitted.

114. Defendant admits that the Complaint alleges USCIS issued a Certificate of Naturalization to Defendant on September 22, 2006, in the name Philippe Bien-Aime, and that Exhibit Q speaks for itself. Defendant denies any remaining allegations or implications of Paragraph 114 not expressly admitted.

C. Report of Overseas Verification

115. Defendant admits that the Complaint refers to a Report of Overseas Verification attached as Exhibit R and that Exhibit R speaks for itself. Defendant denies the remaining allegations of Paragraph 115 and denies any characterization of Exhibit R inconsistent with its contents or legal effect.

116. Defendant admits that the Complaint alleges that the Verification Report concluded that a marriage certificate for Gelin and Philippe Bien-Aime was

found in the National Archives of Haiti and was therefore “presumably valid.” Defendant denies any remaining allegations or implications of Paragraph 116 not expressly admitted.

117. Defendant admits that the Complaint alleges that the Verification Report concluded that the divorce extract described in Paragraph 51 was fraudulent. Defendant denies that this allegation establishes that Defendant was never legally divorced from Gelin, denies that it establishes that his marriage to Chauvet was invalid, and otherwise denies the allegations of Paragraph 117.

D. Defendant’s Fingerprints

118. Defendant denies the allegations of Paragraph 118.

119. Defendant denies the allegations of Paragraph 119.

120. Defendant admits that the Complaint alleges that Officer Lowry took fingerprints on August 14, 2002. Defendant denies any remaining allegations or implications of Paragraph 120 not expressly admitted.

121. Defendant admits that the Complaint alleges that fingerprints were taken on or about April 19, 2005. Defendant denies any remaining allegations or implications of Paragraph 121 not expressly admitted.

122. Defendant admits that the Complaint alleges that fingerprints were taken on September 9, 2005. Defendant denies any remaining allegations or implications of Paragraph 122 not expressly admitted.

123. Defendant denies the allegations of Paragraph 123, including the allegation that the fingerprint impressions described in Paragraphs 118 through 122 were from the same person.

III. GOVERNING LAW

124. Paragraph 124 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited authority speaks for itself and denies any allegation that it entitles Plaintiff to relief.

125. Paragraph 125 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited authority speaks for itself and denies any allegation that it entitles Plaintiff to relief.

126. Paragraph 126 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited statute speaks for itself and denies any allegation that it entitles Plaintiff to relief.

127. Paragraph 127 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited statutes speak for themselves and denies any allegation that they entitle Plaintiff to relief.

128. Paragraph 128 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited statute speaks for itself and denies any allegation that it entitles Plaintiff to relief.

129. Paragraph 129 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited authority speaks for itself and denies any allegation that it entitles Plaintiff to relief.

130. Paragraph 130 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited statute speaks for itself and denies any allegation that it entitles Plaintiff to relief.

131. Paragraph 131 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited statute speaks for itself and denies any allegation that it entitles Plaintiff to relief.

132. Paragraph 132 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies that the cited regulation is accurately identified or accurately characterized and denies any allegation that it entitles Plaintiff to relief.

133. Paragraph 133 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited statute speaks for itself and denies any allegation that it entitles Plaintiff to relief.

134. Paragraph 134 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited statutes and regulation speak for themselves and denies any allegation that they entitle Plaintiff to relief.

135. Paragraph 135 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited statute speaks for itself and denies any allegation that it entitles Plaintiff to relief.

B. The Denaturalization Statute

136. Paragraph 136 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited statute speaks for itself and denies any allegation that it entitles Plaintiff to relief.

137. Paragraph 137 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited statute speaks for itself and denies any allegation that it entitles Plaintiff to relief.

138. Paragraph 138 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited authority speaks for itself and denies any allegation that it entitles Plaintiff to relief.

139. Paragraph 139 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited authority speaks for itself and denies any allegation that it entitles Plaintiff to relief.

140. Paragraph 140 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited authority speaks for itself and denies any allegation that it entitles Plaintiff to relief.

RESPONSES TO CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION

Final Removal Order Outstanding at Time of Naturalization

141. Defendant realleges and incorporates his responses to Paragraphs 1 through 140 as though fully set forth herein.

142. Paragraph 142 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited statute speaks for itself and denies any allegation that it entitles Plaintiff to relief.

143. Defendant incorporates his response to Paragraph 25. Defendant denies any remaining allegations or implications of Paragraph 143 not expressly admitted therein.

144. Defendant incorporates his response to Paragraph 30. Defendant further notes that Paragraph 144 states that the alleged removal order became final on September 6, 2001, whereas Paragraph 30 alleges that it became final on or about July 6, 2001. Defendant denies the allegations of Paragraph 144 to the extent they are inconsistent with Paragraph 30 and otherwise denies any allegation that Plaintiff has established a basis for denaturalization.

145. Defendant denies the allegations of Paragraph 145.

146. Defendant denies the allegations of Paragraph 146.

147. Defendant denies the allegations of Paragraph 147.

COUNTS II, III, AND V

Counts II, III, and V are the subject of Defendant's contemporaneously filed Motion to Dismiss. Accordingly, Defendant does not answer those counts at this time. To the extent any response is deemed required before the Court resolves the Motion to Dismiss, Defendant denies each and every allegation of Counts II, III, and V.

COUNT IV

ILLEGAL PROCUREMENT OF NATURALIZATION

NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE

Inadmissible for Fraud or Misrepresentation

171. Defendant realleges and incorporates his responses to Paragraphs 1 through 140 as though fully set forth herein.

172. Paragraph 172 states legal conclusions to which no response is required. To the extent a response is required, Defendant admits only that the cited authority and statutes speak for themselves and denies any allegation that they entitle Plaintiff to relief.

173. Paragraph 173 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited statute speaks for itself and denies any allegation that it entitles Plaintiff to relief.

174. Defendant denies the allegations of Paragraph 174.

175. Paragraph 175 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits only that the cited statute speaks for itself and denies any allegation that it entitles Plaintiff to relief.

176. Defendant denies the allegations of Paragraph 176.

177. Defendant denies the allegations of Paragraph 177.

178. Defendant incorporates his responses to Paragraphs 42 through 64. Defendant denies any remaining allegations or implications of Paragraph 178 not expressly admitted therein.

179. Defendant denies the allegations of Paragraph 179.

180. Defendant denies the allegations of Paragraph 180.

181. Defendant denies the allegations of Paragraph 181 and each subparagraph thereof. Without limiting the foregoing:

181(a). Defendant denies the allegations of Paragraph 181(a).

181(b). Defendant denies the allegations of Paragraph 181(b).

181(c). Defendant denies the allegations of Paragraph 181(c).

181(d). Defendant denies the allegations of Paragraph 181(d).

181(e). Defendant denies the allegations of Paragraph 181(e).

181(f). Defendant denies the allegations of Paragraph 181(f).

182. Defendant denies the allegations of Paragraph 182.

183. Defendant denies the allegations of Paragraph 183.

184. Defendant denies the allegations of Paragraph 184.

COUNT VI

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

198. Defendant realleges and incorporates his responses to Paragraphs 1 through 140 as though fully set forth herein.

199. Paragraph 199 states legal conclusions to which no response is required. To the extent a response is required, Defendant denies that Plaintiff is entitled to revoke Defendant's citizenship or cancel his Certificate of Naturalization under 8 U.S.C. § 1451(a).

200. Defendant denies the allegations of Paragraph 200.

201. Defendant contemporaneously moves to dismiss or narrow the portion of Count VI predicated on Paragraph 201. Accordingly, no response is required at this

time. To the extent a response is deemed required, Defendant denies that he affirmatively indicated on his Form N-400 that he had never used any name other than Philippe Bien-Aime and otherwise denies the allegations of Paragraph 201.

202. Defendant denies the allegations of Paragraph 202.

203. Defendant denies the allegations of Paragraph 203.

204. Defendant denies the allegations of Paragraph 204.

205. Defendant denies the allegations of Paragraph 205.

206. Defendant denies the allegations of Paragraph 206.

207. Defendant denies the allegations of Paragraph 207.

208. Defendant denies the allegations of Paragraph 208.

209. Defendant denies the allegations of Paragraph 209.

210. Defendant denies the allegations of Paragraph 210.

211. Defendant denies the allegations of Paragraph 211.

212. Defendant denies the allegations of Paragraph 212.

RESPONSE TO PRAYER FOR RELIEF

Defendant denies that Plaintiff is entitled to any of the relief requested in the Complaint, including but not limited to revocation of Defendant's United States citizenship, cancellation of his Certificate of Naturalization, declaratory relief, injunctive relief, surrender of citizenship documents, or any other relief. Defendant requests that the Court deny the relief sought in the Complaint and grant such other and further relief as the Court deems just and proper.

DEFENSES AND AFFIRMATIVE DEFENSES

Without assuming any burden of proof that properly rests with Plaintiff, without waiving any denials set forth above, and without waiving the arguments asserted in Defendant's contemporaneously filed Motion to Dismiss, Defendant asserts the following defenses and, to the extent applicable, affirmative defenses.

FIRST AFFIRMATIVE DEFENSE

Failure to State a Claim

The Complaint, including the claims and theories answered herein, fails in whole or in part to state a claim upon which relief may be granted. Defendant expressly incorporates by reference the arguments set forth in his contemporaneously filed Motion to Dismiss to the extent applicable and preserves the right to assert failure to state a claim as to any remaining allegations or theories.

SECOND AFFIRMATIVE DEFENSE

Failure to Establish Illegal Procurement of Naturalization

Plaintiff cannot establish that Defendant illegally procured naturalization. Defendant denies that he was statutorily ineligible for naturalization on any ground alleged in Count I or Count IV and denies that Plaintiff can establish the factual and legal predicates necessary to revoke his citizenship under 8 U.S.C. § 1451(a).

THIRD AFFIRMATIVE DEFENSE

No Willful, Material, or Causative Misrepresentation or Concealment

Plaintiff cannot establish that Defendant procured naturalization by concealment of a material fact or by willful misrepresentation. Defendant denies that he knowingly or willfully concealed or misrepresented any material fact during the

naturalization process, denies that any alleged statement or omission was material within the meaning of the denaturalization statute, and denies that citizenship was procured as a result of any alleged concealment or misrepresentation.

FOURTH AFFIRMATIVE DEFENSE

Lack of Procurement Causation

To the extent Plaintiff relies on alleged misstatements, omissions, or nondisclosures in support of Count VI, Plaintiff cannot establish the required causal nexus between any alleged conduct and Defendant's procurement of naturalization. Any alleged statement or omission identified by Plaintiff did not cause Defendant to obtain citizenship within the meaning of 8 U.S.C. § 1451(a).

FIFTH AFFIRMATIVE DEFENSE

Failure of Proof as to Identity and Predicate Allegations

Plaintiff cannot satisfy its burden of establishing the factual predicates necessary for revocation of citizenship, including but not limited to the allegation that records associated with the name Jean Philippe Janvier and records associated with Defendant necessarily concern the same person, the allegations regarding the legal effect and finality of the alleged prior removal proceedings, and the allegations that any statements made in immigration filings or interviews were false, fraudulent, willful, or material.

SIXTH AFFIRMATIVE DEFENSE

Relief Requested Exceeds What Plaintiff Can Establish Under Applicable Law

Plaintiff is not entitled to the declaratory, injunctive, surrender, or other relief requested in the Complaint unless it proves a statutory basis for denaturalization under 8 U.S.C. § 1451(a). Defendant denies that Plaintiff has established, or can establish, entitlement to the relief requested.

WHEREFORE, Defendant Philippe Bien-Aime respectfully requests that the Court deny all relief sought in the Complaint, enter judgment in Defendant's favor on the claims answered herein, and award such other and further relief as the Court deems just, proper, and warranted under the circumstances.

Respectfully submitted,

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By: /s/ Paul D. Petruzzi
PAUL D. PETRUZZI, ESQ.
Florida Bar No. 982059

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 18, 2026, a true and correct copy of the foregoing was furnished by CM/ECF to all counsel of record.

By: /s/ Paul D. Petruzzi
PAUL D. PETRUZZI, ESQ.
Attorney for Philippe Bien-Aime