UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. SEDEECK MOHAMMAD TOURE, A[redacted], a.k.a. MAMADOU TOURE, A[redacted] Defendant.	)	Civil Action No. 1:26-cv-00718 **COMPLAINT TO REVOKE NATURALIZATION**

I. PRELIMINARY STATEMENT OF THE CASE

The United States of America brings this civil action against Sedeeck Mohammad Toure f.k.a. Venuste Mohammad Ramazani, a.k.a. Mamadou Toure ("Defendant") to revoke his naturalized United States citizenship under 8 U.S.C. § 1451(a). The United States alleges that Defendant procured his naturalization unlawfully and that he willfully misrepresented and concealed material facts in applying to naturalize.

Before he naturalized as a United States citizen on October 22, 2010 under the identity Sedeeck Mohammad Toure, Defendant previously sought immigration benefits and was ordered deported from the United States under a different identity: Mamadou Toure. Specifically, in 1995, Defendant filed an application for benefits with the Immigration and Naturalization Service ("INS")[1] using the name Mamadou

[1] On March 1, 2003, the INS ceased to exist as an independent agency within the Department of Justice, and many of its functions were transferred to the newly formed Department of Homeland Security. *See* Homeland Security Act of 2002, Pub.

Toure. INS referred Defendant to immigration court. In October 1995, an immigration judge granted Defendant the privilege of voluntary departure, permitting him to depart the United States at his own expense by May 31, 1996, with an alternate order of deportation to Mali. Defendant failed to depart the United States by May 31, 1996. As a result, the alternate order of deportation became effective, rendering the deportation order final. Accordingly, the INS ordered Defendant to report for deportation on July 15, 1997, but he did not appear for deportation.

In August 1996, after being ordered deported using the identity Mamadou Toure, Defendant used an alternate identity, Venuste Mohammad Ramazani, to file an application for an immigration benefit with the INS. In this application, Defendant changed, among other things, his name, date of birth, his nation of origin, whether he had a wife and children, and basis for his claim. Later that same year, the INS granted Defendant's application. In November 2005, the INS approved Defendant's adjustment of status application under the identity Venuste Mohammad Ramazani. And in October 2010, Defendant naturalized under the identity and immigration history of Sedeeck Mohammad Toure.[2] Defendant did not disclose his

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L. No. 107-296, §§ 441, 451, 471, 116 Stat. 2135 (Nov. 25, 2002). The INS was divided into several separate agencies, including United States Citizenship and Immigration Services ("USCIS"), Customs and Border Protection, and Immigration and Customs Enforcement. USCIS assumed naturalization authority from the INS. This Complaint will refer to INS where appropriate.

[2] Defendant's application for naturalization was filed and approved under the name Venuste Mohammad Ramazani, but on the date of his naturalization, Defendant changed his name from Venuste Mohammad Ramazani to Sedeeck Mohammad Toure.

prior immigration history under the identity of Mamadou Toure in any of his immigration applications or proceedings under the identity Venuste Mohammad Ramazani.

Defendant's actions and conduct statutorily barred him from becoming a United States citizen and render his naturalization unlawfully procured. Thus, with the Affidavit of Good Cause attached as Exhibit 1, the United States brings this civil action to revoke and set aside the order admitting Defendant to citizenship and to cancel his certificate of naturalization.

II. JURISDICTION AND VENUE

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to United States citizenship and to cancel Certificate of Naturalization No. 33048123, issued October 22, 2010.

2. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1345 for a 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 resides in Cincinnati, Ohio, within the Court's jurisdiction and venue.

III. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized United States citizen and purports to be a native of Burundi. Mamadou Toure and Sedeeck Mohammad Toure f.k.a Venuste Mohammad Ramazani are the same person.

IV. FACTUAL ALLEGATIONS

6. The affidavit of Melanie Medina, Immigration Service Officer, USCIS, an agency within the Department of Homeland Security, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit 1.

A. Defendant's Immigration Proceedings Under the Identity Mamadou Toure

7. In April 1995, Defendant filed an application for benefits using the name Mamadou Toure. In that application and under penalty of perjury, Defendant represented that:

   a. his name was Mamadou Toure;

   b. he was born in 1963 in Mali;

   c. He married his wife, Naye Toure, on July 27, 1986, in Kinshasa, Zaire; and

   d. he had two unmarried children under the age of 21, Sidiki Toure (DOB [redacted] and Alkaly Toure (DOB [redacted][3]

8. To support the application, Defendant submitted biographic information in which he represented that his name was Mamadou Toure and that he had not used any other names.

9. Defendant, in the process of seeking such benefits, also provided fingerprints in July 1995. (Defendant previously submitted fingerprints under the name Mamadou Toure in October 1992.)

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[3] The year of birth has been omitted due to Federal Rule of Civil Procedure 5.2(a)(2), but the United States can supply the year of birth upon request or under seal.

10. In May 1995, an INS office in New Jersey interviewed Defendant in connection with his application. After that interview, INS referred him to the immigration court.

11. In June 1995, INS served Defendant with an Order to Show Cause and Notice of Hearing, charging him with being deportable under Section 241(a)(1)(B) of the Immigration and Nationality Act ("INA") for remaining in the United States longer than permitted.

12. In October 1995, an immigration judge found Defendant deportable as charged, and granted Defendant voluntary departure until May 31, 1996, with an alternate order of deportation to Mali. Defendant failed to voluntarily depart the United States by May 31, 1996.

13. In April 1997, INS issued a Form I-166 notifying Defendant to report for deportation on July 15, 1997. Defendant acknowledged receipt of the form but failed to appear for deportation

14. The government has no record that Defendant departed the United States.

B. Defendant's Application Under the Identity Venuste Mohammad Ramazani

15. On or about August 12, 1996, Defendant, using the name Venuste Mohammad Ramazani, filed an application for benefits with the INS.

16. In the second application, signed under penalty of perjury, Defendant stated:

a. his name was Venuste Mohammad Ramazani;

b. he was born in June 1969 in Burundi;

c. he last arrived in the United States on in July 1996 without inspection;

d. he did not have any spouse or any unmarried children under the age of 21; and

e. he had not used any other names.

17. In September 1996, Defendant was interviewed in connection with his application, and INS approved Defendant's application.

C. Defendant's Adjustment Application Under the Identity Venuste Mohammad Ramazani

18. In November 2000, Defendant filed a Form I-485 Application to Register Permanent Residence or Adjust Status based on the INS's approval of his prior application. In the Form I-485, Defendant represented the following under penalty of perjury:

a. his name was Venuste M Ramazani;

b. he was born in June 1969 in Burundi;

c. he was married to Kadiatou Toure;

d. he had no children;

e. he had never been deported from the United States or removed from the United States at government expense, excluded within the past year, nor was he now in exclusion or deportation proceedings; and

f. he had never sought to procure, or procured, a visa, or other documentation, entry into the United States, or any immigration benefit by fraud or willful misrepresentation of a material fact.

19. Along with and to support his Adjustment Application, Defendant submitted another Form G-325A, Biographic Information, in which he represented, under "severe penalties for knowingly and willfully falsifying or concealing a material fact," that:

a. his name was Venuste Mohammad Ramazani;

b. He was married to Kadiatou Toure, and they married in September 2000 in Cincinnati, Ohio; and

c. he had not used any other names.

20. In November 2005, USCIS approved Defendant's Form I-485 and Defendant was afforded lawful permanent resident status as of that date.

21. In June 2005, Defendant provided fingerprint impressions in connection with his Form I-485.

D. Defendant's Naturalization Application Under the Identity Venuste Mohammad Ramazani

22. In June 2010, Defendant, using the identity Venuste Mohammad Ramazani, filed a Form N-400, Application for Naturalization, with United States Citizenship and Immigration Services ("USCIS"), based, *inter alia*, on having been a lawful permanent resident for at least five years.

23. In his naturalization application, in response to Question A in Part 1, Defendant represented that his name was Venuste Mohammad Ramazani.

24. In his naturalization application, in response to Question C in Part 1, Defendant was required to identify any prior names he had used, and he did not identify any such names.

25. In his naturalization application, Defendant requested to change his name from Venuste Mohammad Ramazani to Sedeeck Mohammad Toure.

26. In his naturalization application, in response to Question B in Part 3, Defendant represented that his date of birth was June 10, 1969.

27. In his naturalization application, Defendant represented that he was married to Kadiatou Toure, and that they married in September 2000.

28. In his naturalization application, Defendant represented he had six children. Defendant represented two children, Assa Ramazani and Ladjee Ramazani were born in the United States in 2001 and 2005 respectively. Defendant, however, also represented that he had four other children, including Sidiki Toure [redacted] and Alkaly Toure (DOB [redacted].

29. Sidiki Toure and Alkaly Toure were also identified by Defendant in his application for immigration benefits filed under the identity Mamadou Toure. The birth date and month (but not birth year) for these two children is identical to that represented in the prior application by Mamadou Toure.

30. In his naturalization application, Defendant answered "no" to Question 16 in Part 10, which asked: "Have you **ever** been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason?" (emphasis in original);

31. In his naturalization application, Defendant answered "no" to Question 23 in Part 10, which asked: "Have you **ever** given false or misleading information to any United States Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?" (emphasis in original);

32. In his naturalization application, Defendant answered "no" to Question 27 in Part 10, which asked: "Have you **ever** been ordered to be removed, excluded, or deported from the United States?" (emphasis in original); and

33. In his naturalization application, Defendant answered "no" to Question 28 in Part 10, which asked: "Have you **ever** applied for any kind of relief from removal, exclusion, or deportation?" (emphasis in original).

34. In April 2010, Defendant signed his naturalization application under penalty of perjury under the laws of the United States, thereby certifying that the application and the evidence submitted with it were all true and correct.

E. Defendant's Naturalization Interview Under the Identity Venuste Ramazani

35. On August 17, 2010, a USCIS Immigration Services Officer ("ISO") orally interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

36. At the beginning of the interview, the ISO placed Defendant under oath.

37. During the interview, Defendant testified to the contents of his Form N-400 and, consistent with his written answers, that:

a. his name was Venuste Mohammad Ramazani;

b. he had never used any other names;

c. he was born in Burundi;

d. he had never given false or misleading information to any United States Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal;

e. he had never lied to any United States government official to gain entry or admission into the United States; and

f. he had never been removed, excluded, or deported from the United States.

38. At the end of his naturalization interview, Defendant signed his naturalization application under penalty of perjury, thereby attesting that the information it contained was true and correct.

39. In September 2010, based upon the information supplied by Defendant in his naturalization application and on the sworn testimony he gave during his naturalization interview, USCIS approved Defendant's naturalization application.

40. In October 2010, Defendant took the oath of allegiance and became a naturalized United States citizen.

41. USCIS issued Defendant, under the identity Sedeeck Mohammad Toure, Certificate of Naturalization No. [redacted]

F. Fingerprint Analysis Confirms Mamadou Toure and Sedeeck Mohammad Toure f.k.a Venuste Mohammad Ramazani are the Same Individual.

42. As described above, Defendant provided fingerprint submissions in applications filed under each identity: Venuste Mohammad Ramazani (now Sedeeck Mohammad Toure) and Mamadou Toure.

43. Analysis and comparison of these fingerprint submissions confirm that the same individual provided the fingerprint impressions.

V. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

44. No alien 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 alien who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress[.]") (quoting *Ginsberg*, 243 U.S. at 474)).

45. 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 application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a United States citizen. *Id.*

46. Congress has defined the term "lawfully admitted for permanent residence" to mean "the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws." *See* 8 U.S.C. § 1101(a)(20).

47. The term "lawfully" in 8 U.S.C. § 1101(a)(20) requires "compliance with substantive legal requirements for admission, and not mere procedural regularity." *Monet v. INS*, 791 F.2d 752, 753 (9th Cir. 1978).

48. An individual who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided for in the INA is inadmissible. 8 U.S.C. § 1182(a)(6)(C)(i).

B. The Denaturalization Statute

49. 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.

50. Under 8 U.S.C. § 1451(a), this Court must revoke a United States citizen's naturalization and cancel his Certificate of Naturalization if naturalization was either:

(a) illegally procured, or

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

51. 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.

52. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (i) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (ii) the misrepresentation or concealment was willful; (iii) the fact was material; and (iv) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

53. Where the government establishes that a defendant's citizenship was procured illegally or by concealment of a material fact or by willful misrepresentation, "district courts lack equitable discretion to refrain from entering a judgment of denaturalization . . . ." *Fedorenko*, 449 U.S. at 517.

VI. CAUSES OF ACTION

COUNT ONE

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (Adjustment Procured by Fraud or Willful Misrepresentation)

54. The United States realleges and incorporates by reference the allegations previously made in this Complaint.

55. To qualify for naturalization, an applicant must have been "lawfully admitted" to the United States for permanent residence. *See* 8 U.S.C. §§ 1427(a)(1), 1429.

56. As noted above, the term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Monet*, 791 F.2d at 753.

57. Among the applicable provisions in the INA at the time of Defendant's adjustment of status to permanent resident was the requirement that he be admissible to the United States. *See* 8 U.S.C. §§ 1159(b)(5), 1255(a).

58. Under the law in effect at the time that Defendant adjusted his status, an individual who by fraud or by willfully misrepresenting a material fact was seeking to procure (or had sought to procure or had procured) a visa, other documentation, admission into the United States, or other benefit provided under the INA, was inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

59. Defendant was never lawfully admitted to the United States as a permanent resident and cannot satisfy the requirements of 8 U.S.C. §§ 1427(a)(1) and 1429, because he was inadmissible when he adjusted to permanent resident status.

60. Defendant sought to procure admission into the United States and other benefits provided for in the INA by fraud or willfully misrepresenting material facts. Specifically, at the time Defendant adjusted his status to permanent resident using the name Sedeeck Mohammad Toure, he made numerous misrepresentations of fact described throughout this complaint, including but not limited to, misrepresentations regarding his name, date of birth, and immigration history.

61. Because Defendant made contradictory sworn statements in immigration benefit applications that cannot be simultaneously true, he was inadmissible.

62. Defendant's false statements, including those regarding his name, date of birth, and his immigration history were material to determining his eligibility for the immigration benefits for which he applied. Defendant's false statements had the natural tendency to influence a decision by the immigration officer(s) to approve his application(s). Defendant thus sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact.

63. Because Defendant was inadmissible when he adjusted to permanent resident status, he was never lawfully admitted for permanent residence in accordance with the substantive legal requirements to obtain that status.

64. Because Defendant was never lawfully admitted for permanent residence, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

65. Because he was ineligible to naturalize, Defendant illegally procured his citizenship, and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

COUNT TWO

ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(Unlawful Acts and False Testimony With No Extenuating Circumstances)

66. The United States realleges and incorporates by reference the allegations previously set forth in this Complaint.

67. As outlined above, to be eligible for naturalization, Congress has mandated that an applicant show that he or she has been a person of good moral character for the five-year statutory period before filing his or her naturalization application until the time the applicant becomes a naturalized United States citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(i).

68. Defendant filed his naturalization application on June 1, 2010, and he naturalized on October 22, 2010. Thus, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his "statutory period" from June 1, 2005, until October 22, 2010.

69. Defendant completed and filed his naturalization application during his "statutory period."

70. Defendant violated 18 U.S.C. §§ 1001(a)(1)-(3) by knowingly and willfully concealing in his naturalization application—a matter within the jurisdiction of the executive, branch of the Government of the United States—that he had previously used a different identity to seek immigration benefits and that he been ordered deported under that identity.

71. Defendant violated 18 U.S.C. § 1001(a)(1)–(3) when he completed and filed his naturalization application by answering "no" to Question 23 in Part 10, 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).

72. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 27 in Part 10, which asked: "Have you **ever** been ordered to be removed, excluded, or deported from the United States?" (emphasis in original).

73. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 28 in Part 10, which asked: "Have you **ever** applied for any kind of relief from removal, exclusion, or deportation?" (emphasis in original).

74. No extenuating circumstances exist that would palliate Defendant's guilt for violating 18 U.S.C. § 1001(a)(1)-(3).

75. Further, as alleged previously, Defendant provided false testimony during his naturalization interview. Such false testimony included, but was not limited to, his name and identity, that he had never used any other names, that he had never been arrested or detained by law enforcement (including USCIS or INS), and that he had never given false or misleading information when applying for an immigration benefit.

76. Because Defendant committed unlawful acts during the statutory period during which he was required to maintain good moral character, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

77. Because he was ineligible to naturalize, Defendant illegally procured his citizenship, and this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT THREE

PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

78. The United States realleges and incorporates by reference the allegations previously set forth in this Complaint.

79. 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 or by willful misrepresentation.

80. As set forth herein, throughout the naturalization process, Defendant willfully misrepresented or concealed, among other things: (i) his use of another identity; (ii) his prior order of deportation; (iii) his prior application for an immigration benefit; (iv) that he had given false or misleading information to a United States Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal; (v) that removal, exclusion, rescission, or deportation proceedings were pending against him; and (vi) that he had been ordered to be removed, excluded, or deported from the United States.

81. Defendant made such misrepresentations voluntarily and deliberately, despite knowing that such representations were false and misleading. Accordingly, Defendant made these misrepresentations willfully.

82. Defendant's misrepresentations were material to his naturalization because the disclosure of his multiple identities, multiple claimed dates of birth, prior application for an immigration benefit, prior order of deportation, and prior representations to United States Government officials while applying for an

immigration benefit would have had a natural tendency to influence USCIS's decision whether to approve Defendant's application for naturalization. Indeed, had USCIS been aware of this information, it would have denied his naturalization application.

83. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and this Court must revoke his citizenship pursuant to 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

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

(1) A declaration that Defendant illegally procured his citizenship;

(2) A declaration that Defendant procured his citizenship by concealment of material fact and by willful misrepresentation;

(3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Defendant's Certificate of Naturalization, effective as of the original date of the certificate;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship obtained due to his naturalization;

(5) Judgment requiring the Defendant, within ten (10) days of the entry of judgment against him, to surrender and deliver his Certificate of Naturalization and any copies thereof in his possession or control (and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or

control of others), to the Attorney General, or his designated representative, including undersigned counsel;

(6) Judgment requiring the Defendant, within ten (10) days of the entry of judgment, to surrender and deliver any other indicia of United States citizenship (including, but not limited to, United States passports and passport cards, Enhanced Drivers License, and other relevant documents), whether current or expired, and any copies thereof in his possession or control—and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others—to the Attorney General, or his representative, including undersigned counsel; and

(7) Judgment granting the United States any other relief that may be lawful and proper in this case.

Respectfully submitted,

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