IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, Plaintiff, v. PORFIRIO TAVERAS, [redacted], a.k.a. Porfilio Tavera Amparo, [redacted], Defendant.	)	Civil Action No. **COMPLAINT TO REVOKE NATURALIZATION**

I. PRELIMINARY STATEMENT OF THE CASE

The United States of America ("Plaintiff") brings this civil action against Defendant Porfirio Taveras, a.k.a. Porfilio Tavera Amparo ("Defendant") to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a). Plaintiff alleges that Defendant procured his naturalization unlawfully and that he willfully misrepresented and concealed material facts in applying to naturalize.

Before Defendant naturalized as a U.S. citizen in 2011 under the identity Porfirio Taveras, an immigration judge has ordered him deported from the United States under the identity Porfilio Tavera Amparo. In 1990, Defendant applied for an immigration benefit with the former Immigration and Naturalization Service ("INS")[1] and identified himself as "Porfilio Tavera Amparo." INS placed Defendant in deportation proceedings and released him on bond.

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

Defendant failed to appear for an immigration hearing on February 12, 1991. An immigration judge then ordered Defendant deported from the United States to the Dominican Republic. There is no record that Defendant departed the United States pursuant to the deportation order.

On April 16, 1994, Defendant, now using the identity Porfirio Taveras ("Taveras"), married Mary Ann Alamo, a U.S. citizen, in New York. Taveras' new wife filed a Form 1-130 Petition for Alien Relative, which was approved on September 18, 1994. Taveras entered the United States on March 21, 1996 and was awarded conditional permanent resident status. Defendant then filed a Form I-751 to remove the conditions on his status as permanent resident. In that application, Defendant stated that he had not used other names and that he was not in deportation proceedings. On February 14, 2001, INS granted Defendant full permanent resident status. Defendant became a naturalized U.S. citizen on October 7, 2011.

Defendant's actions and conduct statutorily barred him from becoming a U.S. citizen and render his naturalization unlawfully procured. Thus, with the attached affidavit showing good cause, 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 U.S. citizenship and to cancel Certificate of Naturalization No. [redacted], issued October 7, 2011.

2. This Court has jurisdiction pursuant to 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 pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant resides in Reading, Pennsylvania, within the jurisdiction and venue of this Court.

III. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen and purports to be a native of the Dominican Republic. Poririo Taveras and Porfilio Tavera Amparo are one and the same person.

IV. FACTUAL ALLEGATIONS

6. The affidavit of Emile Collante, Senior Immigration Services Officer, USCIS, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit "A."

A. Defendant's Immigration Proceedings Under the Identity Porfilio Tavera Amparo

7. On November 22, 1990, INS encountered Defendant at or near Brownsville, TX. *Id.* at ¶ 1. The INS assigned him alien registration number [redacted]. INS served him with an Order to Show Cause, Notice of Hearing and Warrant for Arrest of an Alien on that same date. *Id.* at ¶ 2. Defendant signed an Application for Redetermination of Custody in which he represented., signed on December 28, 1993, under penalty of perjury, Defendant represented that:

a. his true and correct name is Porfilio Tavera Amparo;

b. he was born on [redacted] in Dominican Republic;

c. he was single and had no living children;

d. he would seek relief from deportation through voluntary departure. *Id.*

8. On November 22, 1990, using the name, Porfilio Tavera Amparo, defendant provided his fingerprints to the INS. [redacted], dated July 6, 2018, Ex. 1.2, attached hereto as Exhibit "B".

9. On November 26, 1990 INS released Defendant from custody after he posted bond. Ex. A at ¶ 4. The immigration judge issued him an order to appear for a hearing on February 12, 1991, but he failed to appear. *Id.* at ¶ 5.

10. The Immigration Judge then ordered him deported *in absentia* to the Dominican Republic. *Id.* at ¶ 6. Taveras failed to appear as instructed for his deportation on July 14, 1992. The government has no record showing that Defendant departed the United States pursuant to immigration judge's order. *Id.* at ¶¶ 5-6.

B. Defendant's Applications Under the Identity Poririo Taveras

11. On April 21, 1994, Defendant, using a different identity, Poririo Taveras ("Taveras"), married Mary Ann Alamo ("Alamo") in New York. *Id.* at ¶ 9.

12. On May 16, 1994, Alamo filed a Form I-130, Petition for Alien Relative on behalf of Taveras. Alamo represented that Taveras had never been subject to an immigration proceeding. *Id.* at ¶ 10.

13. Tavera filed a Form G-325A in support of Alamo's Form I-130. On the Form G-325A, Taveras stated he had no Alien Number ("A Number"). *Id.* at ¶ 11. Defendant listed his birth date as [redacted].

14. INS approved the Form I-130 on September 18, 1994. *Id.* at ¶ 12.

15. On March 7, 1996, Defendant appeared for a consular interview regarding his Form 230. On that form, Defendant responded no to the questions of whether he had

a. sought any immigration benefit through fraud.

b. been refused admission to the United States.

16. INS granted Defendant conditional permanent resident status on March 21, 1996, and he entered the country on an immigrant visa. *Id.* at ¶ 14.[2]

17. On July 14, 1997, Defendant was charged with criminal possession of a controlled substance, but the charge was dismissed and sealed within a week of the arrest. *Id.* at ¶ 15.

18. Defendant filed a Form I-751, Petition to Remove the Conditions on Residence on March 27, 1998. On the form he declared under penalty of perjury, that:

a. his name was Porfirio Taveras;

b. he was born on [redacted], in Dominical Republic;

c. he denied using any other names;

d. he denied being in deportation or exclusion proceedings;

e. he had one child who resided in Dominical Republic. *Id.* at ¶ 16.

19. The INS approved his Form I-751 on February 14, 2001. Therefore, Defendant became a legal permanent resident. *Id.* at ¶ 17.

20. On March 29, 2010, Defendant filed his first Form N-400. He submitted this form under penalty of perjury, and he represented that:

a. his name was Porfirio Taveras;

b. he was born on [redacted] in Dominican Republic;

c. He used no other names;

d. He had three children, one of whom resided in Dominican Republic;

e. He had never given misleading information to a government official;

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[2] The Defendant apparently left the country sometime after his marriage in 1994 and before his reentry in March 1996.

f. He had never lied to any government official to get an immigration benefit; and

g. He had never been ordered to be removed from the U.S. *Id.* at ¶ 18.

21. On July 14, 2010, Defendant appeared for a scheduled interview, but failed his preliminary English proficiency exam. He failed a second time in September and USCIS found him ineligible for naturalization. *Id.* at ¶ 19.

22. Defendant filed a second N-400 on February 14, 2011. On that form he repeated the same averments on his first N-400 as discussed in paragraph 20. *Id.* at ¶ 20.

23. Defendant appeared for an interview on June 1, 2011, to determine his eligibility for naturalization. He made several changes to information on his N-400, but did not change the misrepresentations he had made on Form N-400. *Id.* at ¶¶ at 21-22

24. On September 2, 2011, USCIS approved Defendant's N-400 based upon his misleading answers on his N-400 application and his interview. *Id.* at ¶ 24.

25. Defendant became a citizen with Certificate No. [redacted] on October 7, 2011. *Id.* at ¶ 25.

B. Fingerprint Analysis Confirms Porfilio Tavera Amparo and Poririo Taveras are the Same Individual.

26. On November 22, 1990, Defendant using the name Porfilio Tavera Amparo provided his fingerprints to the INS. Ex. B at 1.2 and 1.5

27. On May 10, 2010, Defendant using the Taveras name, submitted N-400 fingerprint impressions. *Id* at 1.3.

28. On March 14, 2011, Defendant using the Taveras identity, was again fingerprinted in connection with his Form N-400. *Id.* at 1.1

29. Analysis and comparison of the fingerprint submissions described in Paragraphs 26 through 28 above confirm that the same individual provided all the fingerprint impressions. *Id.* at 1.

V. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

30. 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)).

31. Congress has mandated that an applicant for naturalization demonstrate that he has been lawfully admitted to the United States for permanent residence. 8 U.S.C. § 1429.

32. 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).

33. The term "lawfully" requires compliance with substantive legal requirements for admission, and not mere procedural regularity. *Koszelnik v. Sec'y of Dep't of Homeland Sec.*, 828 F.3d 175, 180-81 (3d Cir. 2016); *Saliba v. Att'y Gen. of United States*, 828 F.3d 182, 192 (3d Cir. 2016); *Gallimore v. Att'y Gen.*, 619 F.3d 216, 223 & n.6 (3d Cir. 2010). If the government adjusts an alien's status to that of a permanent resident when the alien was not eligible for

adjustment, the alien did not "lawfully" obtain permanent resident status and is ineligible for naturalization. *Koszelnik*, 828 F. 3d at 180-81.

34. Congress requires that an applicant for adjustment of status be eligible to receive an immigrant visa and that an immigrant visa be immediately available to him at the time the application to adjust status was filed. INA § 245(a), 8 U.S.C. § 1255(a).

35. Under the law in effect at the time Defendant's adjustment application was approved, as today, an alien who sought an immigrant visa on the basis of a marriage entered into during deportation proceedings was ineligible for adjustment of status, unless the alien established by clear and convincing evidence that the marriage met certain good faith requirements. INA § 245(e), 8 U.S.C. § 1255(e). As to the underlying petition, the petition itself may not be approved until the alien has resided outside the United States for two years after the date of marriage, INA § 204(g), 8 U.S.C. § 1154(g), unless the alien meets the good faith exception in INA § 245(e), 8 U.S.C. § 1255(e).

36. Under the law in effect at the time Defendant's adjustment application was approved, as today, Congress required that applicants for adjustment of status be "admissible." INA § 245(a)(2), 8 U.S.C. § 1255(a)(2).

37. An individual who, by fraud or willfully misrepresenting a material fact, seeks to procure a visa, other documentation, or admission into the United States or other benefit provided for in the INA is inadmissible. INA § 212(a)(6)(C)(i), 8 U.S.C. § 1182(a)(6)(C)(i).

38. 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

adjustment, the alien did not "lawfully" obtain permanent resident status and is ineligible for naturalization. *Koszelnik*, 828 F.3d at 180-81.

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36. Under the law in effect at the time Defendant's adjustment application was approved, as today, Congress required that applicants for adjustment of status be "admissible." INA § 245(a)(2), 8 U.S.C. § 1255(a)(2).

37. An individual who, by fraud or willfully misrepresenting a material fact, seeks to procure a visa, other documentation, or admission into the United States or other benefit provided for in the INA is inadmissible. INA § 212(a)(6)(C)(i), 8 U.S.C. § 1182(a)(6)(C)(i).

38. 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 U.S. citizen. *Id.* For those applying for naturalization under INA § 319, 8 U.S.C. § 1430, based on marriage to a United States citizen spouse, the statutory period begins three years before the date of application, continuing until the applicant takes the oath of allegiance and becomes a U.S. citizen. INA § 319, 8 U.S.C. § 1430.

39. Congress has explicitly precluded individuals within certain enumerated classes from being able to establish the good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6). In addition to the enumerated classes of persons precluded from establishing the good moral character necessary to naturalize, Congress also created a "catch-all" provision, which states, "The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character." 8 U.S.C. § 1101(f). Such claims are evaluated on a case-by-case basis taking into account "the standards of the average citizen in the community of residence." 8 C.F.R. § 316.10(a)(2).

40. An applicant who, during the statutory period, commits an unlawful act adversely reflecting upon his or her moral character cannot meet the good moral character requirement, unless he or she proves extenuating circumstances exist. 8 C.F.R. § 316.10(b)(3)(iii).

B. The Denaturalization Statute

41. 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.

42. Under 8 U.S.C. § 1451(a), this Court must revoke a U.S. 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.

43. 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.

44. 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).

45. 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 (Not Eligible to Receive an Immigrant Visa)

46. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

47. 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. As noted above,

the term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. *Koszelnik*, 828 F.3d at 180-81.

48. Congress requires that an applicant for adjustment of status be eligible to receive an immigrant visa and that an immigrant visa be immediately available to him at the time the application to adjust status was filed. INA § 245(a), 8 U.S.C. § 1255(a).

49. An alien who sought an immigrant visa based upon a marriage entered into during deportation proceedings was ineligible for adjustment of status, unless the alien established by clear and convincing evidence that the marriage met certain good faith requirements. INA § 245(e), 8 U.S.C. § 1255(e). With regard to the underlying petition, the petition itself may not be approved until the alien has resided outside the United States for two years after the date of marriage, INA § 204(g), 8 U.S.C. § 1154(g), unless the alien meets the good faith exception in INA § 245(e), 8 U.S.C. § 1255(e).

50. Defendant was in deportation proceedings under the name Porfilio Tavera Amparo when he married his U.S. citizen spouse, Mary Ann Alamo on April 21, 1994. Because Alamo represented on the Form I-130 that Defendant had never been under immigration proceedings, the INS was unaware that the I-130 visa petition was subject to the restrictions of INA § 204(g). As a result, the INS approved the petition on August 31, 2001, without the Defendant having physically resided outside the United States from September 16, 2000, and ending September 16, 2002, and without the petition meeting the good faith requirements under section 245(e)(3) of the INA. 8 U.S.C. §§ 1154(g) and 1255(e)(3).

51. Accordingly, Defendant was not eligible for approval of the I-130 visa petition and therefore was not eligible to receive an immigrant visa as required by INA § 245(a)(2), 8 U.S.C. § 1255(a)(2), to adjust his status. Additionally, INA § 245(e), 8 U.S.C. § 1255(e), made

him ineligible for permanent residence because the INS was not aware of the deportation proceedings, and thus did not require Defendant to meet the good faith requirements specified under its provisions.

52. Defendant was not eligible to receive an immigrant visa and not eligible to become a permanent resident when the INS approved his conditional permanent residence on March 21, 1996.

53. Because Defendant was never lawfully admitted for permanent residence in accordance with the substantive requirements for that status, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429. *See* 8 U.S.C. § 1101(a)(20); *Koszelnik v. Sec'y of Dep't of Homeland Sec.*, 828 F.3d 175, 180-81 (3d Cir. 2016).

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

COUNT TWO

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

55. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

56. 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. As noted above, the term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. *Koszelnik*, 828 F.3d at 180-81.

57. The law requires that an applicant for adjustment of status be "admissible." INA § 245(a)(2), 8 U.S.C. § 1255(a)(2).

58. 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. INA 212(a)(6)(C)(i), 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 at the time of his adjustment 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, Defendant failed to disclose that he had been ordered deported, had used the previous Amparo identity and had misrepresented other material facts during immigration proceedings. Indeed, at the time that Defendant adjusted to permanent resident status, he was subject of an outstanding order of deportation under the name Porfilio Tavera Amparo.

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

62. Defendant's false statements 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. Defendant thus sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact.

63. Because Defendant was inadmissible at the time 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. 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. *Koszelnik v. Sec'y of Dep't of Homeland Sec.*, 828 F.3d 175, 180-81 (3d Cir. 2016).

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

COUNT THREE

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

65. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this Complaint.

66. As outlined above, to be eligible for naturalization, Congress has mandated that an applicant for naturalization under INA § 319, 8 U.S.C. § 1430, based on marriage to a United States citizen spouse, must show that he or she has been a person of good moral character for the five-year period before filing his or her naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. §§ 1430(a), 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

67. Defendant filed his naturalization application on March 29, 2010, and he naturalized on October 7, 2011. 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 March 29, 2005 through March 29, 2010 and through his naturalization date of October 7, 2011.

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

69. 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 and that he been ordered deported under that identity.

70. Specifically, 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). Ex. D at 12.

71. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 24 in Part 10, which asked: "Have you **EVER** lied to any U.S. Government official to gain entry or admission into the United States?" (emphasis in original). *Id.*

72. Specifically, 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). *Id.* at 13.

73. Specifically, 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). *Id.*

74. No extenuating circumstances exist that would palliate Defendant violation of 18 U.S.C. § 1001(a)(1)-(3).

75. 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. §§ 1430(a), 1427(a)(1) and 1429.

76. 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 FOUR

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

77. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this Complaint.

78. 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.

79. As set forth herein, throughout the naturalization process, Defendant willfully misrepresented and concealed, among other things: (i) his use of another identity, including a different date of birth; (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 U.S. 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; (vi) that he had lied to a U.S. Government official to gain entry or admission into the United States; (vii) that he had been ordered to be removed, excluded, or deported from the United States; (viii) and that he had previously applied for relief from removal, exclusion, or deportation. Defendant knew each of these statements to be false.

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

81. 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 misrepresentations to U.S. 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.

82. 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 Certificate of Naturalization No. [redacted], effective as of the original date of the certificate, October 7, 2011;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship obtained as a result of his October 7, 2011 naturalization;

(5) Judgment requiring the Defendant, within ten days of the entry of judgment against him, to surrender and deliver his Certificate of Naturalization No. [redacted] 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 her designated representative, including undersigned counsel;

(6) Judgment requiring the Defendant, within ten days of the entry of judgment, to surrender and deliver any other indicia of U.S. 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 her representative, including undersigned counsel; and

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

Dated: August 5, 2026

Respectfully submitted,

DAVID METCALF
United States Attorney

/s/Gregory B. David
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JS 44 (Rev 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Colin M. Cherico, AUSA/US Attorney's Office EDPA, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106/ (215) 861-8788

DEFENDANTS

Porfirio Taveras

County of Residence of First Listed Defendant Berks
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys *(If Known)*
J. Alexander Short, Esq., Lehigh Valley Immigration law, LLC, 609 W. Hamilton Street, Ste. 102, Allentown, PA 18101/(484) 763-4984

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☒ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
8 U.S.C. § 1451(a)

Brief description of cause:
Revocation of Naturalization

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY *(See instructions)*

JUDGE _____ DOCKET NUMBER _____

DATE
Aug 5, 2026

SIGNATURE OF ATTORNEY OF RECORD
/s/ Colin Cherico, AUSA

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. Origin. Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Philadelphia, PA

RELATED CASE IF ANY: Case Number:_____ Judge:_____

1. Does this case involve property included in an earlier numbered suit? Yes ☐
2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? Yes ☐
3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? Yes ☐
4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? Yes ☐
5. Is this case related to an earlier numbered suit even though none of the above categories apply? Yes ☐
   If yes, attach an explanation.

I certify that, to the best of my knowledge and belief, the within case ☐ **is** / ☒ **is not** related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Wage and Hour Class Action/Collective Action
- ☐ 6. Patent
- ☐ 7. Copyright/Trademark
- ☐ 8. Employment
- ☐ 9. Labor-Management Relations
- ☐ 10. Civil Rights
- ☐ 11. Habeas Corpus
- ☐ 12. Securities Cases
- ☐ 13. Social Security Review Cases
- ☐ 14. Qui Tam Cases
- ☐ 15. Cases Seeking Systemic Relief ***see certification below***
- ☒ 16. All Other Federal Question Cases. *(Please specify)*: 8 USC 1451(a)

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (*Please specify*):_____
- ☐ 7. Products Liability
- ☐ 8. All Other Diversity Cases: *(Please specify)*_____

I certify that, to the best of my knowledge and belief, that the remedy sought in this case ☐ **does** / ☒ **does not** have implications beyond the parties before the court and ☐ **does** / ☒ **does not** seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

☒ Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of $150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

☐ None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.