ERIC GRANT
United States Attorney
Eastern District of California

BRETT A. SHUMATE
Assistant Attorney General
JENNIFER J. KEENEY
Associate Director
Office of Immigration Litigation
STEPHEN J. FLYNN
Assistant Director
ANNA JUAREZ
Senior Litigation Counsel
Department of Justice, Civil Division
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 598-1172
E-mail: anna.juarez@usdoj.gov

Counsel for the United States of America

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. HERNAN GARCIA TOLEDO, Defendant.	No. 1:26-cv-03600 **COMPLAINT TO REVOKE NATURALIZATION**

PRELIMINARY STATEMENT

The United States of America ("Plaintiff") brings this civil action against Hernan Garcia Toledo ("Defendant") to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a). Plaintiff bases this action on Defendant's criminal conduct prior to naturalizing and his misrepresentations of that conduct during his naturalization proceedings.

Prior to naturalizing, Defendant was convicted of two criminal offenses, and arrested for two other crimes, which he repeatedly concealed and mispresented during his naturalization process. This complaint seeks revocation of Defendant's naturalization on four independent grounds. Specifically, Defendant lacked the required good moral character to naturalize because, during the period for which he was required to show good moral character, he: (1) committed unlawful acts that adversely reflected on his moral character when he committed the crimes for which he was convicted; (2) committed additional unlawful acts; namely, making false statements to a government official and falsely swearing to information before a United States immigration official; and (3) falsely testified orally and under oath during his naturalization interview about his prior criminal conduct. Additionally, and as the fourth ground, Defendant willfully misrepresented and concealed facts that were material to determining his naturalization eligibility.

Accordingly, as shown below, Defendant illegally procured his naturalization and obtained his naturalization through willful misrepresentation and concealment, and the United States brings this civil action to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel his Certificate of Naturalization.

I. JURISDICTION AND VENUE

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the decision admitting Defendant to U.S. Citizenship and to cancel Defendant's Certificate of Naturalization No. [redacted]

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

2. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1345 for this cause of action under 8 U.S.C. § 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 Rosamond, California, which is in Kern County, within the jurisdiction and venue of this Court.

II. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen who resides in this District.

III. FACTUAL BACKGROUND

6. The affidavit of Darin L. Masterson, a Special Agent of the U.S. Immigration and Customs Enforcement ("ICE"), an agency within the U.S. Department of Homeland Security ("DHS"), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached hereto as Exhibit A.

Defendant's Immigration and Relevant Criminal History

7. Defendant was born in Mexico in 1974.

8. On December 29, 1986, Defendant was admitted to the United States as a permanent resident.

9. On May 24, 1992, Defendant committed petty theft in violation of California Penal Code ("CPC") § 490.1(a).

10. A true and accurate copy of the Los Angeles Police Department report describing Defendant's petty theft arrest, except for immaterial redactions of personally identifying information, is attached as Exhibit B.

11. On June 18, 1992, Defendant entered a plea of nolo contendere to the petty theft charge and was ordered to pay a fine of $100.00.

12. On March 5, 1993, Defendant committed vandalism in violation of CPC § 594.

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

13. On April 2, 1993, Defendant pleaded guilty to the vandalism charge and was convicted.

14. A true and accurate copy of the Superior Court of California, County of Los Angeles Court Minutes for Defendant's vandalism proceedings, except for immaterial redactions of personally identifying information, is attached as Exhibit C.

15. On October 28, 1996, Defendant filed a Form N-400 Application for Naturalization with the former Immigration and Naturalization Service (INS).[1]

16. On May 22, 1997, Defendant appeared in person before an INS officer to determine his eligibility for naturalization ("naturalization interview").

17. On September 20, 1997, after his naturalization interview, but before he took the oath of naturalization, the Los Angeles Police Department arrested Defendant for receipt of stolen property and carrying a loaded firearm.

18. A true and accurate copy of the Los Angeles Municipal Court Misdemeanor Complaint charging Defendant with receipt of stolen property and carrying a loaded firearm, except for immaterial redactions of personally identifying information, is attached as Exhibit D.

19. On September 23, 1997, the Los Angeles Municipal Court charged Defendant with carrying a concealed weapon, CPC § 12025(a)(1), and carrying a loaded firearm, CPC § 12031(a)(1).

20. On October 16, 1997, the same day Defendant naturalized, the Los Angeles Municipal Court arraigned Defendant on the concealed weapon and loaded firearm charges.

---

[1] On March 1, 2003, the Immigration and Naturalization Service ("INS") ceased to exist as an agency within the Department of Justice and its functions were transferred to the Department of Homeland Security. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002). Because Defendant's naturalization case was adjudicated before the transfer, this Complaint will reference the INS as necessary.

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

21. A true and accurate copy of the Superior Court of California, County of Los Angeles Court Minutes for Defendant's concealed weapon and loaded firearm charge proceedings, except for immaterial redactions of personally identifying information, is attached as Exhibit E.

22. On October 31, 1997, after he naturalized, Defendant was convicted of carrying a concealed weapon and was sentenced to twenty-four months in prison. *See* Exhibit E.

Defendant's Naturalization Proceedings

23. A true and accurate copy of Defendant's October 28, 1996 Form N-400, except for immaterial redactions of personally identifying information, is attached as Exhibit F.

24. On Defendant's Form N-400, Part 7 (Additional Eligibility Factors), Question 15, asked, "Have you ever been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance excluding traffic regulations?" In response, Defendant answered "No."

25. Under Part 11 (Signature), Defendant signed and thus certified, under penalty of perjury, that his Form N-400 and the evidence submitted with it were all true and correct.

26. At the beginning of Defendant's May 22, 1997 naturalization interview, the officer placed Defendant under oath.

27. During Defendant's naturalization interview – and as it appears under Form N-400 Part 7 (Additional Eligibility Factors), Question 15 – the officer asked Defendant, "Have you ever been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance excluding traffic regulations?" Defendant answered by stating orally and under oath that he had "no" arrests, "no" convictions, one traffic violation for "speeding, and was once "picked up for truancy" and "returned to school" in 1993.

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

28. At the conclusion of his naturalization interview – under Part 12 (Signature at Interview) – Defendant signed and swore that he knew that the contents of his Form N-400, including any corrections, were made at his request and that the amended application was true to the best of his knowledge and belief.

29. Based on his written responses on the Form N-400 and on evidence provided in support of his application and on his sworn oral testimony at the naturalization interview, INS approved Defendant's naturalization application on May 22, 1997.

30. Before taking the Oath of Allegiance on October 16, 1997, Defendant submitted to INS a Form N-445, Notice of Naturalization Oath Ceremony.

31. A true and accurate copy of Defendant's Form N-445, Notice of Naturalization Oath Ceremony, except for immaterial redactions of personally identifying information, is attached as Exhibit G.

32. Question 3 on his Form N-445, asked whether, after the date of his naturalization interview, he had "knowingly committed any crime or offense, for which you have not been arrested; or have you been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance, including traffic violations?" In response, Defendant stated, "No."

33. On October 14, 1997, Defendant signed the Form N-445, Notice of Naturalization Oath Ceremony, certifying that each of his answers on the Form N-445 was true and correct.

34. Based on his approved naturalization application, Defendant took the Oath of Allegiance admitting him to U.S. citizenship, and the United States issued Defendant Certificate of Naturalization No. [redacted] on October 16, 1997. A true and accurate copy of Defendant's Certificate of Naturalization, except for immaterial redactions of personally identifying information, is attached as Exhibit H.

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

IV. GOVERNING LAW

Congressionally imposed prerequisites to the acquisition of citizenship

35. No individual has a right to naturalization "unless all statutory requirements are complied with." *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). The Supreme Court has consistently held that "there 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).

36. 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 . . . ." *See* 8 U.S.C. § 1427(a)(3). For applicants seeking to naturalize based on their status as a permanent resident, the required statutory period for good moral character begins five years before the date the applicant files the Form N-400, and it continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

37. Although Congress has not specifically defined what constitutes good moral character for naturalization purposes, the Immigration and Nationality Act lists certain classes of applicants who cannot be found to have the requisite good moral character, *see generally* 8 U.S.C. § 1101(f). This includes individuals who give false testimony for the purpose of obtaining immigration benefits. 8 U.S.C. § 1101(f)(6).

38. Congress also created a "catch-all" provision, which states, "[t]he 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) (flush language).

39. Thus, individuals who commit unlawful acts adversely reflecting upon their moral character during the statutory period cannot meet the good moral character requirement, unless they prove that extenuating circumstances exist. *See* 8 U.S.C. § 1101(f); 8 C.F.R § 316.10(b)(3)(iii).

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

40. With regard to the commission of unlawful acts, "requiring consideration of an applicant's unlawful acts during the . . . moral character period—whether or not the applicant is convicted for the acts during that period" is a permissible interpretation of section 1101(f). *United States v. Dang*, 488 F.3d 1135 (9th Cir. 2007).

The Denaturalization Statute

41. Recognizing that there are situations in which an individual has naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship, including demonstration of good moral character, or by concealing or misrepresenting facts that are material to the decision on whether to grant naturalization, Congress enacted 8 U.S.C. § 1451.

42. Under 8 U.S.C. § 1451(a), this Court must revoke an order of naturalization and cancel the individual's Certificate of Naturalization if his or her naturalization was *either*:

i. illegally procured, *or*

ii. 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: (1) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (2) the misrepresentation or concealment was willful; (3) the fact was material; and (4) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

45. Where the government establishes that the defendant's citizenship was procured illegally or by concealment or willful misrepresentation of material facts, "district courts lack equitable discretion to refrain from entering a judgment of denaturalization." *Fedorenko*, 449 U.S. at 517. And the district court must order "such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization . . . effective as of the original date of the order." 8 U.S.C. § 1451(a).

V. CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(UNLAWFUL ACTS DURING THE STATUTORY PERIOD)

46. The United States re-alleges and incorporates by reference the factual and legal allegations contained in Sections I through IV of this Complaint.

47. As set forth above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during the statutory period, from October 28, 1991 (five years before filing his Form N-400), until his naturalization on October 16, 1997. 8 U.S.C. §1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

48. Defendant committed four unlawful acts during the statutory period that adversely reflects on his moral character when he: (1) committed petty theft in violation of CPC § 490.1(a) on May 24, 1992, for which he was convicted after a nolo contendere plea on June 18, 1992; (2) committed vandalism in violation of CPC § 594, for which he was convicted after a guilty plea on April 2, 1993; (3) committed an offense involving carrying a concealed weapon, on September 20, 1997 in violation of CPC § 12025(a)(1), for which he was charged on September 23, 1997 and convicted on October 31, 1997; and (4) committed an offense involving carrying a

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

loaded firearm in violation of CPC § 12031(a)(1), on September 20, 1997, for which he was charged on September 23, 1997, and arraigned on October 16, 1997.

49. Defendant's criminal offenses constitute unlawful acts committed during the statutory period that are relevant to a determination of his moral character as contemplated by 8 U.S.C. § 1427(e) and 8 C.F.R. § 316.10(a)(2).

50. Defendant cannot establish extenuating circumstances with regard to his unlawful acts and, therefore, Defendant cannot avoid the regulatory bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii). *See, e.g.*, *United States v. Zhou*, 815 F.3d 639, 644 (9th Cir. 2016).

51. Defendant's unlawful acts during the statutory period adversely reflected on Defendant's moral character during the statutory period such that no evidence of any other positive character traits or aspects would permit Defendant to satisfy his burden of establishing good moral character as required for naturalization.

52. Because Defendant could not establish that he was a person of good moral character during the statutory period, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

53. Because Defendant was ineligible to naturalize, he illegally procured his citizenship, and his naturalization must be set aside and revoked under8 U.S.C. § 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (ADDITIONAL UNLAWFUL ACTS DURING THE STATUTORY PERIOD)

54. The United States re-alleges and incorporates by reference the factual and legal allegations contained in Sections I through IV of this Complaint.

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

55. As set forth above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during the statutory period, from October 28, 1991, until October 16, 1997. 8 U.S.C. § 1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

56. Defendant could not establish the requisite good moral character for naturalization because he committed six unlawful acts during the statutory period that reflected adversely on his moral character for which there were no extenuating circumstances. *See* 8 U.S.C. § 1101(f) (flush language); 8 C.F.R. § 316.10(b)(3)(iii); *see also, e.g.*, *Zhou*, 815 F.3d at 644.

57. Defendant committed six unlawful acts during his statutory period that adversely reflect on his moral character when he violated three federal statutes that criminalize making false statements to federal officials.

58. Specifically, Defendant falsely swore in an immigration matter, in violation of 18 U.S.C. § 1546(a), when, on or about October 21, 1996, in response to Part 7 (Additional Eligibility Factors), Question 15, on his Form N-400, Defendant denied, under penalty of perjury, ever being arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance, and when, on or about May 22, 1997, he denied the same, while under oath, during his naturalization interview.

59. Additionally, Defendant falsely swore in an immigration matter in violation of 18 U.S.C. § 1546(a), when, on or about October 14, 1997, in response to Question 3 on his Form N-445, Defendant denied having been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance after his May 22, 1997 naturalization interview.

60. Defendant made a false statement in violation of 18 U.S.C. § 1001, when, on or about October 21, 1996, in response to Part 7 (Additional Eligibility Factors), Question 15, on his Form N-400, Defendant denied, under penalty of perjury, ever

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

being arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance and when, on or about May 22, 1997, he denied the same, while under oath, during his naturalization interview.

61. Additionally, Defendant made a false statement in violation of 18 U.S.C. § 1001, when, on or about October 14, 1997, in response to Question 3 on his Form N-445, Defendant denied having been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance after his May 22, 1997 naturalization interview.

62. Defendant committed perjury in violation of 18 U.S.C. § 1621, when, on or about October 21, 1996, in response Part 7 (Additional Eligibility Factors), Question 15, on his Form N-400, Defendant denied, under penalty of perjury, ever being arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance and when, on or about May 22, 1997, he denied the same, while under oath, during his naturalization interview.

63. Additionally, Defendant committed perjury in violation of 18 U.S.C. § 1621, when, on or about October 14, 1997, in response to Question 3 on his Form N-445, Defendant denied having been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance after his May 22, 1997 naturalization interview.

64. Defendant made falsely sworn representations, made a false statement, and committed perjury because, when he signed his Form N-400, and during his naturalization interview, he knew he had been: (1) arrested for an offense of petty theft in violation of CPC § 490.1(a), and, on June 18, 1992, convicted of that offense; and (2) arrested for an offense of vandalism in violation of CPC § 594, and, on April 2, 1993, convicted of that offense.

65. Defendant again made falsely sworn representations, made a false statement, and committed perjury because, when he signed his Form N-445, he knew

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

he had been arrested for and charged with carrying a concealed weapon under CPC § 12025(a)(1), and carrying a loaded firearm under CPC § 12031(a)(1) in September 1997.

66. Defendant's crimes of falsely swearing in an immigration matter, making false statements, and committing perjury constitute unlawful acts that adversely reflect on Defendant's moral character as contemplated by 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii).

67. Defendant cannot establish extenuating circumstances with regard to falsely swearing in an immigration matter, making false statements, and committing perjury.

68. Defendant cannot avoid the regulatory bar on establishing good moral character found under 8 C.F.R. § 316.10(b)(3)(iii).

69. Defendant's deceptive conduct within the statutory period, which sought to conceal his criminal history, adversely reflects on Defendant's moral character such that no evidence of any other positive character traits or aspects would permit Defendant to satisfy his burden of establishing good moral character as required for naturalization.

70. Because Defendant could not establish that he was a person of good moral character during the statutory period, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

71. Because Defendant was ineligible to naturalize, he illegally procured his citizenship, and his naturalization must be set aside and revoked under 8 U.S.C. § 1451(a).

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

COUNT III

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

72. The United States re-alleges and incorporates by reference the factual and legal allegations contained in Sections I through IV of this Complaint.

73. As set forth above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during the statutory period, from October 28, 1991, until October 16, 1997. 8 U.S.C. § 1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

74. Defendant was statutorily barred from establishing the good moral character necessary to naturalize because, during the statutory period, he gave false testimony, under oath, for the purpose of obtaining an immigration benefit, specifically naturalization. *See* 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

75. Defendant provided false testimony for the purpose of obtaining an immigration benefit during his May 22, 1997 naturalization interview when, in response to being asked whether he had ever been arrested, cited, charged, indicted, convicted, fined, or imprisoned, Defendant denied orally and under oath ever having committed any such crimes or offenses.

76. That answer was false because Defendant had been: (1) arrested for an offense of petty theft in violation of CPC § 490.1(a), and, on June 18, 1992, convicted of that offense; and (2) arrested for an offense of vandalism in violation of CPC § 594, and, on April 2, 1993, convicted of that offense.

77. Defendant gave his false testimony at his naturalization interview with the intent of obtaining the immigration benefit of naturalization.

78. Because he provided false testimony under oath for the purpose of obtaining his naturalization, Defendant was barred under 8 U.S.C. § 1101(f)(6) from

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

showing that he had the good moral character necessary to become a naturalized U.S. citizen.

79. Because Defendant was not a person of good moral character, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

80. Because he was ineligible to naturalize, Defendant illegally procured his citizenship, and his naturalization must be set aside and revoked under 8 U.S.C. § 1451(a).

COUNT IV

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

81. The United States re-alleges and incorporates by reference the factual and legal allegations in Sections I through IV of this Complaint.

82. Under 8 U.S.C. § 1451(a), Defendant's naturalized U.S. citizenship and cancel his Certificate of Naturalization must be revoked because he procured his naturalization by concealment of a material fact or by willful misrepresentation.

83. Throughout the naturalization process, Defendant willfully misrepresented and concealed his arrests and convictions for petty theft and vandalism, and his later arrests and criminal charges for carrying a loaded firearm and carrying a concealed weapon.

84. At no point during the naturalization process did Defendant disclose his history of criminal conduct, despite being provided several opportunities to do so.

85. First, on his Form N-400, Defendant denied ever having arrested, cited, charged, indicted, convicted, fined, or imprisoned, and subsequently signed and thus certified, under penalty of perjury, that his naturalization application and the evidence submitted with it, were all true and correct.

86. Second, during Defendant's naturalization interview, Defendant denied, while under oath, that he had ever been arrested, cited, charged, indicted, convicted,

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

fined, or imprisoned, and subsequently signed and thus swore and certified that he knew that the contents of his application were true and correct.

87. Third, on his Form N-445, Defendant denied that he had been arrested, cited, charged, indicted, convicted, fined, or imprisoned at any time after his May 22, 1997 naturalization interview.

88. Defendant's repeated misrepresentations regarding his criminal conduct on his Form N-400 and during his naturalization interview were willful, because he knew he had been arrested for an offense of petty theft in violation of CPC § 490.1(a), and, on June 18, 1992, convicted of that offense; and arrested for an offense of vandalism in violation of CPC § 594, and, on April 2, 1993, convicted of that offense.

89. Additionally, Defendant's misrepresentation regarding his subsequent criminal conduct on his Form N-445 was willful, because he knew that, after his May 22, 1997 naturalization interview, he had been arrested and charged with carrying a concealed weapon, in violation of CPC § 12025(a)(1), and carrying a loaded firearm, in violation of CPC § 12031(a)(1).

90. Defendant's misrepresentations were material to his naturalization, because the disclosure of criminal offenses would have had a natural tendency to influence INS's decision whether to approve Defendant's naturalization application.

91. Indeed, Defendant's criminal conduct precluded him from establishing the requisite good moral character to naturalize. Had Defendant disclosed the truth about his criminal conduct, his ineligibility for naturalization would have been revealed, and INS would not have approved his application nor administered the Oath of Allegiance.

92. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and his naturalization must be set aside and revoked under 8 U.S.C. § 1451(a).

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, prays for relief as follows:

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

(2) A declaration that Defendant procured his naturalization by concealment of material facts 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 order and certificate, October 16, 1997;

(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 16, 1997 naturalization;

(5) Judgment requiring Defendant, within ten (10) days of judgment, to surrender and deliver his Certificate of Naturalization, any U.S. passport, Enhanced Drivers License, or any other indicia of U.S. citizenship issued to him, whether valid or expired, as well as 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

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

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172

Dated: October 2, 2026

Respectfully submitted,

ERIC GRANT
United States Attorney
Eastern District of California

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

JENNIFER J. KEENEY
Associate Director
Office of Immigration Litigation

STEPHEN J. FLYNN
Assistant Director

/s/ Anna Juarez
ANNA JUAREZ
Senior Litigation Counsel
United States Department of Justice
Civil Division
Office of Immigration Litigation
Affirmative Litigation Unit
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 398-1172
E-mail: anna.juarez@usdoj.gov

Counsel for the United States of America

U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
(202) 598-1172