United States Courts
Southern District of Texas
FILED

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Nathan Ochsner, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. SORSAMKHAN SOM, Defendant.	)	Civil Action No. **4:26-CV-8750** **COMPLAINT TO REVOKE NATURALIZATION**

I. PRELIMINARY STATEMENT OF THE CASE

The United States of America ("Plaintiff") brings this civil action against Defendant Sorsamkhan Som ("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 married a United States citizen spouse, he failed to obtain a divorce from his prior wife in Cambodia. Instead, Defendant produced a fraudulent divorce decree and death certificate of his prior wife. Because Defendant's misrepresentations about his first marriage and bigamist second marriage to a United States citizen did not permit him to lawfully adjust status to permanent resident, he lacked that statutory prerequisite to naturalization. Then, during his naturalization proceedings, he lied about the status of his first marriage and the fraudulent immigration applications he had based on it. For those reasons, Plaintiff brings this civil action on the grounds that Defendant illegally procured his naturalization and concealed and willfully misrepresented material facts during the naturalization process.

II. PARTIES

1. Plaintiff is the United States of America.

2. Defendant Sorsamkhan Som is a naturalized United States citizen born in Cambodia.

III. JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to 28 U.S.C. § 1345 and 8 U.S.C. § 1451(a).

4. Defendant resides in [redacted].

5. Venue is proper in this district because Defendant's last known residence is in this district. *See* 28 U.S.C. §§ 1451(a), § 1931(b)-(c).

IV. FACTUAL ALLEGATIONS

6. A true and complete affidavit of Scot Arnold, a special agent with United States Homeland Security Investigations, an agency within the United States Department of Homeland Security, showing good cause for this action, is attached hereto as Exhibit A as required by 8 U.S.C. § 1451(a).

A. Defendant's Fraudulently Obtained Permanent Resident Status

7. On March 5, 1985, Defendant married a woman named Mom Tou ("Tou") in Cambodia.

8. On June 27, 2002, Defendant married Delfina Garzoria ("Garzoria"), a United States citizen.

9. Garzoria sought an immigrant visa for Defendant by filing with United States Citizenship and Immigration Services ("USCIS") a Form I-130, Petition for Alien Relative ("I-130") on March 31, 2003.

10. In support of and contemporaneously with the I-130, Defendant signed a completed Form G-325A, Biographic Information ("G-325A") that was filed with USCIS.

11. A true and complete copy of the G-325A, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit B.

12. In the G-325A, in a space to list "FORMER HUSBANDS OR WIVES," Defendant listed Tou.

13. In the G-325A, Defendant claimed that he had married Tou on March 5, 1985.

14. In the G-325A, Defendant claimed that his marriage to Tou was terminated on March 27, 2001, in Cambodia.

15. On March 31, 2003, Defendant sought to adjust his immigration status in the United States to permanent resident as the spouse of a United States citizen by filing with USCIS a Form I-485, Application to Register Permanent Residence or Adjust Status ("I-485").

16. A true and accurate copy of Defendant's I-485, except for redactions of immaterial personally identifying information, is attached as Exhibit C.

17. In response to Question Part 3 (B) of his I-485, Defendant listed Garzoria as his current wife.

18. In support of his I-485, Defendant submitted a purported Extract of Civil Judgment from the Phnom Penh Municipal Court in Cambodia with a purported English translation ("Divorce Deed").

19. A true and complete copy of the Divorce Deed, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit D.

20. The Divorce Deed purported to state that Defendant and Tou's marriage terminated by divorce on March 27, 2001, in Cambodia.

21. In support of his admission to the United States, Defendant also submitted a purported Death Certificate of Tou issued by the Deputy Governor of the Daun Penh District of Cambodia with a purported English translation ("Death Certificate").

22. A true and complete copy of the Death Certificate, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit E.

23. The Death Certificate alleged that Tou died on February 7, 2002, in Cambodia.

24. On June 17, 2004 USCIS approved Defendant's I-485 and adjusted his immigration status to conditional permanent resident.

25. On June 23, 2006, Defendant and Garzoria sought unconditional permanent resident status for Defendant by jointly filing a Form I-751, Petition to Remove Conditions on Residence ("I-751").

26. On the I-751, Defendant listed Garzoria as his current spouse.

27. A true and complete copy of the I-751, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit F.

28. On January 12, 2007, USCIS issued a Request for Evidence ("RFE") to Defendant and Garzoria requesting additional evidence in relation to their I-751.

29. Neither Defendant nor Garzoria responded to the RFE.

30. On May 18, 2007, USCIS denied the I-751.

31. On or about January 4, 2007, Defendant and Garzoria filed a second Form I-751, Petition to Remove Conditions on Residence ("Second I-751").

32. On the Second I-751, Defendant listed Garzoria as his current spouse.

33. A true and complete copy of the Second I-751, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit G.

34. On December 16, 2008, USCIS approved the Second I-751.

B. Defendant's Naturalization Proceedings

35. On October 28, 2009, Defendant filed an N-400, Application for Naturalization ("N-400").

36. A true and accurate copy of Defendant's N-400, except for redactions of immaterial personally identifying information, is attached as Exhibit H.

37. Defendant filed his Form N-400 seeking U.S. citizenship based upon his eligibility as a permanent resident for at least five years, pursuant to 8 U.S.C. § 1427(a).

38. In response to Question Part 2 (A) of the N-400, Defendant represented that he has been a Lawful Permanent Resident of the United States for at least five years.

39. In response to Question Part 8 (F)(4) of the N-400, Defendant represented that his marriage to Tou ended on February 7, 2002.

40. In response to Question Part 8 (F)(5) of the N-400, Defendant represented that his marriage to Tou ended on February 7, 2002 due to her death.

41. In response to Question Part 10 D(15) of the N-400, Defendant represented that he has never committed a crime or offense for which he was not arrested.

42. In response to Question Part 10 (D)(23) of the N-400, Defendant represented that he has never given false or misleading information to any U.S. government official while applying for immigration benefits.

43. In response to Question Part 10 (D)(24) of the N-400, Defendant represented that he has never lied to any U.S. government official to gain entry or admission into the United States.

44. After completing the N-400 and prior to filing it, Defendant signed it under penalty of perjury, thereby attesting that the contents of the N-400 were true and correct.

45. On January 15, 2010, a USCIS adjudications officer interviewed Defendant under oath regarding his N-400 and the accuracy of its contents, to determine his eligibility for naturalization ("Naturalization Interview").

46. During his Naturalization Interview, Defendant said, orally and under oath, that his marriage to Tou ended on February 7, 2002, due to her death.

47. During his Naturalization Interview, Defendant said, orally and under oath, that had had never given false or misleading information to any U.S. government official while applying for immigration benefits.

48. Based on the information contained in Defendant's N-400 and the testimony he provided during his Naturalization Interview, USCIS approved Defendant's N-400 on January 15, 2010.

49. On February 3, 2010, Defendant took the oath of allegiance, was admitted as a citizen of the United States, and was issued Certificate of Naturalization Number [redacted].

50. A true and complete copy of Defendant's Certificate of Naturalization, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit I.

C. Garzoria's Visa Petitions for his Children

51. On or about October 5, 2012, Garzoria petitioned for immigrant visas for her stepchildren, Defendant's children.

52. In investigating those petitions, USCIS and the U.S. Department of State determined that Defendant had submitted fraudulent documents in support of his immigration

applications, including the Divorce Deed and Death Certificate that Defendant had also submitted in support of his I-485.

53. On January 12, 2012, pursuant to those investigations, the Chief of Court Clerk, Phnom Penh Capital Court of First Instance, concluded that the Divorce Deed was fraudulent.

54. A true and complete copy of the Chief of Court Clerk findings regarding the Divorce Deed, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit J.

55. On April 9, 2015, the Chief of Court Clerk, Phnom Pehn Capital Court of First Instance, concluded that the Death Certificate was fraudulent.

56. A true and accurate copy of the Chief of Court Clerk finding regarding the Death Certificate, except for redactions of immaterial personally identifying information, is attached hereto as Exhibit K.

V. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

64. 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 "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)(holding that "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)).

65. Among other requirements, Congress has mandated that an individual may not naturalize unless that person was "lawfully admitted for permanent residence" in the United States. 8 U.S.C. §§ 1427(a)(1), 1429.

66. The term "lawfully admitted for permanent residence" means "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," 8 U.S.C. § 1101(a)(20).

67. That status requires the applicant to have been admitted in compliance with the substantive legal requirements—as opposed merely to the procedural requirements—of permanent residence. *See Matter of Longstaff*, 716 F.2d 1439, 1441 (5th Cir. 1983).

68. Individuals cannot lawfully adjust to permanent resident status based on a marriage to a U.S. citizen if their marriage is not bona fide. *See* 8 U.S.C. §§ 1151(b)(2)(A)(i), 8 U.S.C. §§ 1154(b), 1186a(b), 1186(c)(3)(C), 1255(a); *Anetekhai v. I.N.S.*, 876 F.2d 1218, 1220 (5th Cir. 1989).

69. Individuals also cannot lawfully adjust to permanent resident status if they are inadmissible when they seek to adjust. 8 U.S.C. § 1255(a)(2) (providing that alien may adjust status only if admissible); *Castillo-Avalos v. Gonzales*, 136 F. App'x 629, 631 (5th Cir. 2005).

70. An individual who, by fraud or by 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 Immigration and Nationality Act ("INA") is inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

71. Congress has also mandated that an individual may not naturalize unless that person "during all periods referred to in their 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.*

72. Congress has explicitly precluded individuals who give false testimony for the purpose of obtaining immigration benefits from being able to establish the good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6).

73. Further, 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).

74. Thus, an individual who commits an unlawful act adversely reflecting upon their moral character cannot meet the good moral character requirement, unless they prove that extenuating circumstances existed that lessened their culpability for the crime. *See* 8 C.F.R § 316.10(b)(3)(iii); see also 8 U.S.C. § 1101(f) (flush language).

B. The Denaturalization Statute

75. 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 a naturalization application, Congress enacted 8 U.S.C. § 1451.

76. 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.

77. 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.

78. 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 because of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

79. 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* at 517.

VI. CAUSES OF ACTION

COUNT ONE
ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
(Misrepresentation 8 U.S.C. § 1182(a)(6)(C)(i))

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

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

82. The term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. 8 U.S.C. § 1101(a)(20). *Matter of Longstaff*, 716 F.2d at 1441.

83. The applicable statutory provisions in effect at the time of Defendant's adjustment of status to permanent resident included the requirement that he be admissible to the United States. 8 U.S.C. §§ 1159(b)(5), 1255(a).

84. 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, using another identity, or other benefit provided under the INA, was inadmissible. 8 U.S.C. § 1182(a)(6)(C)(i).

85. 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.

86. Defendant was inadmissible at the time of his adjustment to permanent resident status because he sought to procure and procured admission into the United States and other immigration benefits by fraud or willfully misrepresenting a material fact.

87. Specifically, at the time Defendant adjusted his status to permanent resident, he had stated falsely in his G-325A that his marriage to Tou had been legally terminated, and he had stated falsely in his I-485 that he was legally married to Garzoria.

88. Defendant's false statements and or concealments were material to determining his eligibility for the immigration benefits for which he applied because Defendant's false statements had the natural tendency to influence a decision by the immigration officer(s) to approve his application(s).

89. Defendant's false statements had the natural tendency to influence a decision by the immigration officer(s) to approve his applications because had he revealed the truth that he

had remained married to Tou when he married Garzoria, a United States citizen, immigration officers would not have adjusted his status to permanent resident. *See* 8 U.S.C. §§ 1151(b)(2)(A)(i), 8 U.S.C. §§ 1154(b), 1186a(b), 1186(c)(3)(C), 1255(a); *Anetekhai*, 876 F.2d at 1220.

90. Defendant thus sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact. 8 U.S.C. § 1182(a)(6)(C)(i).

91. 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.

92. 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.

93. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

94. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT TWO
ILLEGAL PROCUREMENT OF NATURALIZATION
NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
(Not Statutorily Eligible to Adjust Status - 8 U.S.C. § 1255(a))

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

96. 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.

97. As noted above, the term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. 8 U.S.C. § 1101(a)(20). *Matter of Longstaff*, 716 F.2d at 1441.

98. INS may adjust the status of an alien who was inspected and admitted or paroled into the United States in its discretion if (i) the alien makes an application for such adjustment; (ii) the alien is eligible to receive an immigrant visa and is admissible to the United States; and (iii) an immigrant visa is immediately available for the alien. 8 U.S.C. § 1255(a).

99. Even though adjustment is discretionary and vested in USCIS, the applicant must first satisfy the statutory criteria to be eligible to adjust status. *See Elkins v. Moreno*, 435 U.S. 647, 664-65 (1978).

100. Defendant did not meet the statutory requirements to adjust status because he was not in a bona fide marriage to a United States citizen. *See* 8 U.S.C. §§ 1151(b)(2)(A)(i), 8 U.S.C. §§ 1154(b), 1186a(b), 1186(c)(3)(C), 1255(a); *Anetekhai*, 876 F.2d at 1220.

101. Defendant was not in bona fide marriage to Garzoria, a United States citizen, because Defendant was already married to another person when he purported to marry Garzoria in Texas.

102. Under Texas law, a marriage is void if either party was previously married and the prior marriage is not dissolved by legal action.

103. Therefore, Defendant's marriage to Garzoria was legally void. Tex. Fam. Code § 6.202.

104. Because Defendant did not meet the statutory requirements to adjust status, he was not lawfully admitted to the United States.

105. Because Defendant was not lawfully admitted to the United States, he failed to meet the statutory eligibility requirements to adjust his status to that of permanent resident. 8 U.S.C. § 1255(a)

106. Because Defendant did not lawfully adjust his status to that of permanent resident, he was and is ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

107. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

108. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT THREE
ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(Unlawful Acts Adversely Reflecting Moral Character With No Extenuating Circumstances)

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

110. As outlined above, to be eligible for naturalization, Congress has mandated that an applicant must show that he or she has been a person of good moral character for the five-year statutory period before filing a naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. § 1430.

111. On October 28, 2009, Defendant filed his N-400, and he naturalized on February 3, 2010.

112. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his "statutory period" of October 28, 2004 (five years prior to October 28, 2009), and February 3, 2010.

113. Defendant failed to show he was a person of good moral character during the statutory period because he committed unlawful acts during that period that adversely reflected

on his good moral character with no extenuating circumstances that would ameliorate or palliate his guilt. 8 U.S.C. § 1101(f)(flush language); 8 C.F.R § 316.10(b)(3)(iii)..

114. During the statutory period, Defendant committed the unlawful act of making false statements, in violation of 18 U.S.C. § 1001(a)(1)-(3) by knowingly and willfully concealing in his N-400—a matter within the jurisdiction of the executive branch of the Government of the United States—that his marriage to Tou had been legally terminated.

115. Defendant also committed the unlawful act of false swearing in an immigration application, in violation of 18 U.S.C. § 1546(a) and (b)(3), by knowingly and willfully presenting a fraudulent application and attesting to misrepresentations made under oath.

116. Specifically, Defendant violated 18 U.S.C. § 1546(a) and (b)(3) during the statutory period when he completed and filed his N-400 by claiming his marriage to Tou had been legally terminated.

117. No extenuating circumstances exist that would palliate Defendant's guilt for committing the aforementioned unlawful acts.

118. Because Defendant committed unlawful acts during the statutory period during which he was required to maintain good moral character, and no extenuating circumstances exist to palliate his guilt, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

119. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

120. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT FOUR
ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(Procured by False Testimony - 8 U.S.C. § 1101(f)(6))

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

122. As discussed above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his "statutory period" of October 28, 2004 (five years prior to October 28, 2009), and February 3, 2010.

123. At his Naturalization Interview, Defendant orally and under oath stated that his marriage to Tou in Cambodia ended on February 7, 2002, due to her death.

124. That testimony was false.

125. That testimony was false because as of the date of his Naturalization Interview, Defendant knew Tou was still alive, that Defendant was still married to her, and that he had previously submitted fraudulent documents in support of immigration applications that falsely stated that he and Tou had divorced and that Tou was dead.

126. During his Naturalization Interview, Defendant said, orally and under oath, that had had never given false or misleading information to any U.S. government official while applying for immigration benefits.

127. That testimony was false because as of the date of his Naturalization Interview, Defendant knew that he had falsely claimed in his G-325A that his marriage to Tou had terminated and that he had falsely claimed in his I-485, I-751, and Second I-751 to be legally married to Garzoria.

128. Defendant's testimony on the foregoing issues was knowingly false, and he gave it for the purpose of obtaining an immigration benefit, namely naturalization.

129. Because Defendant provided false testimony under oath for the purpose of obtaining his naturalization, he was barred under 8 U.S.C. § 1101(f)(6) from establishing that he had the good moral character necessary to become a naturalized U.S. citizen.

130. Accordingly, Defendant was ineligible to naturalize.

131. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

132. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

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

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

134. 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 because of the misrepresentation or concealment. *Kungys*, 485 U.S. at 767.

135. As set forth herein, throughout the naturalization process, Defendant willfully misrepresented and concealed, among other things: (i) that he had divorced Tou; (ii) that Tou had died; and (iii) that he had given false or misleading information to a U.S. Government official while applying for immigration benefits.

136. Specifically, in his N-400, in response to Question Part 2 (A), Defendant represented that he has been a Lawful Permanent Resident of the United States for at least five years.

137. Specifically, in his N-400, in response to Question Part 8 (F)(4) of the N-400, Defendant represented that his marriage to Tou ended on February 7, 2002.

138. Specifically, in his N-400, in response to Question Part 8 (F)(5) of the N-400, Defendant represented that his marriage to Tou ended due to her death.

139. Specifically, in his N-400, in response to Question Part 10 D(15) of the N-400, Defendant represented that he has never committed a crime or offense for which he was not arrested.

140. Specifically, in his N-400, in response to Question Part 10 (D)(23) of the N-400, Defendant represented that he has never given false or misleading information to any U.S. government official while applying for immigration benefits.

141. Specifically, in his N-400, in response to Question Part 10 (D)(24) of the N-400, Defendant represented that he has never lied to any U.S. government official to gain entry or admission into the United States.

137. In addition, Defendant testified at his Naturalization Interview that his marriage to Tou in Cambodia ended on February 7, 2002, due to her death.

138. In addition, Defendant testified at his Naturalization Interview that in response to Question Part 10 (D)(23) of the N-400, that he had never given false or misleading information to any U.S. government official while applying for immigration benefits.

139. Defendant knew the aforementioned statements and testimony were false.

142. Those statements were false because, in fact, Defendant knew that: (a) his marriage to Tou had not been terminated due to divorce or her death; (b) he had committed the unlawful acts of making false statements, in violation of 18 U.S.C. § 1001(a)(1)-(3), and false swearing in an immigration application, in violation of 18 U.S.C. § 1546(a) and (b)(3); and (c) he had falsely claimed in his G-325A that his marriage to Tou had terminated and he had falsely claimed in his I-485, I-751, and Second I-751 to be legally married to Garzoria...

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

141. Defendant's misrepresentations and omissions were material to his naturalization because his misrepresentations and or omissions 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 Defendant's misrepresentation, USCIS would have likely denied his naturalization application.

142. 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, February 3, 2010;

(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 February 3, 2010 naturalization;

(5) Judgment requiring the Defendant, within ten (10) days of the entry of judgment against his, 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, through his designated representative, undersigned counsel;

(6) Judgment requiring the Defendant, within ten (10) 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 Driver's 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, through his representative, undersigned counsel; and

(7) Judgment granting the United States any other relief that may be lawful and just.

Dated: September 25, 2026

Respectfully submitted,

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