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22 UNITED STATES DISTRICT COURT
23 EASTERN DISTRICT OF CALIFORNIA

24 UNITED STATES OF AMERICA,

25 Plaintiff,

26 v.

27 OSCAR ALBERTO PELAEZ,

28 Defendant.

**COMPLAINT TO REVOKE
NATURALIZATION**

Civil No.: 26-760

PRELIMINARY STATEMENT

The United States of America (“Plaintiff”) brings this civil action against Oscar Alberto Pelaez (“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 about that conduct during his naturalization proceedings. Prior to naturalizing, Defendant sexually abused John Doe, a minor, on multiple occasions from the time John Doe was 14 years old until he was 17 years old. After naturalizing, Defendant was convicted in California of thirteen counts of lewd or lascivious acts upon a child and was sentenced to six years in prison. He was also required to register as a sex offender for life, pursuant to California Megan’s Law.

Defendant willfully misrepresented and concealed his criminal conduct throughout his naturalization process. Had he disclosed his criminal conduct, he would have been ineligible to naturalize. 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 order admitting Defendant to U.S. Citizenship and to cancel Defendant’s Certificate of Naturalization No. 26551569.

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’s last residence in the United States was in Modesto, California, within the jurisdiction and venue of this Court.

II. PARTIES

1. Plaintiff is the United States of America.

2. Defendant is a naturalized U.S. citizen.

III. FACTUAL BACKGROUND

3. The affidavit of Ronald Dorman, a Deportation Officer with 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 Commission of a Lewd or Lascivious Act Upon a Child

4. In 1998 and 1999, while Defendant was serving as a priest in California, he committed a lewd or lascivious act upon a child 14 or 15 years of age on at least nine separate occasions.

5. In 1999 and 2000, Defendant, while still serving as a priest, engaged in oral copulation with a child under 18 years of age on at least two separate occasions.

6. In 1999 and 2000, Defendant engaged in sodomy with a child under 18 years of age on at least two separate occasions.

7. On February 13, 2002, in the Superior Court of California in Stanislaus County, Defendant was charged in a criminal complaint with 13 offenses related to his sexual abuse of John Doe. *See Criminal Complaint, California v. Pelaez*, No. 1036822 (Cal. Super. Ct. Feb. 13, 2002) (“Criminal Complaint”).

8. A true and complete copy of the Criminal Complaint is attached hereto as Exhibit B.

9. Counts one through nine of the Criminal Complaint charged Defendant with willfully, unlawfully, feloniously, and lewdly committing a lewd or lascivious act upon a child 14 or 15 years of age, in violation of California Penal Code (“CPC”) § 288(c)(1), on nine occasions between on or around May 24, 1998, to on or around May 31, 1999, as follows:

1 [Defendant] did willfully, unlawfully, feloniously, and
2 lewdly commit a lewd and lascivious act upon and with
3 the body and certain parts and members thereof of JOHN
4 DOE, a child 14 years and [Defendant] being at least ten
5 years older than the child, with the intent of arousing,
appealing to and gratifying the lust, passions and sexual
desires of the said defendant or of the said child.

6 10. Counts ten and twelve of the Criminal Complaint charged Defendant
7 with committing oral copulation with a minor, in violation of CPC § 288a(b)(1), on
8 two separate occasions, the first on or about between June 1, 1999, and May 31,
9 2000, when the victim was 16, and the second on July 23, 2000, when the victim
10 was 17.

11 11. Counts eleven and thirteen of the Criminal Complaint charged
12 Defendant with committing sodomy of a person under 18, in violation of CPC §
13 286(b)(1), on two separate occasions, the first on or about between June 1, 1999
14 and May 31, 2000, when the victim was 16, and the second on July 23, 2000, when
15 the victim was 17.

16 12. On July 18, 2002, in the Superior Court of California in Stanislaus
17 County, Defendant entered a plea of guilty and was adjudicated guilty of all
18 thirteen counts as charged above.

19 13. Defendant was sentenced by the court to six years of imprisonment.
20 *See Minute Order and Abstract of Judgment, California v. Pelaez*, No. 1036822
21 (Cal. Super. Ct. July 18, 2002) (“Judgment”)

22 14. A true and complete copy of the Judgment is attached hereto as
23 Exhibit C.

24 **Defendant’s Immigration History and Naturalization Proceedings**

25 15. Defendant is a native of Colombia.

26 16. On or about September 5, 1992, in Miami, Florida, Defendant was
27 admitted to the United States by the U.S. Immigration and Naturalization Service
28 (“INS”) as a non-immigrant visitor for pleasure (visa classification B-2) with

1 authorization to remain in the United States for a period not to exceed March 4,
2 1993.

3 17. On or about February 8, 1993, INS received a Form I-129, Petition for
4 a Nonimmigrant Worker, that was submitted by the Roman Catholic Diocese of
5 Stockton, California, on Defendant's behalf to adjust his non-immigrant status
6 from that of a visitor for pleasure to that of a religious worker, pursuant to Section
7 248 of the INA, 8 U.S.C. § 1258. It was approved on April 12, 1993, and
8 Defendant's status was adjusted to that of a non-immigrant religious worker (visa
9 classification R-1) with authorization to remain in the United States for a period
10 not to exceed February 15, 1994.

11 18. On or about November 29, 1993, INS received a Form I-360, Petition
12 for Amerasian, Widow, or Special Immigrant, that was submitted by the Roman
13 Catholic Diocese of Stockton, California on Defendant's behalf, pursuant to
14 section 101(a)(27)(C) of the INA, 8 U.S.C. § 1101(a)(27)(C). It was approved on
15 December 14, 1993.

16 19. On or about July 20, 1994, INS received a Form I-485, Application to
17 Register Permanent Resident or Adjust Status, that was submitted by Defendant. It
18 was subsequently approved, and Defendant's status was adjusted to that of a lawful
19 permanent resident.

20 20. On August 16, 1999, Defendant filed his Form N-400, Application for
21 Naturalization ("Form N-400") with U.S. Citizenship and Immigration Services
22 ("USCIS").

23 21. A true and complete copy of Defendant's Form N-400, except for
24 redactions of personally identifying information that is immaterial to this action, is
25 attached hereto as Exhibit D.

26 22. In response to Part 7, Question 15 of the Form N-400, which asked,
27 "Have you ever committed a crime or offense for which you were not arrested?"
28 Defendant answered, "No."

1 23. On or about July 5, 1999, Defendant signed his Form N-400 under
2 penalty of perjury, thereby certifying that the Form N-400, and the evidence he
3 submitted with it, were all true and correct.

4 24. On April 20, 2001, Defendant appeared in person before a USCIS
5 officer to determine his eligibility for naturalization (“Naturalization Interview”).

6 25. At the beginning of the Naturalization Interview, the officer placed
7 Defendant under oath.

8 26. During the Naturalization Interview, Defendant orally confirmed
9 and/or corrected certain of his written statements on the Form N-400.

10 27. During Defendant’s Naturalization Interview, Defendant said, orally
11 and under oath that he had never committed a crime or offense for which he was
12 not arrested, consistent with his written answer to Part 7, Question 15 of his Form
13 N-400.

14 28. Defendant never disclosed or discussed—during his Naturalization
15 Interview or elsewhere in his Form N-400—having ever committed sex offenses
16 against a minor, crimes for which he had not then been arrested.

17 29. At the conclusion of his Naturalization Interview, under Part 12 of his
18 Form N-400, Defendant signed and thus swore or affirmed and certified, under
19 penalty of perjury, that he knew that the contents of his application for
20 naturalization subscribed by him, including any corrections, and the evidence
21 submitted by him, were true and correct to the best of his knowledge and belief.

22 30. Based in part on his written responses on the Form N-400 and
23 evidence provided in support of his application and on his sworn oral testimony at
24 the Naturalization Interview, USCIS approved Defendant’s naturalization
25 application on May 9, 2001.

26 31. Based on the written statements he made on his Form N-400,
27 documentation provided in support of the Form N-400, and his testimony under
28 oath during the Naturalization Interview, Defendant was permitted to take the oath

1 of allegiance and he became a naturalized U.S. citizen on May 21, 2001. The same
2 day, INS issued Defendant Certificate of Naturalization, No. 26551569
3 (“Certificate of Naturalization”).

4 32. A true and complete copy of Defendant’s Certificate of
5 Naturalization, except for the redaction of personally identifying information
6 immaterial to his action, is attached hereto as Exhibit E, attached hereto.

7 **IV. GOVERNING LAW**

8 **Congressionally imposed prerequisites to the acquisition of citizenship**

9 33. No noncitizen has a right to naturalization “unless all statutory
10 requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75
11 (1917). The Supreme Court has consistently held that “there must be strict
12 compliance with all the congressionally imposed prerequisites to the acquisition of
13 citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981).

14 34. Congress has mandated that an individual may not naturalize unless
15 that person “during all periods referred to in this subsection has been and still is a
16 person of good moral character” *See* 8 U.S.C. § 1427(a)(3). For applicants
17 seeking to naturalize based on their status as a permanent resident, the required
18 statutory period for good moral character begins five years before the date the
19 applicant files the application for naturalization, and it continues until the applicant
20 takes the oath of allegiance and becomes a U.S. citizen. 8 U.S.C. § 1427(a)(3);
21 8 C.F.R. § 316.10(a)(1).

22 35. Although Congress has not specifically defined what constitutes good
23 moral character for naturalization purposes, the Immigration and Nationality Act
24 lists certain classes of applicants who cannot be found to have the requisite good
25 moral character, *see generally* 8 U.S.C. § 1101(f). This includes individuals who
26 give false testimony for the purpose of obtaining immigration benefits. 8 U.S.C.
27 § 1101(f)(6).

28

1 36. Congress also created a “catch-all” provision, which states, “[t]he fact
2 that any person is not within any of the foregoing classes shall not preclude a
3 finding that for other reasons such person is or was not of good moral character.”
4 8 U.S.C. § 1101(f) (flush language).

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

9 38. With regard to the commission of unlawful acts, “requiring
10 consideration of an applicant’s unlawful acts during the . . . moral character
11 period—whether or not the applicant is convicted for the acts during that period” is
12 a permissible interpretation of section 1101(f). *United States v. Dang*, 488 F.3d
13 1135 (9th Cir. 2007).

14 **The Denaturalization Statute**

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

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

- 23 i. illegally procured, *or*
- 24 ii. procured by concealment of a material fact or by willful
- 25 misrepresentation.

26 41. Failure to comply with any of the congressionally imposed
27 prerequisites to the acquisition of citizenship renders the citizenship “illegally
28 procured.” *Fedorenko*, 449 U.S. at 506.

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

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

14 **V. CAUSES OF ACTION**

15 **COUNT I**

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

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

21 45. As set forth above, to be eligible for naturalization, Defendant was
22 required to establish that he was a person of good moral character during the
23 statutory period, from August 16, 1994, five years before he filed his Form N-400,
24 until May 21, 2001, the date on which he was awarded United States citizenship
25 (the "statutory period"). 8 U.S.C. §1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

26 46. Defendant committed an unlawful act during the statutory period that
27 adversely reflects on his moral character when 1) on at least nine occasions during
28 the statutory period, he committed a lewd or lascivious act upon a child 14 or 15

1 years of age, in violation of CPC § 288(c)(1); 2) on at least two occasions during
2 the statutory period, he engaged in oral copulation with a child under 18 years of
3 age, in violation of CPC § 288a(b)(1); 3) on at least two occasions during the
4 statutory period he engaged in sodomy with a child under 18 years of age, in
5 violation of CPC § 286(b)(1).

6 47. Defendant was convicted of those crimes, sentenced to six years in
7 prison, required to pay monetary fines, and required to register as a sex offender
8 for life.

9 48. Defendant's sex crimes against a minor constitutes unlawful acts
10 committed during his statutory period that are relevant to a determination of his
11 moral character as contemplated by 8 U.S.C. § 1427(e); 8 C.F.R. § 316.10(a)(2).

12 49. Violation of CPC § 288(c)(1), which requires a defendant to willfully,
13 unlawfully, feloniously, and lewdly commit a lewd and lascivious act upon and
14 with the body and certain parts and members thereof of a child 14 or 15 years of
15 age, and being at least ten years older than the child, with the intent of arousing,
16 appealing to and gratifying the lust, passions and sexual desires of the said
17 defendant or of the said child, is an unlawful act that adversely reflects on an
18 individual's moral character, as measured against the standards of the average
19 citizen in the community of residence.

20 50. Violation of CPC § 288(c)(1), is a felony, punishable by up to three
21 years of imprisonment per violation and is an unlawful act that adversely reflected
22 on Defendant's moral character as contemplated by 8 U.S.C. § 1101(f) and 8
23 C.F.R. § 316.10(b)(3)(iii).

24 51. Violation of CPC § 288a(b)(1), which requires a defendant to
25 willfully, unlawfully, and feloniously participate in an act of oral copulation with a
26 person under the age of eighteen years, is an unlawful act that adversely reflects on
27 an individual's moral character, as measured against the standards of the average
28 citizen in the community of residence.

1 52. Violation of CPC § 288a(b)(1) is a felony, punishable by up to one
2 year of imprisonment per violation and is an unlawful act that adversely reflected
3 on Defendant's moral character as contemplated by 8 U.S.C. § 1101(f) and 8
4 C.F.R. § 316.10(b)(3)(iii).

5 53. Violation of CPC § 286(b)(1), which requires a defendant to
6 unlawfully participate in an act of sodomy with a person under the age of eighteen
7 years, is an unlawful act that adversely reflects on an individual's moral character,
8 as measured against the standards of the average citizen in the community of
9 residence.

10 54. Violation of CPC § 286(b)(1), is punishable by up to one year of
11 imprisonment per violation and is an unlawful act that adversely reflected on
12 Defendant's moral character as contemplated by 8 U.S.C. § 1101(f) and 8 C.F.R. §
13 316.10(b)(3)(iii).

14 55. Defendant cannot establish extenuating circumstances with regard to
15 the sex crimes against a minor for which he was convicted and, therefore,
16 Defendant cannot avoid the regulatory bar on establishing good moral character
17 found in 8 C.F.R. § 316.10(b)(3)(iii); *see also, e.g., United States v. Zhou*, 815 F.3d
18 639, 644 (9th Cir. 2016).

19 56. Defendant's sex crimes against a minor during the statutory period so
20 adversely reflected on Defendant's moral character during the statutory period that
21 no evidence of his good moral character would permit Defendant to satisfy his
22 burden of establishing good moral character as required for naturalization.

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

26 58. Because Defendant was ineligible for naturalization, his citizenship
27 was illegally procured and must be revoked and set aside under 8 U.S.C. § 1451(a).

28

COUNT II

**ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(VIOLATION OF 18 U.S.C. § 1546(a), 18 U.S.C. § 1001, and 18 U.S.C. § 1621
DURING THE STATUTORY PERIOD)**

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

60. 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 August 16, 1994, until May 21, 2001. 8 U.S.C. § 1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

61. Defendant could not establish the requisite good moral character for naturalization because he committed three unlawful acts relating to making false statements to federal officials during his 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., United States v. Zhou*, 815 F.3d 639, 644 (9th Cir. 2016).

62. Defendant committed the unlawful act of falsely swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a), when, on or about July 5, 1999, in response to Part 7, Question 15 on his Form N-400, Defendant denied, under penalty of perjury, ever committing a crime or offense for which he had not been arrested and when, on April 20, 2001, he denied the same, while under oath, during his Naturalization Interview.

63. Defendant committed the unlawful act of making a false statement, in violation of 18 U.S.C. § 1001, when, on or about July 5, 1999, in response to Part 7, Question 15 on his Form N-400, Defendant denied, under penalty of perjury, ever committing a crime or offense for which he had not been arrested and when, on April 20, 2001, he denied the same, while under oath, during his Naturalization Interview.

1 64. Defendant committed the unlawful act of perjury, in violation of 18
2 U.S.C. § 1621, when, on or about July 5, 1999, in response to Part 7, Question 15
3 on his Form N-400, Defendant denied, under penalty of perjury, ever committing a
4 crime or offense for which he had not been arrested and when, on or about April
5 20, 2001, he denied the same, while under oath, during his Naturalization
6 Interview.

7 65. Defendant falsely swore in an immigration matter, made a false
8 statement, and committed perjury, because he knew that that he had committed
9 unlawful acts when (1) on at least nine occasions between May 24, 1998 and May
10 31, 1999, he committed a lewd or lascivious act upon a child 14 or 15 years of age,
11 in violation of CPC § 288(c)(1); (2) on at least two occasions between June 1, 1999,
12 and July 23, 2000, he committed a lewd or lascivious act upon a child under 18
13 years of age, by engaging in oral copulation in violation of CPC § 288a(b)(1); and
14 (3) on at least two occasions between June 1, 1999 and July 3, 2000, he committed
15 a lewd or lascivious act upon a child under 18 years of age, by engaging in sodomy
16 in violation of CPC § 286(b)(1).

17 66. When Defendant stated in his Form N-400 and testified in his
18 Naturalization Interview that he had never committed a crime or offense for which
19 he had not been arrested, Defendant knew his responses were false because
20 Defendant later admitted to, plead guilty to, and was convicted of thirteen crimes
21 relating to the sexual abuse of a minor, sentenced to six years in state prison and
22 required to pay various fines and to register as a sex offender for life.

23 67. Defendant's misrepresentations about committing a crime or offense
24 for which he had not been arrested were material, because the disclosure of sex
25 crimes against a minor would have had a natural tendency to influence USCIS's
26 decision whether to approve Defendant's naturalization application.

27 68. Defendant's crimes of falsely swearing in an immigration matter,
28 making false statements, and committing perjury constitute unlawful acts that

1 adversely reflect on Defendant's moral character as contemplated by 8 U.S.C.
2 § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii).

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

6 70. Defendant's deceptive conduct within the statutory period, which
7 sought to conceal his sex crimes against a minor, so adversely reflect on
8 Defendant's moral character that no evidence of good moral character would
9 permit Defendant to satisfy his burden of establishing good moral character as
10 required for naturalization.

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

14 72. Because Defendant was ineligible to naturalize, his citizenship must
15 be revoked and set aside under 8 U.S.C. § 1451(a).

16 **COUNT III**

17 **ILLEGAL PROCUREMENT OF NATURALIZATION**
18 **LACK OF GOOD MORAL CHARACTER**
19 **(FALSE TESTIMONY)**

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

22 74. As set forth above, to be eligible for naturalization, Defendant was
23 required to establish that he was a person of good moral character during the
24 statutory period, from August 16, 1994, until May 21, 2001. 8 U.S.C. § 1427(a)(3);
25 8 C.F.R. §§ 316.10(a)(1).

26 75. Defendant was statutorily barred from establishing the good moral
27 character necessary to naturalize because during the statutory period, he gave false
28

1 testimony, under oath, for the purpose of obtaining an immigration benefit,
2 specifically naturalization. *See* 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

3 76. Defendant provided false testimony for the purpose of obtaining an
4 immigration benefit during his April 20, 2001, Naturalization Interview when
5 Defendant, orally and under oath, testified that he had not ever committed any
6 crimes for which he had not been arrested.

7 77. That answer was false because Defendant knew that (1) on at least
8 nine occasions between May 24, 1998 and May 31, 1999, he committed a lewd or
9 lascivious act upon a child 14 or 15 years of age, in violation of CPC § 288(c)(1);
10 and (2) on two occasions between June 1, 1999, and July 23, 2000, he committed a
11 lewd or lascivious act upon a child under 18 years of age, by engaging in oral
12 copulation, in violation of CPC § 288a(b)(1); and (3) on two occasions between
13 June 1, 1999 and July 3, 2000, he committed a lewd or lascivious act upon a child
14 under 18 years of age, by engaging in sodomy, in violation of CPC § 286(b)(1).

15 78. Defendant knew his testimony was false, because Defendant later
16 admitted to, plead guilty to, and was convicted of those crimes, sentenced to six
17 years in state prison, and required to pay various fines and to register as a sex
18 offender for life.

19 79. Defendant gave his false testimony at his Naturalization Interview
20 with the intent of obtaining the immigration benefit of naturalization.

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

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

27
28

1 82. Because he was ineligible to naturalize, Defendant illegally procured
2 his citizenship, and his naturalization must be set aside and revoked as provided for
3 in 8 U.S.C. § 1451(a).

4 **COUNT IV**

5 **PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF A**
6 **MATERIAL FACT OR WILLFUL MISREPRESENTATION**

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

9 84. Under 8 U.S.C. § 1451(a), Defendant's naturalized U.S. citizenship
10 must be revoked and set aside and his Certificate of Naturalization cancelled
11 because he procured his naturalization by concealment of a material fact or by
12 willful misrepresentation.

13 85. Throughout the naturalization process, Defendant willfully
14 misrepresented and concealed his lewd and lascivious acts, oral copulation, and
15 sodomy involving a minor—criminal acts for which he was later convicted after
16 pleading guilty.

17 86. At no point during the naturalization process did Defendant disclose
18 his criminal conduct, despite being provided several opportunities to do so.

19 87. First, on his Form N-400, Defendant denied ever having committed a
20 crime or offense for which he had not been arrested, and he twice signed and thus
21 certified, under penalty of perjury, that his Form N-400 and the evidence submitted
22 with it, were all true and correct.

23 88. Second, during Defendant's Naturalization Interview, Defendant
24 denied, under oath, that he had ever committed a crime or offense for which he had
25 not been arrested.

26 89. Defendant's repeated misrepresentations regarding his criminal
27 conduct on his Form N-400 and during his Naturalization Interview were willful,
28 because he knew he had committed a lewd or lascivious act upon a child 14 or 15

1 years of age, in violation of CPC § 288(c)(1), oral copulation with a minor, in
2 violation of CPC § 288a(b)(1), and sodomy of a person under 18, in violation of
3 CPC § 286(b)(1), for which he would be subsequently convicted of after obtaining
4 U.S. citizenship.

5 90. Defendant's repeated misrepresentations regarding his criminal
6 conduct on his Form N-400 and during his Naturalization Interview were willful,
7 because he knew he had committed a lewd or lascivious act upon a child 14 or 15
8 years of age, in violation of CPC § 288(c)(1), oral copulation with a minor, in
9 violation of CPC § 288a(b)(1), and sodomy of a person under 18, in violation of
10 CPC § 286(b)(1), for which he had not been arrested, and for which he would be
11 subsequently convicted of after obtaining U.S. citizenship.

12 91. Defendant knew his misrepresentations were false, because Defendant
13 later admitted to, plead guilty to, and was convicted of these crimes, sentenced to
14 six years in state prison and required to pay various fines and to register as a sex
15 offender for life.

16 92. Defendant's misrepresentations were material to his naturalization,
17 because the disclosure of sex crimes against a minor would have had a natural
18 tendency to influence USCIS's decision whether to approve Defendant's
19 naturalization application.

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

25 94. Defendant thus procured his naturalization by willful
26 misrepresentation and concealment of material facts, and his naturalization must be
27 revoked and set aside pursuant to the requirements of 8 U.S.C. § 1451(a).
28

1 **VI. PRAYER FOR RELIEF**

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

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

5 (2) A declaration that Defendant procured his naturalization by concealment
6 of material facts and by willful misrepresentation;

7 (3) Judgment revoking and setting aside the order admitting Defendant to
8 citizenship and canceling Certificate of Naturalization No. 26551569, effective as
9 of the original date of the order and certificate, May 21, 2001;

10 (4) Judgment forever restraining and enjoining Defendant from claiming
11 any rights, privileges, benefits, or advantages under any document which evidences
12 United States citizenship obtained as a result of his May 21, 2001, naturalization;

13 (5) Judgment requiring Defendant, within ten (10) days of judgment, to
14 surrender and deliver his Certificate of Naturalization, any U.S. passport,
15 Enhanced Drivers License, or any other indicia of U.S. citizenship issued to him,
16 whether valid or expired, as well as any copies thereof in his possession or control
17 (and to make good faith efforts to recover and then surrender any copies thereof
18 that he knows are in the possession or control of others), to the Acting Attorney
19 General, through his representative, undersigned counsel; and

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

1 Dated: May 7, 2026
2 ERIC GRANT
3 United States Attorney
4 Eastern District of California

Respectfully submitted,
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Assistant Attorney General
Civil Division

5 JENNIFER J. KEENEY
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7 Office of Immigration Litigation

8 HANS H. CHEN
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10 Denaturalization Unit

11 /s/ Elissa Fudim
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