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17 *Counsel for the United States of America*

18 UNITED STATES DISTRICT COURT
19
20 WESTERN DISTRICT OF KENTUCKY
21

22
23 UNITED STATES OF AMERICA,

24 Plaintiff,

25 v.

26
27 ABDALLAH OSMAN SHEIKH,

28 Defendant.

**COMPLAINT TO REVOKE
NATURALIZATION**

Case No.: 3:26-CV-329-CHB

1 **II. PARTIES**

2 4. Plaintiff is the United States of America.

3 5. Defendant is a naturalized U.S. citizen.

4 **III. FACTUAL BACKGROUND**

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

9 **A. Defendant’s Possession of and Posting Indecent Images of Minors**

10 7. When Defendant was in high school, he was introduced to M.L.S.,¹ a
11 minor female who attended a different high school.

12 8. Defendant never met M.L.S. in person.

13 9. Defendant and M.L.S. communicated through text message and online
14 social media applications.

15 10. During the course of their relationship, Defendant came to possess
16 indecent digital images of M.L.S. in various stages of undress.

17 11. In July 2019, Defendant possessed indecent digital images of M.L.S.

18 12. In July 2019, M.L.S. was only 17 years old.

19 13. When Defendant was in high school, he was also introduced to Z.J., a
20 minor female who attended a different high school.

21 14. Defendant never met Z.J. in person.

22 15. Defendant and Z.J. communicated through text message and online
23 social media applications.

24 16. In February 2019, Defendant solicited and received nude photos from
25 Z.J.

26 17. In February 2019, Z.J. was only 16 years old.

27 ¹ To protect the privacy of individuals who were minors when Defendant victimized them, the
28 government will use only their initials in this complaint. Fed. R. Civ. P. 5-2(a)(3).

1 18. In March 2019, Defendant posted a digital of Z.J.’s bare breasts to his
2 social media account.

3 **B. Defendant’s Enlistment in the U.S. Marine Corps and**
4 **His Summary Court-Martial**

5 19. After enlisting in the U.S. Marine Corps, Defendant entered active
6 duty on October 10, 2017.

7 20. A true and accurate copy of Defendant’s DD 4 Enlistment Document,
8 except for redactions of personally identifiable information immaterial to this
9 action, is attached as Exhibit B.

10 21. On September 24, 2020, Defendant faced Summary Court-Martial
11 proceedings in the Navy and Marine Corps Trial Judiciary.

12 22. A true and accurate copy of Defendant’s Summary Court-Martial and
13 Board Waiver Memorandum of Plea Agreement is attached as Exhibit C.

14 23. On September 24, 2020, Defendant pleaded guilty in Summary Court-
15 Martial proceedings in the Navy and Marine Corps Trial Judiciary to the following
16 three separate violations of 10 U.S.C. § 934, Article 134 of the Uniform Code of
17 Military Justice (UCMJ), relating to indecent conduct of a sexual nature which
18 would bring discredit upon the armed forces:

- 19 • Specification 1 (Indecent Conduct) Violation of the UCMJ, Article 134.
20 In that Defendant did at or near Okinawa, Japan, on or about July 2019,
21 engage in certain conduct, to wit: possessing inappropriate digital images
22 of M.L.S.; (2) that the conduct was indecent; and, (3) that under the
23 circumstances, the conduct of the accused was of a nature to bring
24 discredit upon the armed forces.
- 25 • Specification 2 (Indecent Conduct) Violation of the UCMJ, Article 134.
26 In that Defendant did at or near Okinawa, Japan, on or about February
27 2019, engage in certain conduct, to wit: soliciting nude images of Z.J.;
28 (2) that the conduct was indecent; and, (3) that under the circumstances,

1 the conduct of the accused was of a nature to bring discredit upon the
2 armed forces.

- 3 • Specification 3 (Indecent Conduct) Violation of the UCMJ, Article 134.
4 In that Defendant did at or near Okinawa, Japan, on or about February
5 2019, engage in certain conduct, to wit: posting a digital image of Z.J.'s
6 breast to his social media account; (2) that the conduct was indecent; and,
7 (3) that under the circumstances, the conduct of the accused was of a
8 nature to bring discredit upon the armed forces.

9 24. On September 24, 2020, as part of his guilty plea, Defendant
10 stipulated to the facts underpinning the three Specifications described in paragraph
11 23 ("Stipulation of Fact").

12 25. A true and accurate copy of the Stipulation of Fact is attached as
13 Exhibit D.

14 26. On November 4, 2020, based upon his plea, the Summary Court-
15 Martial found Defendant guilty and sentenced him to a reduction in pay grade,
16 forfeiture of partial salary, and 30 days of confinement.

17 27. A true and accurate copy of Defendant's Record of Trial by Summary
18 Court-Martial is attached as Exhibit E.

19 28. On May 18, 2021, the U.S. Marine Corps discharged Defendant under
20 other than honorable conditions (for misconduct-serious offense).

21 29. On May 18, 2021, the U.S. Marine Corps issued Defendant a Form
22 DD 214, Certificate of Release or Discharge from Active Duty ("DD-214").

23 30. Defendant's DD-214 reflects the period of Defendant's military
24 service and that characterizes the nature of his service.

25 31. A true and accurate and authenticated copy of Defendant's DD 214,
26 except for redactions of personally identifiable information immaterial to this
27 action, is attached as Exhibit F.
28

1 **C. Defendant’s Immigration and Naturalization Proceedings**

2 32. Defendant arrived in the U.S. in 2004.

3 33. Catholic Charities in Louisville, Kentucky, prepared Defendant’s
4 Form I-485, Application to Register Permanent Resident or Adjust Status (“Form
5 I-485”).

6 34. USCIS received Defendant’s Form I-485 (with his mother’s signature)
7 on August 3, 2006.

8 35. A true and accurate copy of Defendant’s Form I-485, except for
9 redactions of personally identifiable information immaterial to this action, is
10 attached as Exhibit G.

11 36. On November 6, 2006, USCIS approved Defendant’s Form I-485 and
12 adjusted his status to permanent resident.

13 37. On January 11, 2019, USCIS received Defendant’s N-400,
14 Application for Naturalization (“N-400”).

15 38. Defendant based his N-400 upon his service in the United States
16 Military.

17 39. A true and accurate copy of Defendant’s N-400, except for redactions
18 of personally identifiable information immaterial to this action, is attached as
19 Exhibit H.

20 40. At the time Defendant submitted his N-400, he had served roughly
21 one year and three months in the Marines.

22 41. In response to Part 1.D of his N-400, Defendant placed an X in the
23 box stating that he was “applying on the basis of qualifying military service.”

24 42. In response to Part 12 (Additional Information About You), Question
25 22 of his N-400, which asked, “Have you EVER committed a crime or offense for
26 which you were NOT arrested?” (emphasis in the original), Defendant answered,
27 “No.”
28

1 43. Under Part 13 (Applicant’s Signature) of his N-400, Defendant signed
2 and thus certified, under penalty of perjury, that the information contained in, and
3 submitted with, his application was all true and correct.

4 44. On August 14, 2019, a USCIS adjudication officer interviewed
5 Defendant for his Form N-400 (“Naturalization Interview”).

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

8 46. During Defendant’s Naturalization Interview, the officer asked
9 Defendant, “Have you ever committed a crime or offense for which you were not
10 arrested?” and Defendant answered orally and under oath, “No,” consistent with
11 his written answer to Part 12 (Additional Information About You), Question 22 of
12 his N-400.

13 47. Defendant never disclosed or discussed—during his naturalization
14 interview or elsewhere in his N-400—having ever committed offenses against
15 minors, including M.L.S. or Z.J., crimes for which he had not then been arrested.

16 48. At the conclusion of his Naturalization Interview, under Part 16
17 (Signature at Interview) of his N-400, Defendant signed and thus swore (affirmed)
18 and certified, under penalty of perjury, that he knew that the contents of his
19 application for naturalization subscribed by him, including any corrections, and the
20 evidence submitted by him, were true and correct to the best of his knowledge and
21 belief.

22 49. Based in part on his written responses on the N-400 and on his sworn
23 oral testimony at the Naturalization Interview, USCIS approved Defendant’s
24 naturalization application on August 14, 2019.

25 50. Based on his approved naturalization application, Defendant took the
26 Oath of Allegiance admitting him to U.S. citizenship, and the United States issued
27 Defendant Certificate of Naturalization No. 40096104 on August 14, 2019.
28

1 procured citizenship as a result of the misrepresentation or concealment. *Kungys v.*
2 *United States*, 485 U.S. 759, 767 (1988).

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

10 64. In addition to the revocation of U.S. citizenship that must occur if
11 naturalization has been illegally procured or procured by concealment of a material
12 fact or by willful misrepresentation, this Court may, pursuant to 8 U.S.C.
13 § 1440(c), revoke an order of naturalization and cancel an individual’s Certificate
14 of Naturalization if he naturalized pursuant to the provisions applicable to
15 members of the U.S. armed forces at 8 U.S.C. § 1440(a) and if he was separated
16 from the Armed Forces under other than honorable conditions before serving
17 honorably for a period or periods aggregating five years.

18 **IV. CAUSES OF ACTION**

19 **COUNT I**

20 **SEPARATION FROM THE ARMED FORCES**
21 **UNDER OTHER THAN HONORABLE CONDITIONS**
22 **PRIOR TO FIVE YEARS OF HONORABLE SERVICE**

23 65. The United States re-alleges and incorporates by reference the factual
24 and legal allegations contained in Sections II through IV of this Complaint.

25 66. Congress has established at 8 U.S.C. § 1440(c) that U.S. citizenship
26 granted pursuant to 8 U.S.C. § 1440(a) “may be revoked in accordance with
27 section 1451 of this title if the person is separated from the Armed Forces under
28

1 other than honorable conditions before the person has served honorably for a
2 period or periods aggregating five years.”

3 67. Section 1440(c) further provides as follows:

4 The fact that the naturalized person was separated from the
5 service under other than honorable conditions shall be
6 proved by a duly authenticated certification from the
7 executive department under which the person was serving
8 at the time of separation. Any period or periods of service
9 shall be proved by duly authenticated copies of the records
10 of the executive departments having custody of the records
11 of such service.

12 68. Defendant obtained his U.S. citizenship pursuant to 8 U.S.C.
13 § 1440(a).

14 69. Defendant was separated from the Armed Forces under other than
15 honorable conditions before he had served honorably for a period or periods
16 aggregating five years.

17 70. As set forth at paragraph 19, Defendant’s service with the Armed
18 Forces began on October 10, 2017.

19 71. Defendant’s DD-214 establishes that Defendant served in the U.S.
20 Marine Corps from October 10, 2017, until May 18, 2021, when the U.S. Marine
21 Corps discharged Defendant under other than honorable conditions (for
22 misconduct-serious offense). *See* Exhibit F.

23 72. Defendant served a total of less than five years in the U.S. Armed
24 Forces.

25 73. Defendant was separated from the U.S. Armed Forces under other
26 than honorable conditions before he had served honorably for periods aggregating
27 five years.

28 74. Because Defendant was separated from the U.S. Armed Forces under
other than honorable conditions before he had served honorably for a period or
periods aggregating five years, this Court should revoke his U.S. citizenship
pursuant to 8 U.S.C. § 1440(c).

COUNT II

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

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

76. As set forth above, to be eligible for naturalization, for veterans or servicemembers who apply for naturalization pursuant to 8 U.S.C. § 1440(a), the statutory period of good moral character (“statutory period”) begins one year prior to individual filing the application for naturalization. See 8 C.F.R. § 329.2(d).

77. Defendant was required to establish that he was a person of good moral character during the statutory period, from January 11, 2018, one year before the date on which USCIS received Defendant’s N-400, until August 14, 2019, when he naturalized. 8 U.S.C. §1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

78. Defendant committed an unlawful act during the statutory period that adversely reflects on his moral character when, in July 2019, Defendant possessed indecent digital images of M.L.S., who was then only 17 years old.

79. Defendant committed an unlawful act during the statutory period that adversely reflects on his moral character when, in March 2019, Defendant solicited a nude photo of Z.J., who was then only 16 years old, and posted a digital of Z.J.’s bare breasts to his social media account.

80. Defendant’s conduct relating to M.L.S. and Z.J., both of whom are minors, represent unlawful acts, analogous to Section 531.335 of the Kentucky Revised Statutes, which prohibits possession or viewing of images exposing, in an obscene manner (“defined as “the predominate appeal of the matter taken as a whole is to a prurient interest in sexual conduct involving minors”) the breast of a minor female.

1 81. Based upon his plea, a Summary Court-Martial in the Navy and
2 Marine Corps Trial Judiciary found Defendant guilty and sentenced him to a
3 reduction in pay grade, forfeiture of partial salary, and 30 days of confinement.

4 82. Defendant’s unlawful acts involving minors constitute unlawful acts
5 committed during the statutory period that are relevant to a determination of his
6 moral character as contemplated by 8 U.S.C. § 1427(e); 8 C.F.R. § 316.10(a)(2).

7 83. Defendant cannot establish extenuating circumstances with regard to
8 his unlawful acts.

9 84. Defendant cannot avoid the regulatory bar on establishing good moral
10 character found in 8 C.F.R. § 316.10(b)(3)(iii); *see also, e.g., United States v.*
11 *Dunor*, No. 2:14-CV-802, 2016 WL 950365, at *5 (S.D. Ohio Mar. 14, 2016).

12 85. Defendant’s unlawful acts involving minors during the statutory
13 period so adversely reflected on Defendant’s moral character during the statutory
14 period that no evidence of his good moral character would permit Defendant to
15 satisfy his burden of establishing good moral character as required for
16 naturalization.

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

20 87. Because Defendant was ineligible to naturalize, he illegally procured
21 his naturalization, and this Court must revoke his citizenship under 8 U.S.C.
22 § 1451(a).

23 **COUNT III**

24 **ILLEGAL PROCUREMENT OF NATURALIZATION**
25 **LACK OF GOOD MORAL CHARACTER**
26 **(THREE ADDITIONAL UNLAWFUL ACTS**
DURING THE STATUTORY PERIOD)

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

1 89. As set forth above, to be eligible for naturalization, Defendant was
2 required to establish that he was a person of good moral character during the
3 statutory period, from January 11, 2018, one year before the date on which USCIS
4 received Defendant’s N-400, until August 14, 2019, when he naturalized. 8 U.S.C.
5 §1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

6 90. Defendant could not establish the requisite good moral character for
7 naturalization because he committed three additional unlawful acts during the
8 statutory period that reflected adversely on his moral character for which there
9 were no extenuating circumstances. *See* 8 U.S.C. § 1101(f) (flush language);
10 8 C.F.R. § 316.10(b)(3)(iii); *see also, e.g., Dunor*, 2016 WL 950365, at *5.

11 91. Defendant committed these additional unlawful acts by making false
12 statements to federal officials during his statutory period.

13 92. First, Defendant falsely swore in an immigration matter, in violation
14 of 18 U.S.C. § 1546(a) when he said under oath at his Naturalization Interview that
15 he had never committed a crime or offense for which he had not been arrested.

16 93. An individual violates 18 U.S.C. § 1546(a) when he makes a false
17 statement under oath on an immigration application about a material fact that
18 existed on the date the individual filled out the application. *United States v.*
19 *Wiggan*, 673 F.2d 145, 147 (6th Cir. 1982).

20 94. Second, Defendant made a false statement, in violation of 18 U.S.C.
21 § 1001, when he said under oath at his Naturalization Interview that he had never
22 committed a crime or offense for which he had not been arrested.

23 95. An individual violates 18 U.S.C. § 1001 when he makes a “materially
24 false, fictitious, or fraudulent statement or representation” to any branch of the
25 U.S. government. *Sellers v. Lynch*, 630 F. App’x 464, 469 (6th Cir. 2015)

26 96. Third, Defendant committed perjury, in violation of 18 U.S.C. § 1621,
27 when he said under oath at his Naturalization Interview that he had never
28 committed a crime or offense for which he had not been arrested.

1 97. An individual violates when he is sworn to an oath authorized by a
2 law of the United States, taken before a competent tribunal, officer or person, and
3 makes a false statement willfully made as to facts material to the hearing. *United*
4 *States v. Hvass*, 355 U.S. 570, 574 (1958).

5 98. Defendant falsely swore in an immigration matter, made a false
6 statement, and committed perjury, because he knew that in July 2019, he had
7 possessed indecent digital images of M.L.S., who was then only 17 years old and
8 that in March 2019, he had solicited a nude photo of Z.J., who was then only 16
9 years old, and had posted a digital of Z.J.’s breasts to his social media account.

10 99. Defendant knew his responses were false because Defendant later
11 stipulated to and was convicted of these two acts and was sentenced to a reduction
12 in pay grade, forfeiture of partial salary, and 30 days of confinement.

13 100. Defendant’s false responses were material, because the true responses
14 would have disclosed that he was ineligible to naturalize.

15 101. Defendant’s false responses were willful, because he knew that, in
16 July 2019, he had possessed indecent digital images of M.L.S., who was then only
17 17 years old and that, in March 2019, he had solicited a nude photo of Z.J., who
18 was then only 16 years old, and posted a digital of Z.J.’s bare breasts to his social
19 media account—acts for which he had not been arrested but for which he would be
20 subsequently convicted in Summary Court-Martial proceedings after pleading
21 guilty and stipulating to the facts after obtaining U.S. citizenship.

22 102. Because Defendant’s false responses were made under oath, were
23 material, and were willful, they meet the elements of 18 U.S.C. § 1546(a),
24 18 U.S.C. § 1001, and 18 U.S.C. § 1621.

25 103. Defendant’s crimes of falsely swearing in an immigration matter,
26 making false statements, and committing perjury constitute unlawful acts that
27 adversely reflect on Defendant’s moral character as contemplated by 8 U.S.C.
28 § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii).

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

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

6 106. Defendant’s unlawful acts within the statutory period, which sought to
7 conceal his criminal involvement with minors, so adversely reflect on Defendant’s
8 moral character that no evidence of good moral character would permit Defendant
9 to satisfy his burden of establishing good moral character as required for
10 naturalization.

11 107. 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).

14 108. Because Defendant was ineligible to naturalize, he illegally procured
15 his naturalization, and this Court must revoke his citizenship under 8 U.S.C.
16 § 1451(a).

17 **COUNT IV**

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

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

23 110. As set forth above, to be eligible for naturalization, Defendant was
24 required to establish that he was a person of good moral character during the
25 statutory period, from January 11, 2018, one year before the date on which USCIS
26 received Defendant’s N-400, until August 14, 2019, when he naturalized. 8 U.S.C.
27 § 1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

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

5 112. Defendant provided false testimony for the purpose of obtaining an
6 immigration benefit during his Naturalization Interview when, in response to being
7 asked whether he had ever committed a crime or offense for which he had not been
8 arrested, Defendant denied orally and under oath ever having committed any such
9 crimes or offenses.

10 113. That answer was false because in July 2019, Defendant possessed
11 indecent digital images of M.L.S., who was then only 17 years old, and in March
12 2019, he solicited a nude photo of Z.J., who was then only 16 years old, and posted
13 a digital of Z.J.’s bare breasts to his social media account—crimes for which he
14 had not been arrested prior to his naturalization interview.

15 114. Defendant knew his testimony was false, because Defendant later
16 stipulated to and was convicted of the acts described in paragraph 106 and was
17 sentenced to a reduction in pay grade, forfeiture of partial salary, and 30 days of
18 confinement.

19 115. Defendant provided his false testimony at his naturalization interview
20 with the intent of obtaining the immigration benefit of naturalization.

21 116. 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.

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

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1 118. Because he was ineligible to naturalize, Defendant illegally procured
2 his citizenship, and this Court must revoke his naturalization, as provided for by
3 8 U.S.C. § 1451(a).

4 **COUNT V**

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

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

9 120. Under 8 U.S.C. § 1451(a), this Court must revoke Defendant’s
10 naturalized U.S. citizenship and cancel his Certificate of Naturalization because he
11 procured his naturalization by concealment of a material fact or by willful
12 misrepresentation.

13 121. Throughout the naturalization process, Defendant willfully
14 misrepresented and concealed his unlawful acts involving minors—acts for which
15 he was later convicted in Summary Court-Martial proceedings after pleading guilty
16 and stipulating to the facts.

17 122. At no point during the naturalization process did Defendant disclose
18 his unlawful acts involving minors, despite being provided several opportunities to
19 do so.

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

24 124. Second, during Defendant’s naturalization interview, Defendant
25 denied, while under oath, that he had ever committed a crime or offense for which
26 he had not been arrested and subsequently signed and thus swore and certified that
27 he knew that the contents of his application were true and correct.

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1 125. Defendant’s repeated misrepresentations regarding his criminal
2 conduct on his Form N-400 and during his naturalization interview were willful,
3 because he knew that, in July 2019, he had possessed indecent digital images of
4 M.L.S., who was then only 17 years old and that, in March 2019, he had solicited a
5 nude photo of Z.J., who was then only 16 years old, and posted a digital of Z.J.’s
6 bare breasts to his social media account—acts for which he had not been arrested
7 but for which he would be subsequently convicted in Summary Court-Martial
8 proceedings after pleading guilty and stipulating to the facts after obtaining U.S.
9 citizenship.

10 126. Defendant knew his misrepresentations were false because Defendant
11 later stipulated to and was convicted of these two acts and was sentenced to a
12 reduction in pay grade, forfeiture of partial salary, and 30 days of confinement.

13 127. Defendant’s misrepresentations were material to his naturalization,
14 because the disclosure of his unlawful acts involving minors would have had a
15 natural tendency to influence USCIS’s decision whether to approve Defendant’s
16 naturalization application.

17 128. Indeed, Defendant’s criminal conduct precluded him from
18 establishing the requisite good moral character to naturalize. Had Defendant
19 disclosed the truth about his criminal conduct, his ineligibility for naturalization
20 would have been revealed, and USCIS would not have approved his application
21 nor administered the oath of allegiance.

22 129. Defendant thus procured his naturalization by willful
23 misrepresentation and concealment of material facts, and this Court must therefore
24 revoke his naturalization pursuant to the requirements of 8 U.S.C. § 1451(a).

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1 **V. 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. 40096104, effective as
9 of the original date of the order and certificate, August 14, 2019;

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 August 14, 2019,
13 naturalization;

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

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

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Dated: May 7, 2026

Respectfully submitted,

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