

throughout his naturalization application process, he procured his naturalization by concealment of a material fact or by willful misrepresentation, a separate ground on which Plaintiff seeks Defendant's naturalization revocation under 8 U.S.C. § 1451(a).

With the attached affidavit showing good cause, Plaintiff brings this civil action on the grounds that Defendant illegally procured his naturalization and concealed and willfully misrepresented material facts about his criminal activity during the naturalization process.

II. JURISDICTION AND VENUE

1. This action is filed 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. 36535678.

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 under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant resides in Monroe, Connecticut, within this federal judicial district.

III. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen whose last known residence is in Fairfield County, Connecticut.

IV. FACTUAL BACKGROUND

6. A true and complete copy of the affidavit of Benjamin Shaw, Special Agent with U.S. Immigration and Customs Enforcement ("ICE"), an agency within the Department of Homeland Security ("DHS"), showing good cause for this action as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

DEFENDANT’S IMMIGRATION HISTORY

7. In March 1994, Defendant, a native of Jamaica, arrived in the United States as a visitor with authorization to remain for six months.

8. On or about November 25, 1997, Defendant filed with the former Immigration and Naturalization Service (“INS”)² a Form I-485, Application to Register Permanent Residence or Adjust Status (“adjustment application”), whereby he sought to adjust his immigration status to permanent resident as the spouse of a U.S. citizen.

9. On January 7, 2000, the INS approved Defendant’s adjustment application.

DEFENDANT’S NATURALIZATION PROCEEDINGS

Naturalization Application

10. On January 13, 2012, Defendant filed with U.S. Citizenship and Immigration Services (“USCIS”) a Form N-400, Application for Naturalization (“naturalization application”).

11. A true and complete copy of Defendant’s naturalization application is attached as Exhibit B.

12. Part 10, Section D, Question 15 of Defendant’s naturalization application asks, “Have you **ever** committed a crime or offense for which you were **not** arrested?” (emphasis in original). Ex. B.

13. In completing his naturalization application and responding to Part 10, Section D, Question 15, Defendant checked the box marked “No.” *Id.*

14. Part 10, Section D, Question 23 of Defendant’s naturalization application asks, “Have you **ever** given false or misleading information to any U.S. government official while

² On March 1, 2003, the INS ceased to exist, and many of its relevant functions transferred to DHS and its sub-agencies, including U.S. Citizenship and Immigration Services. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, 110 Stat. 2135 (Nov. 25, 2002). Plaintiff will reference INS or USCIS where factually appropriate.

applying for any immigration benefit or to prevent deportation, exclusion, or removal?”
(emphasis in original). *Id.*

15. In completing his naturalization application and responding to Part 10, Section D, Question 23, Defendant checked the box marked “No.” *Id.*

16. Part 11 of Defendant’s naturalization application states, in part, “I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct.” On or about January 6, 2012, Defendant dated and signed his naturalization application beneath that statement, thereby certifying under penalty of perjury that all his responses on the application were true and correct. *Id.*

Naturalization Interview

17. On April 23, 2012, a USCIS officer interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

18. At the beginning of the naturalization interview, the USCIS officer placed Defendant under oath.

19. During the naturalization interview, the interviewing officer asked Defendant many of the same questions included in Defendant’s written naturalization application.

20. Consistent with Part 10, Section D, Question 15 of Defendant’s naturalization application, the interviewing officer asked Defendant whether he had ever committed a crime or offense for which he was not arrested. *Id.*

21. Consistent with his written response to Part 10, Section D, Question 15, Defendant orally testified under oath in response that he had never committed a crime or offense for which he was not arrested. *Id.*

22. The interviewing officer notated Defendant's response to Part 10, Section D, Question 15 by placing a handwritten checkmark in red ink next to Defendant's response. *Id.*

23. Consistent with Part 10, Section D, Question 23 of Defendant's naturalization application, the interviewing officer also asked Defendant whether he had ever given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal. *Id.*

24. Consistent with his written response to Part 10, Section D, Question 23, Defendant orally testified under oath in response that he had never given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal. *Id.*

25. The interviewing officer notated Defendant's response to Part 10, Section D, Question 23 by placing a handwritten checkmark in red ink next to Defendant's response. *Id.*

26. At the conclusion of his naturalization interview, Defendant signed his naturalization application at Part 13, thereby certifying a second time under penalty of perjury that the contents of his naturalization application, including corrections to the application made at his interview, were true and correct to the best of his knowledge and belief. *Id.*

27. On or about March 25, 2014, based on Defendant's representations in his naturalization application and on Defendant's sworn oral testimony during his naturalization interview, USCIS approved Defendant's naturalization application. *Id.*

Oath of Allegiance

28. Following USCIS's approval of his naturalization application, Defendant received a Form N-445, Notice of Naturalization Oath Ceremony ("oath notice"), which indicated that his oath ceremony would take place on April 25, 2014.

29. A true and complete copy of Defendant's oath notice is attached as Exhibit C.

30. On April 25, 2014, Defendant completed a questionnaire included on his oath notice. Ex. C.

31. Question 3 of the oath notice questionnaire asks, "Since your interview, have you knowingly committed any crime or offense, for which you have not been arrested?" *Id.*

32. In response to Question 3 of the oath notice questionnaire, Defendant checked the box marked "No." *Id.*

33. Also on April 25, 2014, Defendant signed his oath notice, thereby certifying that his answers provided in the oath notice questionnaire were true and correct. *Id.*

34. Also on April 25, 2014, based on the responses Defendant provided that same day when he submitted the oath notice questionnaire, as well as on Defendant's approved naturalization application, Defendant was administered the oath of allegiance, was admitted to U.S. citizenship, and was issued his Certificate of Naturalization No. 36535678.

35. A true and complete copy of Defendant's Certificate of Naturalization is attached as Exhibit D.

DEFENDANT'S FEDERAL CRIMINAL CHARGES AND CONVICTION

36. On July 27, 2016, in the U.S. District Court for the Northern District of Ohio, the United States filed a five-count Superseding Indictment (amending an initial indictment unsealed on September 9, 2015) charging Defendant with conspiring, from on or about September 28, 2006, through on or about September 18, 2014, to commit securities fraud and wire fraud, in violation of 18 U.S.C. § 1349 (Count 1); wire fraud violations committed on or about November 19, 2010; July 16, 2011; and April 14, 2012, in violation of 18 U.S.C. § 1343 (Counts 2-4); and obstructing justice between in or around September 9, 2015, and in or around February 2016, in

violation of 18 U.S.C. § 1503 (Count 5). *See* Superseding Indictment, *Harris*, No. 1:15-cr-335-BYP (N.D. Ohio July 27, 2016), ECF No. 155.

37. A true and complete copy of Defendant's Superseding Indictment is attached as Exhibit E.

38. According to the Superseding Indictment, Defendant and his co-conspirators caused more than \$54 million to be invested in the purchase of stock in public companies whose share prices they manipulated by artificially controlling the price and volume of traded shares, with the scheme causing a loss of tens of millions of dollars to investors. Ex. E ¶ 51.

39. The timeframe of the securities fraud and wire fraud conspiracy in which Defendant participated, as identified in the Superseding Indictment, began on or about September 28, 2006, and continued until on or about September 18, 2014. *Id.* ¶ 53.

40. Wire transfers in which Defendant participated that support the wire fraud counts, as identified in the Superseding Indictment, occurred on approximately November 19, 2010; July 16, 2011; and April 14, 2012. *Id.* ¶ 59.

41. The timeframe referenced above in paragraph 39 overlaps with the period beginning January 13, 2007, and ending April 25, 2014.

42. The dates referenced above in paragraph 40 fall within the period beginning January 13, 2007, and ending April 25, 2014.

43. On September 7, 2016, a jury found Defendant guilty of all five counts in the Superseding Indictment. Verdict Forms, *Harris*, No. 1:15-cr-335-BYP (N.D. Ohio Sept. 7, 2016), ECF No. 223.

44. A true and complete copy of Defendant's Verdict Forms is attached as Exhibit F.

45. On January 26, 2017, the U.S. District Court for the Northern District of Ohio

sentenced Defendant to an incarceration term of 60 months as to each of Counts 1 - 4, with each term to be served concurrently; and to a term of three months as to Count 5, with such term to be served consecutively with the 60-month terms imposed at Counts 1 - 4. The court also ordered Defendant to pay restitution of \$843,423.91. Amended Judgment, *Harris*, No. 15-cr-335-BYP (N.D. Ohio Jan. 25, 2019), ECF No. 400.

46. On February 5, 2018, after Defendant sought appeal, the Sixth Circuit reversed Defendant's conviction on Count 5, remanded for re-trial on Count 5 or resentencing on Counts 1 - 4, and affirmed his conviction of Counts 1 - 4 pending a *Remmer* hearing.³ *United States v. Harris*, 881 F.3d 945, 954 (6th Cir. 2018).

47. On August 2, 2018, the U.S. District Court for the Northern District of Ohio conducted a *Remmer* hearing and found that Defendant did not meet his burden for a new trial. Opinion and Order, *Harris*, No. 15-cr-335-BYP (N.D. Ohio Aug. 15, 2018), ECF No. 364.

48. On January 25, 2019, after the government declined to seek retrial on Count 5, and after the U.S. District Court for the Northern District of Ohio held a resentencing hearing on January 17, 2019, the court amended its judgment, ordering Defendant to serve concurrent incarceration terms of 37 months as to each of Counts 1 - 4; noting the government declined retrial on Count 5; and again ordering Defendant to pay restitution of \$843,423.91. *See* Amended Judgment, *Harris*, No. 15-cr-335-BYP (N.D. Ohio Jan. 25, 2019), ECF No. 398.

49. A true and complete copy of Defendant's Amended Judgment is attached as Exhibit G.

50. Defendant noticed an appeal of his sentence but ultimately withdrew it. *See* Order from Sixth Circuit, *Harris*, No. 15-cr-335-BYP (N.D. Ohio Feb. 13, 2019), ECF No. 403.

³ A "*Remmer* hearing" determines whether contact with a juror during a trial constituted prejudicial influence upon the juror. *See Remmer v. United States*, 347 U.S. 227, 229 (1954).

**DEFENDANT’S FALSE STATEMENTS
AND TESTIMONY**

Commission of a Crime or Offense for Which Not Arrested

51. From on or about September 28, 2006, through on or about September 18, 2014, Defendant committed conspiracy to commit securities fraud and wire fraud, in violation of 18 U.S.C. § 1349, a crime for which he had not been arrested by the time he naturalized in April 2014, and which he continued to commit through in or about September 2014.

52. Conspiracy is an ongoing offense that continues throughout the conspiracy’s existence. *Smith v. United States*, 568 U.S. 106, 111 (2013) (citations omitted); *United States v. Rutigliano*, 790 F.3d 389, 395-96 (2d Cir. 2015).

53. Also, on approximately November 19, 2010; July 16, 2011; and April 14, 2012, Defendant committed wire fraud, in violation of 18 U.S.C. § 1343, additional crimes for which he had not been arrested by the time he naturalized in April 2014.

54. Accordingly, Defendant’s representation in filing his naturalization application on January 13, 2012, at Part 10, Section D, Question 15 – that he had never committed a crime or offense for which he had not been arrested – was false.

55. Additionally, Defendant’s sworn testimony during his April 23, 2012 naturalization interview, in response to Part 10, Section D, Question 15 – affirming his prior response in the negative – was false.

56. Defendant knew his answer to Part 10, Section D, Question 15 in his naturalization application, along with his oral testimony at his naturalization interview in response to this question, was false because Defendant knew that, within the timeframe and on the dates referenced above in paragraphs 39 and 40, he had committed the crimes of wire fraud

and conspiring to commit securities fraud and wire fraud, and he likewise knew that he had not yet been arrested for these crimes.

57. In fact, on September 7, 2016, a jury found Defendant guilty of the crimes of conspiring to commit securities fraud and wire fraud from on or about September 28, 2006, through on or about September 18, 2014, and of three counts of wire fraud occurring on November 19, 2010, July 16, 2011, and April 14, 2012 .

**Providing False or Misleading Information to any U.S. Government Official
While Applying for any Immigration Benefit**

58. Defendant's representation on his naturalization application on January 13, 2012, in response to Part 10, Section D, Question 23 – that he had never given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal – was false.

59. Additionally, Defendant's sworn testimony during his April 23, 2012 naturalization interview, in response to Part 10, Section D, Question 23 – affirming his prior response in the negative – was false.

60. Defendant knew his answer to Part 10, Section D, Question 23 in his naturalization application, along with his oral testimony at his naturalization interview in response to this question, was false because Defendant knew that, in filing his naturalization application and when being interviewed in support of it, he *had* provided false information by representing that he had never committed a crime or offense for which he had not been arrested.

61. In fact, on September 7, 2016, a jury found Defendant guilty of the crime of conspiring to commit securities fraud and wire fraud from on or about September 28, 2006, through on or about September 18, 2014, and of three counts of wire fraud occurring on November 19, 2010, July 16, 2011, and April 14, 2012.

Commission of Crimes between Date of First Naturalization Interview and Taking the Oath of Allegiance to the United States

62. Between the date of Defendant’s naturalization interview on April 23, 2012, and the date he took the oath of allegiance to the United States on April 25, 2014, Defendant committed conspiracy to commit securities fraud and wire fraud under 18 U.S.C. § 1349, a crime for which he had not been arrested.

63. Accordingly, Defendant’s answer on April 25, 2014, in response to Question 3 of his oath notice questionnaire – that, after the date he was interviewed for his naturalization application on April 23, 2012, he had not knowingly committed any crime or offense for which he had not been arrested – was false.

64. Defendant knew his April 25, 2014 answer in response to Question 3 of his oath notice questionnaire was false because he knew that, since the time of his April 23, 2012 naturalization interview, he had committed the crime of conspiring to commit securities fraud and wire fraud.

65. In fact, on September 7, 2016, a jury found Defendant guilty of the crime of conspiring to commit securities fraud and wire fraud from on or about September 28, 2006, through on or about September 18, 2014.

V. GOVERNING LAW

Congressionally Imposed Prerequisites to the Acquisition of Citizenship

66. No applicant has a right to naturalization “unless all statutory requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). Indeed, the Supreme Court has underscored that “[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981); *see also id.* (quoting *Ginsberg*, 243 U.S. at 474) (“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[.]”)).

67. Congress has mandated that an individual may not naturalize unless that person “during all periods referred to in this subsection has been and still is a person of good moral character” *See* 8 U.S.C. § 1427(a)(3). The required “statutory period” for good moral character typically begins five years before the date the applicant files the naturalization application, and it continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

68. Although Congress has not specifically defined what constitutes good moral character for naturalization purposes, the Immigration and Nationality Act lists certain classes of applicants who cannot be found to have the requisite good moral character. *See* 8 U.S.C. § 1101(f).

69. An applicant lacks good moral character as a matter of law if he or she commits a crime involving moral turpitude (“CIMT”) during the statutory period and later either is convicted of the crime or admits his or her commission of the criminal activity. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i) (providing that an applicant “shall be found to lack good moral character” if, for example, the applicant committed and was convicted of one or more CIMTs).

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

71. In addition to identifying classes of individuals who lack good moral character, Congress created a “catch-all” provision, which states, “[t]he fact that any person is not within

any of the foregoing classes [of ineligibility] 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).

72. Thus, an individual who, during the statutory period, commits an unlawful act adversely reflecting upon his or her moral character cannot meet the good moral character requirement unless he or she proves that extenuating circumstances existed. *See id.*; 8 C.F.R. § 316.10(b)(3)(iii).

73. Extenuating circumstances “must pertain to the applicant’s culpability for the unlawful acts, and not to any consequences therefrom.” *Paul v. Johnson*, No. 1:12-MC-32 GLS/RFT, 2014 WL 2532472, at *3 (N.D.N.Y. June 5, 2014) (citing *United States v. Suarez*, 664 F.3d 655, 662 (7th Cir. 2011) (“Extenuating circumstances are those which render a[n act] less reprehensible than it otherwise would be”)).

74. “[A] conviction during the statutory period is not necessary for a finding that an applicant lacks good moral character. It is enough that the offense was ‘committed’ during that time.” *Suarez*, 664 F.3d at 660-61 (discussing 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10); *United States v. Gayle*, 996 F. Supp. 2d 42, 53 (D. Conn. 2014) (noting that 8 C.F.R. § 316.10(b)(3) provides for a determination that good moral character is lacking where *commission* of unlawful acts occurs during the statutory period and finding that the regulation “warrants a revocation under the catch-all provision found in [8 U.S.C. §] 1101(f)” where the defendant, although ultimately convicted after the statutory period, *committed* his acts during the statutory period). An individual who has been convicted, however, is collaterally estopped from contesting issues necessarily decided in the criminal matter. *Suarez*, 664 F.3d at 663 (explaining that a defendant “may not . . . re-litigate issues decided in his criminal case” in a subsequent civil naturalization

revocation action) (citing *United States v. Jean-Baptiste*, 395 F.3d 1190, 1192 (11th Cir. 2005), *cert. denied*, 546 U.S. 852 (2005)).

The Naturalization Revocation 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 his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

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

- (i) illegally procured, or
- (ii) procured by concealment of a material fact or by willful misrepresentation.

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

79. Where the government establishes that the defendant's citizenship was procured illegally or by concealment or willful misrepresentation of a material fact, “district courts lack

equitable discretion to refrain from entering a judgment of denaturalization.” *Fedorenko*, 449 U.S. at 517.

VI. CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION **LACK OF GOOD MORAL CHARACTER** **(Crime Involving Moral Turpitude)**

80. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through V of this Complaint.

81. 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 his or her naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

82. Defendant filed his naturalization application on January 13, 2012, and he naturalized on April 25, 2014. Thus, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his statutory period from January 13, 2007, until April 25, 2014.

83. An applicant for naturalization is statutorily precluded from establishing the good moral character necessary to naturalize if, during the statutory period, the applicant commits a CIMT and later either is convicted of the crime or admits commission of the criminal activity. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i).

84. Defendant was statutorily precluded from establishing the requisite good moral character for naturalization because, during the statutory period, he committed a CIMT for which he was later convicted. *See* 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

85. As set forth above in paragraphs 36 through 43, on September 7, 2016, a jury found Defendant guilty of one count of conspiring to commit securities fraud and wire fraud, in violation of 18 U.S.C. § 1349, and three counts of wire fraud, in violation of 18 U.S.C. § 1343.

86. As also set forth above in paragraphs 39 and 41, Defendant's Superseding Indictment identifies his conspiracy period as beginning on or about September 28, 2006, and continuing through on or about September 18, 2014, which overlaps with Defendant's statutory period.

87. As also set forth above in paragraphs 40 and 42, Defendant's Superseding Indictment identifies his wire fraud offenses as occurring on November 19, 2010; July 16, 2011; and April 14, 2012, and each of these dates falls within Defendant's statutory period.

88. The crime of wire fraud is a CIMT. *See, e.g., Jordan v. De George*, 341 U.S. 223, 232 (1951) (holding that conspiracy to evade tax payment was a CIMT and that "crimes in which fraud was an ingredient have always been regarded as involving moral turpitude"); *Chiao Fang Ku v. Att'y Gen. United States of Am.*, 912 F.3d 133, 143 (3d Cir. 2019) (finding "no need to revisit the long-held tenet that fraud crimes – including wire fraud – are crimes involving moral turpitude under the INA"); *Arias v. Lynch*, 834 F.3d 823, 827 (7th Cir. 2016) (noting "there is a consensus that fraud is close to the core of moral turpitude"); *Mendez v. Mukasey*, 547 F.3d 345, 350-51 (2d Cir. 2008) (finding that, where conviction under Connecticut first degree larceny statute involved fraud, it qualified as a CIMT).

89. The crime of conspiracy to commit securities fraud and wire fraud is a CIMT. *See Jordan*, 341 U.S. at 232 (finding conspiracy to evade tax payment was a fraud crime and was a CIMT); *Moore v. Barr*, 819 F. App'x 11, 13-14 (2d Cir. 2020) (finding that conviction of conspiracy to commit second degree murder constituted a CIMT because the underlying,

inchoate offense was a CIMT); *Barragan-Lopez v. Mukasey*, 508 F.3d 899, 903 (9th Cir. 2007) (holding that conspiracy conviction is a CIMT if the underlying crime is a CIMT).

90. Because Defendant committed a CIMT during the statutory period and was convicted of the CIMT, Defendant was barred under 8 U.S.C. § 1101(f)(3) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

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

92. Because he was ineligible to naturalize, Defendant illegally procured his naturalization.

93. Because Defendant illegally procured his naturalization, this Court must revoke his naturalization pursuant to 8 U.S.C. § 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION **LACK OF GOOD MORAL CHARACTER** **(Unlawful Acts That Reflect Adversely on Moral Character)**

94. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through V of this Complaint.

95. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during the “statutory period,” which began here on January 13, 2007 (five years before Defendant filed his naturalization application), and continued until April 25, 2014 (when Defendant naturalized). *See* 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

96. An applicant for naturalization is precluded from establishing the good moral character necessary to naturalize if, during the statutory period, the applicant committed unlawful

acts that adversely reflect upon his moral character and there are no extenuating circumstances that would mitigate the applicant's guilt. 8 U.S.C. § 1101(f) (flush language); 8 C.F.R. § 316.10(b)(3)(iii).

97. Defendant could not establish the requisite good moral character for naturalization because, during his statutory period, he committed unlawful acts that reflected adversely upon his moral character, and there are no extenuating circumstances. *See* 8 U.S.C. § 1101(f) (flush language); 8 C.F.R. § 316.10(b)(3)(iii).

98. As set forth above in paragraphs 36 through 43, on September 7, 2016, a jury found Defendant guilty of one count of conspiring to commit securities fraud and wire fraud, in violation of 18 U.S.C. § 1349, and three counts of wire fraud, in violation of 18 U.S.C. § 1343.

99. As also set forth above in paragraphs 39 and 41, Defendant's Superseding Indictment identifies his conspiracy period as beginning on or about September 28, 2006, and continuing through on or about September 18, 2014, which overlaps with Defendant's statutory period.

100. As also set forth above in paragraphs 40 and 42, Defendant's Superseding Indictment identifies his wire fraud offenses as occurring on November 19, 2010; July 16, 2011; and April 14, 2012, all of which fall within Defendant's statutory period.

101. Defendant's wire fraud and conspiracy to commit securities fraud and wire fraud constitute unlawful acts that adversely reflect upon his moral character.

102. No extenuating circumstances exist that would mitigate Defendant's guilt for his unlawful acts.

103. Because Defendant's unlawful acts preclude him from establishing the requisite good moral character, he was ineligible to naturalize. *See* 8 U.S.C. § 1427(a)(3).

104. The catch-all provision for unlawful acts at 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) applies to Defendant regardless of whether the statutory CIMT bar (set forth in Count I) also applies to him.

105. Because Defendant was ineligible to naturalize, he illegally procured his naturalization.

106. Because Defendant illegally procured his naturalization, this Court must revoke his naturalization pursuant to 8 U.S.C. § 1451(a).

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION **LACK OF GOOD MORAL CHARACTER** **(False Testimony)**

107. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through V of this Complaint.

108. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during the “statutory period,” which began here on January 13, 2007 (five years before Defendant filed his naturalization application), and continued until April 25, 2014 (when Defendant naturalized). *See* 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

109. An applicant for naturalization is statutorily precluded from establishing the good moral character necessary to naturalize if, during the statutory period, the applicant gave false testimony under oath for the purpose of obtaining an immigration benefit. 8 U.S.C. § 1101(f)(6).

110. Defendant was statutorily barred from showing that he was a person of good moral character because, during the statutory period, as set forth above in paragraphs 51 through 53, 55 through 57, and 59 through 61, he gave false testimony orally and under oath for the purpose of obtaining an immigration benefit in response to at least two questions. *See* 8 U.S.C.

§ 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

111. First, Defendant orally testified under oath at his naturalization interview that he had never committed a crime or offense for which he had not been arrested.

112. Defendant's testimony that he had never committed a crime or offense for which he had not been arrested was false because, as outlined above, Defendant had committed the crime of conspiracy to commit securities fraud and wire fraud, as well as wire fraud.

113. Second, Defendant orally testified under oath at his naturalization interview that he had never provided false or misleading information to a U.S. government official while applying for an immigration benefit.

114. Defendant's testimony that he had never provided false or misleading information to a U.S. government official while applying for an immigration benefit was false because, as outlined above, Defendant *had* provided false information to the government when he falsely represented in his naturalization application and at his interview that he had never committed a crime or offense for which he had not been arrested.

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

116. Because Defendant could not establish the requisite good moral character, he was ineligible to naturalize. *See* 8 U.S.C. § 1427(a)(3).

117. Because Defendant was ineligible to naturalize, he illegally procured his naturalization.

118. Because Defendant illegally procured his naturalization, this Court must revoke his naturalization pursuant to 8 U.S.C. § 1451(a).

COUNT IV

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

119. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through V of this Complaint.

120. Under 8 U.S.C. § 1451(a), a court must revoke naturalization where it is procured by concealment of a material fact or by willful misrepresentation.

121. As set forth above in paragraphs 51 through 57, throughout his naturalization proceedings, including in filing his naturalization application and when being interviewed in support of it, Defendant concealed his commission of crimes for which he had not yet been arrested, specifically wire fraud and conspiracy to commit securities fraud and wire fraud.

122. As also set forth above in paragraphs 58 through 61, throughout his naturalization proceedings, including in filing his naturalization application and when being interviewed in support of it, Defendant concealed that he provided false or misleading information to a U.S. government official while applying for the immigration benefit of naturalization, specifically that he had failed to disclose his crimes for which he had not been arrested.

123. As also set forth above in paragraphs 62 through 65, when Defendant submitted his Form N-445 on the day he took the oath of allegiance, Defendant concealed that, after the date of his naturalization interview, he had knowingly committed a crime or offense for which he had not been arrested, specifically conspiracy to commit securities fraud and wire fraud.

124. Because Defendant knew his representations that he had never committed a crime or offense for which he had not been arrested; that he had never provided false or misleading information to a U.S. government official while applying for an immigration benefit; and that he had not, since the date of his naturalization interview, knowingly committed a crime or offense

for which he had not been arrested were false and misleading, he made his misrepresentations willfully.

125. Defendant's concealment and misrepresentation regarding his crimes, his provision of false information to the government, and the crimes he had committed since the date of his naturalization interview were material to determining his eligibility for naturalization because they had the natural tendency to influence, or were capable of influencing, USCIS's decision whether to approve Defendant's naturalization application and whether he was eligible to naturalize.

126. Defendant procured his naturalization as a result of his misrepresentations.

127. Had Defendant disclosed his criminal conduct, USCIS would not have approved Defendant's naturalization application.

128. Had Defendant disclosed his provision of false information, USCIS would not have approved Defendant's naturalization application.

129. Defendant thus procured his naturalization by concealment and willful misrepresentation of material facts.

130. Because Defendant procured his naturalization by concealment and willful misrepresentation of material facts, this Court must revoke his naturalization pursuant to 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests:

- (1) A declaration that Defendant illegally procured his naturalization;
- (2) A declaration that Defendant procured his naturalization by concealment of material facts and by willful misrepresentation;

(3) Judgment revoking and setting aside Defendant's naturalization and canceling Certificate of Naturalization No. 36535678, effective as of the original date of the order and certificate, April 25, 2014;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to U.S. citizenship that he obtained as a result of his April 25, 2014 naturalization;

(5) Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, his Certificate of Naturalization No. 36535678 and any copies thereof in his possession or control (and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession or control of others), to the Attorney General through the Attorney General's designated representative, undersigned counsel;

(6) Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, any other indicia of U.S. citizenship (whether current or expired), including, but not limited to, U.S. passports and passport cards, as well as any Enhanced Driver's License and any copies thereof in his possession or control (and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession or control of others), to the Attorney General through the Attorney General's designated representative, undersigned counsel; and

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

Dated: June 5, 2026

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Respectfully submitted,

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