

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICARDO DE LEON,

Defendant.

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CIVIL ACTION NO. 7:18-cv-0047

COMPLAINT TO REVOKE NATURALIZATION

The United States of America, in this Complaint to Revoke Naturalization against Defendant Ricardo De Leon (“Defendant”), states and alleges as follows:

NATURE OF THE ACTION

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the decision admitting Defendant to U.S. citizenship and to cancel his certificate of naturalization. Defendant procured his naturalization unlawfully and willfully misrepresented and concealed material facts in applying to naturalize. Specifically, before he became a citizen of the United States, Defendant engaged in criminal activity that he concealed throughout the naturalization process and that made him ineligible for U.S. citizenship. On or around March 21, 2009, Defendant committed the crime of aggravated sexual assault of a child younger than 14 years of age, a first degree felony, in violation of Texas Penal Code § 22.021. On his naturalization application, which Defendant filed approximately one year later, he stated that he had never committed a crime or offense for which he had not been arrested. On March 13, 2017, after Defendant naturalized, he admitted and pleaded guilty to the foregoing crime. Under 8 U.S.C. § 1451(a), a

United States district court must revoke and set aside the order admitting a naturalized citizen to citizenship and cancel his certificate of naturalization upon a showing that such naturalization was illegally procured or procured by concealment of a material fact or by willful misrepresentation. The United States, therefore, brings this action for an order revoking Defendant's U.S. citizenship and canceling his Certificate of Naturalization, No. 32388117, pursuant to 8 U.S.C. § 1451(a).

JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1345.
3. Venue is proper in this district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391.

PARTIES

4. Defendant was born in Mexico and is a naturalized U.S. citizen. His last known address is in Edinburg, Texas, which is within the jurisdiction and venue of this Court.
5. Plaintiff is the United States of America.

FACTUAL ALLEGATIONS

6. The affidavit of Juan R. Cienega, a U.S. Customs and Border Protection Enforcement Officer, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

A. Defendant's Relevant Immigration History

7. Defendant was born in 1985 in Mexico.
8. Defendant became a lawful permanent resident of the United States on November 27, 1989.

B. Defendant's Relevant Criminal History

9. On or around July 1, 2015, a Hildago County, Texas, a criminal indictment was filed against Defendant in the Hidalgo County, Texas, District Court. Ex. B, Indictment, *State v. Ricardo De Leon*, CR-4197-15-J (430th Dist. Ct., Hidalgo Co., Tex.).

10. In the Indictment, the Grand Jury charged Defendant with committing two or more acts of sexual abuse against a child 14 years of age or younger during a period that was 30 or more days in duration, from on or about March 21, 2009, to on or about November 1, 2014, namely: aggravated sexual assault of a child and indecency with a child by contact. *Id.*

11. On March 13, 2017, Defendant entered a plea agreement with the state's attorney whereby Defendant agreed to plead guilty to Aggravated Sexual Assault of a Child Under 14 Years of Age, committed on March 21, 2009, a first degree felony. Ex. C, Stipulation of Evidence and/or Testimony & Plea of Guilty, *State v. Ricardo De Leon*, CR-4197-15-J (430th Dist. Ct., Hidalgo Co., Tex.).

12. In his March 13, 2017 agreement, Defendant asked the court to consider suspending the imposition of the sentence and place him on community supervision and to consider deferring further proceedings without entering an adjudication of guilty.

13. With the March 13, 2017 agreement, Defendant admitted that he committed each and every element of the lesser included offense alleged in the Indictment, namely that he committed the offense of aggravated sexual assault of a child younger than 14 years of age. *Id.*; Ex. B.

14. On March 13, 2017, Defendant pleaded guilty in the District Court of Hidalgo County, Texas, to Aggravated Sexual Assault of a Child in violation of Texas Penal Code § 22.021(a)(2)(B), and the court entered an Order of Deferred Adjudication & Community Supervision requiring Defendant to serve ten years of community supervision, pay a fine of

\$5,000.00, and register as a sex offender. Ex. D, Order of Deferred Adjudication & Community Supervision, *State v. Ricardo De Leon*, CR-4197-15-J (430th Dist. Ct., Hidalgo Co., Tex.).

15. In its March 13, 2017 order, the District Court of Hidalgo County, Texas, specifically found the offense was committed on March 21, 2009, and the age of the victim at the time of the offense was six to eleven years old. *Id.*

C. Defendant's Unlawful Naturalization

16. On or about March 19, 2010, Defendant filed a Form N-400, Application for Naturalization ("Form N-400"), with U.S. Citizenship and Immigration Services ("USCIS"). Ex. E, Defendant's Form N-400, Application for Naturalization.

17. Question 15 of Part 10, Additional Questions, of Defendant's Form N-400 asked if the applicant had "**ever** committed a crime or offense for which you were **not** arrested?" (emphasis in original).

18. On his Form N-400, Defendant checked the box "No" to answer Question 15 of Part 10.

19. On or around March 15, 2010, Defendant signed his Form N-400 under penalty of perjury under the laws of the United States, thereby certifying that his answers to the questions therein were all true and correct.

20. On June 10, 2010, Maria Francis Stewart, an Immigration Services Officer with USCIS, orally interviewed Defendant in person regarding his Form N-400 to determine Defendant's eligibility for naturalization.

21. At the beginning of the interview, Officer Stewart placed Defendant under oath.

22. During the interview, Officer Stewart asked Defendant whether he had ever committed a crime or offense for which he was not arrested, consistent with Question 15, Part 10, of Defendant's Form N-400.

23. Consistent with his written answer to Question 15, Part 10, of Defendant's Form N-400, Defendant testified that he had never committed a crime or offense for which he was not arrested.

24. At the end of his interview, Defendant signed his Form N-400 in the presence of Officer Stewart and swore that the contents of his application, corrections made at his request to the application, and his amended application were true to the best of his knowledge and belief.

25. Based upon the information supplied by Defendant on his Form N-400 and based on the sworn answers he gave during his naturalization interview, USCIS approved Defendant's naturalization application on June 11, 2010.

26. On July 23, 2010, Defendant took the oath of allegiance and became a naturalized U.S. citizen. *See* Ex. F, Certification of Naturalization No. 32388117.

27. On July 23, 2010, USCIS issued Certificate of Naturalization No. 32388117 to Defendant. *See id.*

GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

28. No alien has a right to naturalization "unless all statutory requirements are complied with." *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). Indeed, the Supreme Court has underscored that "[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.* ("An alien who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress.") (quoting *Ginsberg*, 243 U.S. at 474)).

29. 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 application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a United States citizen. *Id.*; 8 C.F.R. § 316.10(a)(1).

30. As a matter of law, an applicant necessarily lacks good moral character 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, they committed and were convicted of one or more crimes involving moral turpitude).

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

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

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

34. “[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.” *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011) (discussing 8 C.F.R. § 316.10(b)(3)(iii)).

35. Nevertheless, an individual who has been convicted is collaterally estopped from contesting all facts that were essential to proving the elements of the crime. *See Johnson v. Sawyer*, 47 F.3d 716, 722 n.13 (5th Cir. 1995) (en banc).

B. The Denaturalization Statute

36. 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.

37. Under 8 U.S.C. § 1451(a), this Court must revoke Defendant’s naturalization and cancel his Certificate of Naturalization if his naturalization was either:

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

38. 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.

39. 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).

40. Where the government establishes that the defendant's citizenship was procured illegally or by willful misrepresentation of material facts, "district courts lack equitable discretion to refrain from entering a judgment of denaturalization." *Fedorenko*, 449 U.S. at 517.

CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (CRIME INVOLVING MORAL TURPITUDE)

41. The United States incorporates by reference the allegations set forth in paragraphs 1 through 40 of this Complaint.

42. As discussed above, to be eligible for naturalization an applicant must show that he has been a person of good moral character for the five-year statutory period before he filed a naturalization application, and until the time he becomes a naturalized United States citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1). Thus, Defendant was required to show that he was a person of good moral character from March 19, 2005 (five years before he filed his naturalization application) until he naturalized on July 23, 2010. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

43. Defendant was statutorily barred from showing that he was a person of good moral character because he committed a CIMT during the statutory period. 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

44. Aggravated sexual assault of a child, in violation of Texas Penal Code § 22.021, is an intentional act of aggravated sexual assault and thus a CIMT. *See, e.g., United States v. Ekpın*, 214 F. Supp. 2d 707, 714 (S.D. Tex. 2002) (finding defendant's crime of aggravated sexual assault of his daughter to be a CIMT); *see also Ashcroft v. Free Speech Coal.*, 535 U.S.

234, 244 (2002) (“The sexual abuse of a child is a most serious crime and an act repugnant to the moral instincts of a decent people.”).

45. Defendant both admitted in his guilty plea that he had committed, and he was convicted of intentionally committing, the crime of Aggravated Sexual Assault of a Child Under 14 Years of Age, as charged.

46. Defendant committed the crime on March 21, 2009, which was during the statutory period within which he was required to show good moral character.

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

48. 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).

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

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (UNLAWFUL ACTS)

50. The United States incorporates by reference the allegations set forth in paragraphs 1 through 49 of this Complaint.

51. As noted above, to be eligible for naturalization, Defendant was required to show that he was a person of good moral character from March 19, 2005, to July 23, 2010. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

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

53. Specifically, Defendant engaged in aggravated sexual assault of a child under 14 years of age in violation of Texas Penal Code § 22.021(a)(2)(B), which adversely reflected on his moral character and for which there are no extenuating circumstances. *See* 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

54. The regulatory catch-all provision for unlawful acts at 8 C.F.R. § 316.10(b)(3)(iii) applies to Defendant because he committed the unlawful act on March 21, 2009, during the statutory period before he was naturalized, even though he pleaded guilty to this crime after he was granted citizenship. *See, e.g., United States v. Ledesma*, 33 F. Supp. 3d 734, 743 (S.D. Tex. 2012).

55. The regulatory catch-all provision for unlawful acts at 8 C.F.R. § 316.10(b)(3)(iii) applies to Defendant regardless of whether his conduct and subsequent conviction also constitute a CIMT (set forth in Count 1).

56. Because Defendant committed unlawful acts that adversely reflected on his moral character during the statutory period and he cannot demonstrate extenuating circumstances, he was barred under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that he had the good moral character necessary to become a naturalized United States citizen.

57. 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).

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

COUNT III

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

59. The United States incorporates by reference the allegations set forth in paragraphs 1 through 58 of this Complaint.

60. As noted above, to be eligible for naturalization, Defendant was required to show that he was a person of good moral character from March 19, 2005, to July 23, 2010. 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 gave false testimony for the purpose of obtaining an immigration benefit. 8 U.S.C. § 1101(f)(6).

62. Specifically, on June 10, 2010, Defendant provided false testimony, under oath, for the purpose of obtaining naturalization, an immigration benefit. 8 U.S.C. § 1101(f)(6).

63. As set forth in paragraphs 20 through 24, Defendant testified that he had never committed a crime or offense for which he had not been arrested.

64. Defendant's testimony that he had never committed a crime or offense for which he had not been arrested was false.

65. At his naturalization interview on June 10, 2010, Defendant did not disclose that on March 21, 2009, he had intentionally committed of aggravated sexual assault of a child under 14 years of age, a first degree felony, in violation of Texas Penal Code § 22.021.

66. As set forth in paragraph 14, Defendant pleaded guilty to this offense on March 13, 2017.

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

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

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

COUNT IV

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

70. The United States incorporates by reference the allegations set forth in paragraphs 1 through 69 of this Complaint.

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

72. Defendant willfully misrepresented and concealed throughout the naturalization process his aggravated sexual assault of a child younger than 14 years of age.

73. At no point during the naturalization process did Defendant disclose that he committed aggravated sexual assault of a child younger than 14 years of age on March 21, 2009, a crime for which he had not been arrested prior to his naturalization

74. Defendant knew his representations that he had never committed a crime or offense for which he had not been arrested and his concealment of his aggravated sexual assault of a child were false and misleading, and he made such representations willfully.

75. Defendant's misrepresentation and concealment of his criminal conduct were material to his naturalization application because they would have had a natural tendency to influence the USCIS's decision whether to approve his naturalization application. Indeed, Defendant's conduct rendered him ineligible for citizenship.

76. Had Defendant disclosed his criminal conduct, USCIS would have denied his application for naturalization.

77. Defendant therefore procured his naturalization by concealment of material facts and willful misrepresentations, and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully requests:

- (1) A declaration that Defendant procured his citizenship illegally;
- (2) A declaration that Defendant procured his citizenship by concealment of material facts and by willful misrepresentation;
- (3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. 32388117, effective as of the original date of the order and certificate, July 23, 2010;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to United States citizenship that he obtained as a result of his July 23, 2010 naturalization;

(5) Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment, his Certificate of Naturalization No. 32388117 and any copies thereof in his possession—and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession of others—to the Attorney General, or his designated representative, including undersigned counsel;

(6) Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment, any other indicia of United States citizenship (including, but not limited to, U.S. passports, voter registration cards, and other relevant documents, whether current or expired), and any copies thereof in his possession—and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession of others—to the Attorney General, or his designated representative, including undersigned counsel; and

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

Dated: February 22, 2018

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Counsel for the United States

Exhibit A

UNITED STATES OF AMERICA)
)
SOUTHERN DISTRICT OF TEXAS)
)
In the Matter of the Revocation of the)
Naturalization of)
)
Ricardo De Leon)
A042-318-606)

AFFIDAVIT OF GOOD CAUSE

I, Juan R. Cienega, declare under penalty of perjury as follows:

1. I am an Enforcement Officer for the U.S. Customs and Border Protection (CBP), U.S. Department of Homeland Security (DHS). In this capacity, I have access to the official records of DHS, including the immigration file of Ricardo De Leon (hereafter Mr. De Leon), A042-318-606.
2. I have examined the records relating to Mr. De Leon. Based upon my review of these records, I state, on information and belief, that the information set forth in this Affidavit of Good Cause is true and correct.
3. Mr. De Leon was born in Mexico in [REDACTED] 1985. Mr. De Leon was admitted to the United States as a lawful permanent resident on November 27, 1989. On or about March 19, 2010, Mr. De Leon filed an application for naturalization, U.S. Citizenship and Immigration Services (USCIS) Form N-400, with USCIS pursuant to Section 316(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1427(a).
4. On his Form N-400, where asked "Have you **ever** committed a crime or offense for which you were **not** arrested?" Mr. De Leon checked the box marked "No."
5. On June 10, 2010, Mr. De Leon appeared before Officer Maria Francis Stewart, an Immigration Services Officer, in Harlingen, Texas, to determine his eligibility for

naturalization. At that time, Mr. De Leon stated, under oath, that he had never committed a crime or offense for which he had not been arrested. At the completion of his interview Mr. De Leon swore or affirmed that the contents of his application were true and correct.

6. On the basis of Mr. De Leon's written application, documents he submitted, and his testimony at the naturalization interview, his application for naturalization was approved on June 11, 2010. On or about July 2, 2010, USCIS sent Mr. De Leon a Notice of Naturalization Oath Ceremony, Form N-445 (hereafter Form N-445). The Form N-445 advised Mr. De Leon that he was scheduled to appear for a hearing on his Petition for Naturalization, to take the oath of allegiance, and that he was required to bring and submit Form N-445 with all questions answered prior to being sworn in as a United States citizen. Mr. De Leon completed his answers to the questions on Form N-445 and signed Form N-445 on July 23, 2010, thereby certifying that his answers to the questions on this form were true and correct.
7. On the basis of the representations made on his completed Application to File Petition for Naturalization, Form N-400, documents he submitted, testimony at the naturalization interview, and his responses to the questions on Form N-445, Mr. De Leon was permitted to take the oath of allegiance and was admitted as a citizen of the United States on July 23, 2010. On this same date he was issued a Certificate of Naturalization, number 32388117.
8. Mr. De Leon illegally procured his naturalization because he could not have established that he was a person of good moral character. As an applicant for naturalization pursuant to section 316(a) of the Immigration and Nationality Act, 8 U.S.C. § 1429(a), Mr. De Leon was required to prove that he was a person of good moral character from on or

about March 19, 2005, five years before he filed his application for naturalization, until July 23, 2010, the date on which he was admitted as a citizen of the United States (“the statutory period”).

9. Mr. De Leon could not have established that he was a person of good moral character because he was convicted of an act which constitutes the essential elements of a crime involving moral turpitude.
 - a. Pursuant to section 101(f) of the Immigration and Nationality Act, an applicant for naturalization is precluded from establishing the required good moral character if, during the statutory period, commits a crime involving moral turpitude, for which such person was convicted or for which he admits committing.
 - b. In the July term of 2015, the Hidalgo County, Texas District Court filed an indictment against Mr. De Leon on one count of aggravated sexual assault of a child during a period of 30 days or more in duration: from on or about March 21, 2009, to on or about November 1, 2014, when Mr. De Leon was 17 years of age or older, he committed two or more acts of sexual abuse against the victim, a child 14 years of age or younger, namely, aggravated sexual assault of a child by intentionally or knowingly causing the penetration of the sexual organ of the victim by Mr. De Leon’s finger, indecency with a child by contact, by with intent to arouse or gratify the sexual desire of Mr. De Leon, engaging in sexual contact with the victim by touching any part of the genitals of the victim, indecency with a child by contact, by with intent to arouse or

gratify the sexual desire of Mr. De Leon, engaging in sexual contact with the victim by causing the victim to touch the genitals of Mr. De Leon.

- c. On March 13, 2017, Mr. De Leon pleaded guilty in the 430th Judicial District Court of Hidalgo County, Texas, to a lesser included offense of aggravated sexual assault of a child, a first degree felony, in violation of Texas Penal Code § 22.021(a)(2)(B). The court found the offense to have been committed on March 21, 2009. The court ordered Mr. De Leon to be placed on community supervision for ten years and fined \$5,000.00.
 - d. Mr. De Leon's guilty plea indicates that the offense of aggravated sexual assault of a child occurred on March 21, 2009, which was during the statutory period.
 - e. The crime of aggravated sexual assault of a child for which Mr. De Leon was convicted is a crime involving moral turpitude as contemplated under section 212(a)(2)(A)(i) of the Immigration and Nationality Act.
 - f. Because Mr. De Leon committed acts which constitute the essential elements of a crime involving moral turpitude within the period of time in which he was required to establish good moral character, for which he was convicted, he was precluded from establishing good moral character. Consequently, he illegally procured his naturalization.
10. Mr. De Leon could not have established that he was a person of good moral character because he committed unlawful acts that adversely reflected on his moral character.
- a. Unless there are extenuating circumstances, an applicant for naturalization is precluded from establishing good moral character if, during the statutory

period, he commits unlawful acts that adversely reflect upon his moral character.

- b. Whether unlawful acts affect an applicant's moral character is a case-by-case determination, considering the standards of the average citizen in the applicant's community of residence.
- c. In the July term of 2015, the Hidalgo County, Texas, District Court filed an indictment against Mr. De Leon on one count of aggravated sexual assault of a child during a period of 30 days or more in duration: from on or about March 21, 2009, to on or about November 1, 2014, when Mr. De Leon was 17 years of age or older, commit two or more acts of sexual abuse against the victim, a child 14 years of age or younger, namely, aggravated sexual assault of a child by intentionally or knowingly causing the penetration of the sexual organ of the victim by Mr. De Leon's finger, indecency with a child by contact, by with intent to arouse or gratify the sexual desire of Mr. De Leon, engaging in sexual contact with the victim by touching any part of the genitals of the victim, indecency with a child by contact, by with intent to arouse or gratify the sexual desire of Mr. De Leon, engaging in sexual contact with the victim by causing the victim to touch the genitals of Mr. De Leon.
- d. On March 13, 2017, Mr. De Leon pleaded guilty in the 430th Judicial District Court of Hidalgo County, Texas, to a lesser included offense of aggravated sexual assault of a child, a first degree felony, in violation of Texas Penal Code § 22.021(a)(2)(B). The court found the offense to have been committed

on March 21, 2009. The court ordered Mr. De Leon to be placed on community supervision for ten years and fined \$5,000.00.

- e. Mr. De Leon's guilty plea indicates that the offense of aggravated sexual assault of a child occurred on March 21, 2009, which was during the statutory period.
- f. Committing aggravated sexual assault of a child 14 years of age or younger is an unlawful act that adversely reflects upon an individual's moral character as measured against the standards of the average citizen in the community of residence.
- g. The crime of aggravated sexual assault of a child is an unlawful act that adversely reflects upon Mr. De Leon's good moral character as contemplated under 8 C.F.R. § 316.10(b)(3).
- h. As evidenced by his post-naturalization conviction, there were no extenuating circumstances that could have mitigated the effect of Mr. De Leon's actions on his ability to establish good moral character.
- i. Because Mr. De Leon committed unlawful acts affecting his moral character within the period of time in which he was required to establish good moral character, he was precluded from establishing good moral character. Consequently, he illegally procured his naturalization.

11. Mr. De Leon procured his naturalization by willful misrepresentation and concealment of material facts.

- a. Mr. De Leon willfully misrepresented and concealed his criminal history.

- b. In response to Question 15 under Part 10 of the Application for Naturalization, Form N-400, Mr. De Leon asserted that he had never knowingly committed any crime or offense for which he had not been arrested.
- c. At his naturalization interview on June 10, 2010, during the statutory period, Mr. De Leon testified under oath that he had never committed a crime or offense for which he was not arrested. At the end of his interview, Mr. De Leon signed his N-400, indicating that the contents of his naturalization application, including his representation that he had never committed a crime or offense for which he was not arrested, were true and correct to the best of his knowledge or belief.
- d. In fact, Mr. De Leon's representation was false because at the time of his interview, and prior to his naturalization interview, during the statutory period, he had committed the crime of aggravated sexual assault of a child.
- e. The facts misrepresented by Mr. De Leon were material to determining his eligibility for naturalization because they would have had the natural tendency to affect the INS decision whether to approve his application. In fact, Mr. De Leon's criminal activity precluded him from establishing good moral character.
- f. Mr. De Leon procured his naturalization by misrepresenting and concealing his criminal conduct.

12. Mr. De Leon could not have established that he was a person of good moral character because he provided false testimony during his naturalization for the purpose of obtaining his naturalization.
 - a. On June 10, 2010, Mr. De Leon appeared before an Immigration Services Officer for an interview regarding his application for naturalization.
 - b. At the beginning of the naturalization interview Mr. De Leon took an oath or affirmed that he would answer all questions truthfully.
 - c. During the course of the naturalization interview, and in order to adjudicate his eligibility for naturalization, the INS officer asked Mr. De Leon about whether he had ever committed a crime or offense for which he had not been arrested.
 - d. In response to this question, Mr. De Leon testified, under oath, that he had not.
 - e. This testimony was false. Mr. De Leon had committed the offense of aggravated sexual assault of a child on March 21, 2009.
 - f. Mr. De Leon's false testimony concealed the fact that he had committed a crime.
 - g. Because Mr. De Leon provided false testimony, he could not establish that he was a person of good moral character.
13. Based on the facts outlined in the foregoing paragraphs, good cause exists to institute proceedings pursuant to section 340(a) of the Immigration and Nationality Act, 8 U.S.C. § 1451(a), to revoke Mr. De Leon's citizenship and to cancel his certificate of naturalization.

14. Mr. De Leon's last known place of residence is [REDACTED] Edinburg, Texas 78542. Therefore, venue is proper in this district.

DECLARATION IN LIEU OF JURAT

(28 U.S.C. § 1746)

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 12th day of December, 2017.



Juan R. Cienega
CBP Enforcement Officer—Prosecutions Office
Hidalgo/Pharr/Anzalduas Port Of Entry
9901 S. Cage Blvd., Ste. B
Pharr, TX 78577

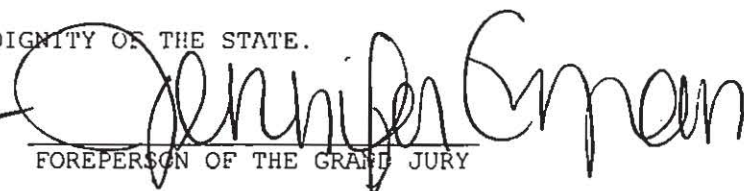
Exhibit B

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Hidalgo, State of Texas, duly selected, impaneled, sworn, charged and organized as such at the July term A.D. 2015 of the 92nd Judicial District Court for said County, upon their oaths present in and to said court at said term that RICARDO ~~DELEON~~ hereinafter styled Defendant, and before the presentment of this indictment, in Hidalgo County, Texas, did then and there, during a period that was 30 or more days in duration, to-wit: from on or about 21st day of March, 2009, to on or about the 1st day of November, 2014, when the defendant was 17 years of age or older, commit two or more acts of sexual abuse against [REDACTED] [REDACTED], a child 14 years of age or younger, namely, aggravated sexual-assault of a child by intentionally or knowingly causing the penetration of the sexual organ of [REDACTED] [REDACTED] by defendant's finger, indecency with a child by contact, by with intent to arouse or gratify the sexual desire of the defendant, engaging in sexual contact with [REDACTED] [REDACTED] by touching any part of the genitals of [REDACTED] [REDACTED] indecency with a child by contact, by with intent to arouse or gratify the sexual desire of the defendant, engaging in sexual contact with [REDACTED] [REDACTED] by causing [REDACTED] [REDACTED] to touch the genitals of the Defendant;

9-28-15
He Leon^u

AGAINST THE PEACE AND DIGNITY OF THE STATE.

4197-15-J 
FOREPERSON OF THE GRAND JURY

No. CR- 4197-15-J Arrest Date: 02/18/15 Agency: EDINBURG POLICE DEPARTMENT
By: IDA Case No. 15-03545 Bond: \$10000.00
State of Texas vs. RICARDO DELEON
Charge: SEX ABUSE OF CHILD CONTINUOUS: VICTIM U/14
1450076

11990012-F1

Exhibit C

STATE'S EXHIBIT #1

CASE NO. CR-4197-15-J
INCIDENT NO./TRN: 912788726X A001

THE STATE OF TEXAS
V.
RICARDO DELEON
SID: TX-50650998

§
§
§

IN THE 430TH DISTRICT COURT
OF
HIDALGO COUNTY, TEXAS

**WAIVER OF RIGHTS & CONSENT TO STIPULATION OF EVIDENCE
AND/OR TESTIMONY & PLEA OF GUILTY OR NO CONTEST**

I, RICARDO DELEON, voluntarily state as follows:

RIGHTS OF ACCUSED: I have the right of trial by jury; the right to demand the nature and cause of the accusation and have a copy thereof; the right to remain silent; the right to be represented by counsel; the right of being confronted with witnesses and to have compulsory process for obtaining witnesses; and the right to be accused by indictment. (Article 1.05 Code of Criminal Procedure)

WAIVER OF RIGHTS: I hereby waive my right of trial by jury; I waive my right to the appearance, confrontation, and cross-examination of witnesses at the guilt-innocence and punishment phase of this proceeding; I waive service of indictment and the two day waiting period for arraignment, or I waive my right to be accused by indictment; I waive my right to consult in private with counsel sufficiently in advance of trial to allow adequate preparation for trial; If I plead guilty, I waive my right to remain silent, and it is my desire to take the witness stand knowing that anything I say can be used against me. (Article 1.13, 1.14, 1.141 & 1.05(a) Code of Criminal Procedure)

CONSENT TO STIPULATION OF EVIDENCE/TESTIMONY: I consent to the oral and written stipulations of the evidence and/or testimony in this case.

REPRESENTATION BY COUNSEL: I have received and I am totally satisfied with the effective assistance and competent representation in this case.

COMPETENCY: I am mentally competent, fully aware of the nature of this proceeding, and I am able to assist my attorney in my defense.

PLEA OF GUILTY:

I freely and voluntarily plead GUILTY, and I admit I committed each and every element of every offense alleged in the indictment or information, namely, SEX ABUSE OF CHILD CONTINUOUS: VICTIM UNDER 14, FELONY 1ST DEGREE, committed on March 21, 2009.

ADL I freely and voluntarily plead GUILTY, and I admit I committed each and every element of the lesser included or related offense, namely, Aggravated Sexual Assault of A child Under 14, yo
Degree: 1st Degree Felony; committed on March 21, 2009.

PLEA OF NO CONTEST

I freely and voluntarily plead NO CONTEST to the offense alleged in the indictment or information, namely, SEX ABUSE OF CHILD CONTINUOUS: VICTIM UNDER 14, FELONY 1ST DEGREE, committed on MARCH 21, 2009.

I freely and voluntarily plead NO CONTEST to the lesser included offense, namely, _____
Degree: _____; committed on March 21, 2009.

PLEA TO PRIOR CONVICTION(S):

I freely and voluntarily plead TRUE to the allegation(s) of prior conviction(s) in paragraph(s) _____ of the indictment or information.

APPLICATION FOR COMMUNITY SUPERVISION:

I ask the Court to consider suspending the imposition of the sentence and place me on community supervision if the term of imprisonment in this case does not exceed ten (10) years or the term of confinement in this case does not exceed five (5) years.

MOTION TO CONSIDER UNADJUDICATED OFFENSE(S):

I admit, with the consent of the Attorney for the State, my guilt of the following offense(s), and request the Court to take each into account in determining sentence for the offense of which I stand adjudged guilty: _____

MOTION FOR DEFERRED ADJUDICATION:

RM I ask the Court to consider deferring further proceedings without entering an adjudication of guilty, and place me on community supervision for a period not to exceed ten (10) years, and that if my motion is granted, I will not be found guilty at this time.

CREDIT FOR TIME SPENT IN JAIL BETWEEN ARREST & SENTENCING (not for deferred adjudication)

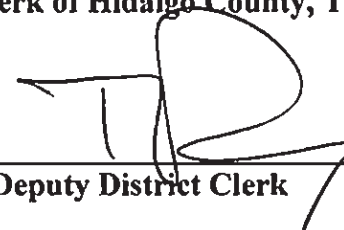
I freely and voluntarily agree with the trial judge that I shall receive _____ days credit on my sentence for the time I have spent in jail in this case, other than confinement served as a condition of community supervision, from the time of my arrest and confinement until my sentence.

Signed on this the 13th day of March, 2017.



RICARDO DELEON
Defendant

Sworn to and subscribed before me, the Clerk of Hidalgo County, Texas, on this the 13th day of March, 2017.



Deputy District Clerk

ACCEPTANCE AND APPROVAL BY THE DEFENSE ATTORNEY

After consulting and advising Defendant of Defendant's constitutional and procedural rights, I believe that Defendant understands these rights; that Defendant is mentally competent; that Defendant is aware of the consequences of the plea, including immigration circumstances, if applicable¹; that Defendant understands the admonitions of the Court; and that Defendant is not relying on any advice, information, or agreement not made known to the Court at this time. I approve the signing of the plea, waiver of rights, judicial confession, and agreement to stipulate evidence/testimony.

I waive, with the consent of the Defendant, the ten day preparation time that I am entitled to, if any, in order to prepare for trial.

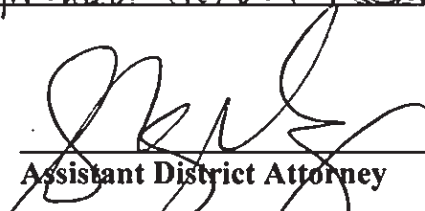


Attorney for Defendant

ACCEPTANCE AND APPROVAL BY THE ATTORNEY FOR THE STATE

Before the entry of the Defendant's plea herein, I hereby consent to, and approve, the above waivers and stipulations.

I, the Attorney for the State, respectfully request permission from the Court to proceed on the lesser included or related offense, namely, Aggravated Sexual Assault of a child under 14y



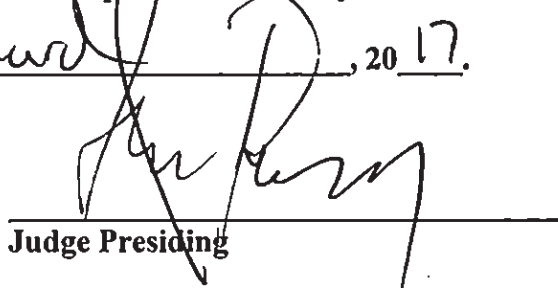
Assistant District Attorney

ACCEPTANCE AND APPROVAL BY THE COURT

It clearly appearing to the Court that the Defendant is mentally competent, and is represented by competent counsel; that Defendant understands the nature of the charge against Defendant; that Defendant has been admonished by the Court, including the minimum and maximum punishment provided by law; that Defendant fully understands the admonitions of the Court, and is fully aware of the consequences of the plea, including immigration consequences, if applicable; that the Attorney for Defendant and for the State consent and approve the waivers and stipulations made by the Defendant;

The Court, therefore, finds such plea, waivers, and consent to be voluntarily made, and the Court accepts the plea and approves the waivers and stipulations made by the Defendant.

Signed on the 13th day of March, 2017.



Judge Presiding

¹ See Padilla v. Kentucky, 130 S.Ct. 1473 (2010).

Exhibit D

Case No. CR-4197-15-J
TRN 912788726X A001

THE STATE OF TEXAS § IN 430TH DISTRICT COURT
VS. § OF
RICARDO DELEON § HIDALGO COUNTY, TEXAS
SID: TX-50650998

ORDER OF DEFERRED ADJUDICATION
& COMMUNITY SUPERVISION

DATE OF ORDER: 4 March 13, 2017
JUDGE PRESIDING: ISRAEL RAMON, JR.
COURT REPORTER: VELMA ARELLANO
ATTORNEY FOR THE STATE: SAVANNAH GONZALEZ
ATTORNEY FOR THE DEFENDANT: JUAN SONNY PALACIOS
OFFENSE CODE: 11990004
OFFENSE: AGGRAVATED SEXUAL ASSAULT OF
A CHILD, A LESSER INCLUDED
OFFENSE
DATE OF OFFENSE: March 21, 2009
DEGREE OF OFFENSE: FELONY 1ST DEGREE
STATUTE FOR OFFENSE: 22.021 (A)(2)(B) PC PENAL CODE
PUNISHMENT RANGE: LIFE OR 5-99 YEARS IN PRISON/MAX
(Including enhancements if any): \$10,000 FINE
CHARGING INSTRUMENT: INDICTMENT or INFORMATION
PLEA TO OFFENSE: GUILTY
TERMS OF PLEA AGREEMENT OR
FINDINGS OF THE COURT, TO WIT,
COMMUNITY SUPERVISION PERIOD: TEN (10) YEARS
FINE: \$5,000.00
RESTITUTION: NONE
TIME SPENT IN JAIL: TWO (2) DAYS
DISMISS: NONE
PLEA TO ENHANCEMENT NONE
PARAGRAPH(S):
FINDING TO ENHANCEMENT: NONE
FINDING ON DEADLY WEAPON: NONE
COURT COSTS: \$ 619.00

On MARCH 13, 2017, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by SAVANNAH GONZALEZ and the Defendant and the Defendant's attorney, JUAN SONNY PALACIOS, were also present. Thereupon both sides announced ready for trial, and the Defendant, Defendant's attorney, and the State's attorney agreed in open court and in writing to waive a jury in the trial of this cause and to submit it to the Court. The Court consented to the waiver of a jury. The Defendant further waived the reading of the indictment or information, and, upon being asked by the Court as to

how the Defendant pleaded, entered a plea of **GUILTY** to the offense of **AGGRAVATED SEXUAL ASSAULT OF A CHILD, A LESSER INCLUDED OFFENSE, FELONY 1ST DEGREE**. Furthermore, as to the enhancement paragraphs, if any, the Defendant entered a plea of **NONE**.

Thereupon, the Court admonished the Defendant of the range of punishment attached to the offense, that any recommendation of the State is not binding on the Court, that the existence of a plea bargain limits the right of an appeal to only pre-trial matters raised and preserved, and that if the Defendant is not a citizen of the United States of America, a plea of guilty or no contest may result in deportation under federal law; it appeared to the Court that the Defendant was competent to stand trial and was not influenced in making said plea(s) by any consideration of fear or by any persuasion prompting a confession of guilt; and that the Defendant understood the admonitions of the Court and was aware of the consequences of the plea(s); and the Court received the free and voluntary plea(s), which are now entered of record in the minutes of the Court.

The Court then proceeded to hear evidence from the State and the Defendant and, having heard argument of counsel, found there was sufficient evidence to support the Defendant's plea and found the offense was committed on **MARCH 21, 2009**, and made a finding of **NONE** on the enhancement paragraph(s), if any.

A pre-sentence investigation report **WAS NOT DONE** according to Article 42.12, Section 9, CCP.

However, the Court, after due consideration, is of the opinion and so finds that the best interests of society and the Defendant are served in this cause by deferring further proceedings without an adjudication of guilty.

It is, therefore, **ORDERED**, by the Court that further proceedings in this cause shall be and are hereby deferred. The Defendant is placed on community supervision for a period of **TEN (10) YEARS** with a fine of **\$5,000.00** subject to the conditions of supervision imposed by the Court in an Order that is hereby incorporated into this Order.

Order Imposing Conditions of Community Supervision

In accordance with the authority conferred by Article 42.12 of the Code of Criminal Procedure, the Court has placed the Defendant on community supervision in the above styled and numbered cause for the offense of **AGGRAVATED SEXUAL ASSAULT OF A CHILD, A LESSER INCLUDED OFFENSE** for a period of **TEN (10) YEARS**. The Court hereby **ORDERS** the Defendant to comply with the following conditions of community supervision:

1. Commit no offense against the laws of this State, or of any other State, or the United States.
2. Avoid injurious or vicious habits.
3. Avoid persons or places of disreputable or harmful character.
4. Obey all rules and regulations of the Hidalgo County Community Supervision and Corrections Department.
5. Permit the Supervision Officer to visit Defendant at Defendant's home or elsewhere.
6. Work faithfully at suitable employment as far as possible.
7. Remain within the limits of Hidalgo County, Texas, unless given permission to leave there from.

8. Support any dependents.
9. Attain an educational skill level that is equal to or greater than the average skill level of students who have completed the sixth grade in public schools in this State by participating fully in the Hidalgo County Community Corrections & Supervision Education and Employment Program beginning immediately, comply with the developmental training, and obey all rules and regulations of the program.
10. Report monthly in person to the Supervision Officer beginning immediately and continue as directed by the Supervision Officer.
11. **ATTEND TREATMENT** or **COUNSELING SESSION**, including but not limited to **psychological counseling**, for **SEX OFFENDERS** with the Hidalgo County Community Supervision & Corrections Department **SEX OFFENDER PROGRAM**, comply with the treatment, obey all rules and regulations of the program, and report immediately to the Sex Offender Program Supervision Officer, at 3100 S. Highway 281, Edinburg, Texas.
12. **NOT GO IN, ON, or WITHIN 1000 FEET** of premises where **CHILDREN** commonly **GATHER**, including a school, day-care facility, playground, public or private youth center, public swimming pool, or video arcade facility.
13. **NOT PURCHASE, POSSESS, or ACCESS or VIEW**, sexually explicit visual or audio material on any medium; **INSTALL and ACTIVATE**, at Defendant's own cost, software approved by the Department and capable of blocking access to explicit material on any personal computer in Defendant's residence or any electronic device available; **PERMIT** the Supervision Officer or his Designee access at any time to any personal computer or electronic device in Defendant's residence or any electronic device available in order to monitor compliance.
14. **NOT SUPERVISE** or **PARTICIPATE** in any **PROGRAM** that includes as **PARTICIPANTS** or **RECIPIENTS**, persons who are **17 YEARS OF AGE OR YOUNGER** and that regularly provides athletic, civic, or cultural activities.
15. **PAY**, in addition to court costs or any other fee imposed, to the Hidalgo County Community Supervision & Corrections Department Supervision Officer a **COMMUNITY SUPERVISION FEE** in the amount of **\$5.00**, due on or before 30 days from the date of this Order and every month thereafter during the period of community supervision, and payable at the Hidalgo County Community Supervision & Corrections Department, 3100 S. Highway 281, Edinburg, Texas.
16. **PERMIT**, during the term of community supervision and on the basis of a "reasonable suspicion of criminal activity", any community supervision officer, government agency or their designee, to search Defendant's person, property, vehicle(s), residence or any place where Defendant may be living, with or without a search warrant.
17. **PRODUCE**, commencing immediately, for inspection and copying of any matters contained therein, to the Hidalgo County Community Supervision & Corrections Department or any government agency or their designees, any computer or electronic device which Defendant owns, possesses, or uses, including providing security codes, passwords, log on codes, or other access codes required to access the electronic device of computer's data, records, files, folders, databases, electronic mail, or any other computer or electronic information contained in said computers or electronic device.
18. **REGISTER** under **CHAPTER 62**, Code of Criminal Procedure.
19. **REIMBURSE** to the **TEXAS DEPARTMENT OF PUBLIC SAFETY** the amount of **\$144.00** for the **ANALYSIS** of blood for the purpose of creating a **DNA** record of the Defendant said payment due **six (6) months** from the date of this Order and payable at the Hidalgo County Community Supervision and Corrections Department, 3100 S. Highway 281, Edinburg, Texas.

20. **SUBMIT a BLOOD SAMPLE OR OTHER SPECIMEN** to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, for the purpose of creating a **DNA** record of the Defendant.
21. **PAY** part of the reasonable and necessary costs of sex offender treatment in monthly installments of **\$20.00**, beginning on or before 30 days from the date of this Order and continuing every month thereafter during the entire period of treatment in the Sex Offender Program, and payable to the Hidalgo County Community Supervision and Corrections Department, 3100 S. Highway 281, Edinburg, Texas.
22. **SUBMIT**, upon the request of Dr. Gregorio Pina or Jerry Amaya, licensed sex offender therapist, to a **POLYGRAPH EXAMINATION** by a state licensed/certified examiner as directed by the Hidalgo County Community Supervision & Corrections Department, 3100 S. Highway 281, Edinburg, Texas, for treatment and counseling purposes only, co-operate fully with the examiner, and immediately pay all costs and fees incurred therein.
23. **PAY** the **FINE** in the amount of **\$5,000.00** in monthly installments of **\$50.00** beginning **thirty (30) days** from the date of this Order and continuing every month thereafter until paid in full, payable at the Hidalgo County Clerk Collections Department, 100 N. Clossner, Edinburg, Texas.
24. **Avoid bars, taverns, "cantinas", lounges, pool halls,** and all establishments whose primary business or source of income is selling or distributing alcoholic beverages.
25. **Avoid the use or abuse of any and all alcoholic beverages or mind-altering drugs** during the entire period of community supervision.
26. Make a payment in the amount of **\$8.00** for the cost of the analysis for alcohol or controlled substances, said payment due on the date of each analysis, and payable at the Hidalgo County Community Supervision & Corrections Department, 3100 S. Highway 281, Edinburg, Texas.
27. Make **one payment** on or before **ninety (90) days** from the date of this Order to the local **Crime Stoppers Program**, as defined by Section 414.001 of the Government Code and certified by the Crime Stoppers Advisory counsel, in the amount of **\$50.00**, payable at the Hidalgo County Community Supervision and Corrections Department, 3100 S. Highway 281, Edinburg, Texas.
28. **Pay a monthly fee** to the Court in the amount of **\$60.00** on or before **thirty (30) days** from the date of this Order, and continuing every month thereafter during the community supervision period, payable at the Hidalgo County Community Supervision & Corrections Department, 3100 S. Highway 281, Edinburg, Texas.
29. **Pay court costs** to the County of Hidalgo **within six (6) months** from the date of this Order payable at the Hidalgo County Clerk Collections Department, 100 N. Clossner, Edinburg, Texas.
30. Submit to random testing for alcohol or controlled substances by authorized personnel of the Hidalgo County Community Supervision and Corrections Department.
31. **Work 100 hours** at a community service project(s) for an organization(s) approved by the Judge and designated by the Hidalgo County Community Supervision & Corrections Department at the rate of not less than **eight (8) hours** per week **beginning immediately** and continuing every week thereafter until completed in full.
32. Submit as directed by the Supervision Officer to other programs within the community supervision continuum of programs and sanctions designed to protect or restore the community, protect or restore the victim, or punish, rehabilitate, or reform the Defendant, and comply with the rules and regulations of such programs.

Furthermore, the following special findings or orders apply:

The Court finds that placing the Defendant on community supervision is in the best interest of the victim.

The Court finds that the Sex Offender Registration Requirements under Chapter 62, CCP, apply to the Defendant, and the age of the victim of the offense is **6 to 11 YEARS OF AGE**.

The Court finds that all court-ordered payments, if any, are suspended during the Defendant's custodial supervision, if any, and such payments shall be reinstated thirty days from the date of discharge from such custodial supervision.

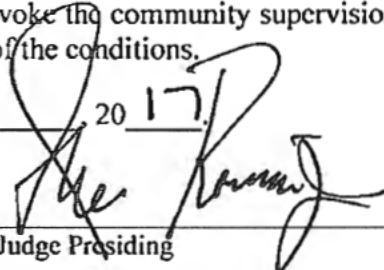
The Court finds that **THERE IS** plea bargain agreement between the State and the Defendant.

The Court, upon the State's motion, **DISMISSED** the following count(s), case(s), or complaint(s): **NONE**.

The Court finds that the Defendant has spent **TWO (2) DAYS** in county jail.

The Defendant is hereby advised that, under the laws of the State of Texas, the Court shall determine the conditions of community supervision and may, at any time during the period of supervision, alter or modify the conditions of supervision. The Court also may extend the period of supervision and has the authority to revoke the community supervision at any time during the period of supervision for any violation of the conditions.

Signed on the 13th day of March, 2017.

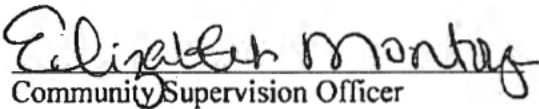


Judge Presiding

Receipt is hereby acknowledged on the date shown above of one copy of the above Order.



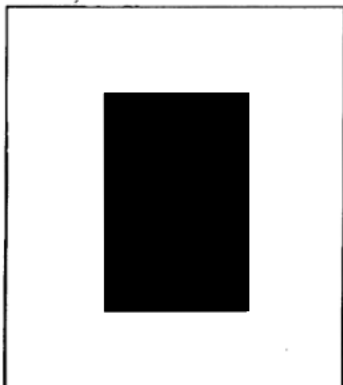
Defendant



Community Supervision Officer

JM

Defendant's right thumbprint



DATE: 1/17/18
A true copy filed for
LARRY J. HUGHES
District Clerk, Harris County, Texas
1/17/18

Exhibit E

Department of Homeland Security
U.S Citizenship and Immigration Services

N-400 Application for Naturalization

Print clearly or type your answers using CAPITAL letters. Failure to print clearly may delay your application. Use black ink.

Part 1. Your Name. (The person applying for naturalization.)

Write your USCIS "A"- number here:
A

A. Your current legal name.

Family Name (Last Name)

De Leon

Given Name (First Name)

Ricardo

Full Middle Name (If applicable)

B. Your name exactly as it appears on your Permanent Resident Card.

Family Name (Last Name)

De Leon, Rios

Given Name (First Name)

Ricardo

Full Middle Name (If applicable)

C. If you have ever used other names, provide them below.

Family Name (Last Name)

Given Name (First Name)

Middle Name

Family Name (Last Name)	Given Name (First Name)	Middle Name

D. Name change (optional)

Please read the Instructions before you decide whether to change your name.

1. Would you like to legally change your name? Yes No

2. If "Yes," print the new name you would like to use. Do not use initials or abbreviations when writing your new name.

Family Name (Last Name)

Given Name (First Name)

Full Middle Name

Part 2. Information about your eligibility. (Check only one.)

I am at least 18 years old AND

- A. I have been a Lawful Permanent Resident of the United States for at least five years.
- B. I have been a Lawful Permanent Resident of the United States for at least three years, and I have been married to and living with the same U.S. citizen for the last three years, and my spouse has been a U.S. citizen for the last three years.
- C. I am applying on the basis of qualifying military service.
- D. Other (Please explain) _____

For USCIS Use Only

Bar Code

Date Stamp



NBC*000855956

Remarks

Action Block



Write your U.S. A number here:

A

A. U.S. Social Security Number

[Redacted] - 5923

B. Date of Birth (mm/dd/yyyy)

[Redacted] / 1985

C. Date You Became a Permanent Resident (mm/dd/yyyy)

11/27/1989

D. Country of Birth

Mexico

E. Country of Nationality

Mexico

F. Are either of your parents U.S. citizens? (If yes, see instructions.)

Yes

No

G. What is your current marital status?

Single, Never Married

Married

Divorced

Widowed

Marriage Annulled or Other (Explain)

H. Are you requesting a waiver of the English and/or U.S. History and Government requirements based on a disability or impairment and attaching a Form N-648 with your application?

Yes

No

I. Are you requesting an accommodation to the naturalization process because of a disability or impairment? (See Instructions for some examples of accommodations.)

Yes

No

If you answered "Yes," check the box below that applies:

I am deaf or hearing impaired and need a sign language interpreter who uses the following language: _____

I use a wheelchair.

I am blind or sight impaired.

I will need another type of accommodation. Please explain: _____

Part 4. Addresses and telephone numbers.

A. Home Address - Street Number and Name (Do not write a P.O. Box in this space.)

[Redacted] Apartment Number

City: Edinburg, County: Hidalgo, State: Texas, ZIP Code: 78541, Country: U.S.A.

B. Care of

Mailing Address - Street Number and Name (If different from home address)

Apartment Number

[Redacted]

City: [Redacted], State: [Redacted], ZIP Code: [Redacted], Country: [Redacted]

C. Daytime Phone Number (If any)

(956) 289-9794

Evening Phone Number (If any)

()

E-mail Address (If any)

[Redacted]

2010075284810 2901932 003014 28 0112123 132310 07-05 0319 1100011-299022

Part 5. Information for criminal records search.

Write your USCIS "A"- number here:
A

NOTE: The categories below are those required by the FBI. See Instructions for more information.

A. Gender

Male Female

B. Height

5 Feet 06 Inches

C. Weight

166 Pounds

D. Are you Hispanic or Latino?

Yes No

E. Race (Select one or more.)

White Asian Black or African American American Indian or Alaskan Native Native Hawaiian or Other Pacific Islander

F. Hair color

Black Brown Blonde Gray White Red Sandy Bald (No Hair)

G. Eye color

Brown Blue Green Hazel Gray Black Pink Maroon Other

Part 6. Information about your residence and employment.

A. Where have you lived during the last five years? Begin with where you live now and then list every place you lived for the last five years. If you need more space, use a separate sheet(s) of paper.

Street Number and Name, Apartment Number, City, State, Zip Code and Country	Dates (mm/dd/yyyy)	
	From	To
Current Home Address - Same as Part 4.A		Present

B. Where have you worked (or, if you were a student, what schools did you attend) during the last five years? Include military service. Begin with your current or latest employer and then list every place you have worked or studied for the last five years. If you need more space, use a separate sheet of paper.

Employer or School Name	Employer or School Address (Street, City and State)	Dates (mm/dd/yyyy)		Your Occupation
		From	To	
The Boot Jack	1428 E. Jackson McAllen, TX 78502	08-16-2002	02-03-2007	Sales
Valley motion magazine	608 E. 3rd St. San Juan, TX 78589	02-07-2007	Present	Sales

Part 7. Time outside the United States.

(Including Trips to Canada, Mexico and the Caribbean Islands)

Write your USCIS "A" number here:

A

- A. How many total days did you spend outside of the United States during the past five years? (6) 0 days
- B. How many trips of 24 hours or more have you taken outside of the United States during the past five years? (7) 0 trips
- C. List below all the trips of 24 hours or more that you have taken outside of the United States since becoming a Lawful Permanent Resident. Begin with your most recent trip. If you need more space, use a separate sheet(s) of paper.

Date You Left the United States <i>(mm/dd/yyyy)</i>	Date You Returned to the United States <i>(mm/dd/yyyy)</i>	Did Trip Last Six Months or More?		Countries to Which You Traveled	Total Days Out of the United States
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	/	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		

Part 8. Information about your marital history.

A. How many times have you been married (including annulled marriages)? 1 If you have **never** been married, go to Part 9.

B. If you are now married, give the following information about your spouse:

1. Spouse's Family Name *(Last Name)*

Given Name *(First Name)*

Full Middle Name *(If applicable)*

2. Date of Birth *(mm/dd/yyyy)*

3. Date of Marriage *(mm/dd/yyyy)*

4. Spouse's U.S. Social Security #

5. Home Address - Street Number and Name

Apartment Number

City

State

Zip Code

Part 8. Information about your marital history. (Continued.)

Write your USCIS "A"- number here:
A

C. Is your spouse a U.S. citizen? Yes No

D. If your spouse is a U.S. citizen, give the following information:

1. When did your spouse become a U.S. citizen? At Birth Other

If "Other," give the following information:

2. Date your spouse became a U.S. citizen

[Empty box for date]

3. Place your spouse became a U.S. citizen (Please see Instructions.)

[Empty box for location]

City and State

E. If your spouse is not a U.S. citizen, give the following information :

1. Spouse's Country of Citizenship

[Empty box for country]

2. Spouse's USCIS "A"- Number (If applicable)

A

3. Spouse's Immigration Status

Lawful Permanent Resident Other _____

F. If you were married before, provide the following information about your prior spouse. If you have more than one previous marriage, use a separate sheet(s) of paper to provide the information requested in Questions 1-5 below.

1. Prior Spouse's Family Name (Last Name) Given Name (First Name) Full Middle Name (If applicable)

Cisneros Kowla Vividiana

2. Prior Spouse's Immigration Status

U.S. Citizen
 Lawful Permanent Resident
 Other _____

3. Date of Marriage (mm/dd/yyyy)

9/24/02

4. Date Marriage Ended (mm/dd/yyyy)

6/09/04

5. How Marriage Ended

Divorce Spouse Died Other _____

G. How many times has your current spouse been married (including annulled marriages)?

If your spouse has ever been married before, give the following information about your spouse's prior marriage.

If your spouse has more than one previous marriage, use a separate sheet(s) of paper to provide the information requested in Questions 1 - 5 below.

1. Prior Spouse's Family Name (Last Name) Given Name (First Name) Full Middle Name (If applicable)

[Empty boxes for names]

2. Prior Spouse's Immigration Status

U.S. Citizen
 Lawful Permanent Resident
 Other _____

3. Date of Marriage (mm/dd/yyyy)

[Empty box for date]

4. Date Marriage Ended (mm/dd/yyyy)

[Empty box for date]

5. How Marriage Ended

Divorce Spouse Died Other _____

Part 9. Information about your children.

Write your USCIS "A"- number here:

A

A. How many sons and daughters have you had? For more information on which sons and daughters you should include and how to complete this section, see the Instructions.

1

8

B. Provide the following information about all of your sons and daughters. If you need more space, use a separate sheet(s) of paper.

Full Name of Son or Daughter	Date of Birth (mm/dd/yyyy)	USCIS "A"- number (if child has one)	Country of Birth	Current Address (Street, City, State and Country)
W [redacted] D [redacted]	[redacted]-2003	A	U.S.A.	[redacted] mission, TX 78572 ✓
		A		
		A		
		A		
		A		
		A		
		A		
		A		

Add Children

Go to continuation page

Part 10. Additional questions.

Please answer Questions 1 through 14. If you answer "Yes" to any of these questions, include a written explanation with this form. Your written explanation should (1) explain why your answer was "Yes" and (2) provide any additional information that helps to explain your answer.

A. General Questions.

- Have you ever claimed to be a U.S. citizen (in writing or any other way)? Yes No ✓
- Have you ever registered to vote in any Federal, state or local election in the United States? Yes No ✓
- Have you ever voted in any Federal, state or local election in the United States? Yes No ✓
- Since becoming a Lawful Permanent Resident, have you ever failed to file a required Federal state or local tax return? Yes No ✓
- Do you owe any Federal, state or local taxes that are overdue? Yes No ✓
- Do you have any title of nobility in any foreign country? Yes No ✓
- Have you ever been declared legally incompetent or been confined to a mental institution within the last five years? Yes No ✓

Part 10. Additional questions. (Continued.)

Write your USCIS "A"- number here:
A

B. Affiliations.

8. a Have you ever been a member of or associated with any organization, association, fund foundation, party, club, society or similar group in the United States or in any other place? Yes No
- b. If you answered "Yes," list the name of each group below. If you need more space, attach the names of the other group(s) on a separate sheet(s) of paper.

Name of Group	Name of Group
1.	6.
2.	7.
3.	8.
4.	9.
5.	10.

9. Have you ever been a member of or in any way associated (either directly or indirectly) with:

- a. The Communist Party? Yes No
- b. Any other totalitarian party? Yes No
- c. A terrorist organization? Yes No

10. Have you ever advocated (either directly or indirectly) the overthrow of any government by force or violence?

Yes No

11. Have you ever persecuted (either directly or indirectly) any person because of race, religion, national origin, membership in a particular social group or political opinion?

Yes No

12. Between March 23, 1933 and May 8, 1945, did you work for or associate in any way (either directly or indirectly) with: *none*

- a. The Nazi government of Germany? Yes No
- b. Any government in any area (1) occupied by, (2) allied with, or (3) established with the help of the Nazi government of Germany? Yes No
- c. Any German, Nazi, or S.S. military unit, paramilitary unit, self-defense unit, vigilante unit, citizen unit, police unit, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp or transit camp? Yes No

C. Continuous Residence.

Since becoming a Lawful Permanent Resident of the United States:

13. Have you ever called yourself a "nonresident" on a Federal, state or local tax return? Yes No
14. Have you ever failed to file a Federal, state or local tax return because you considered yourself to be a "nonresident"? Yes No

20180222 09:03:14 29 0112123 032310 07:05 021910 NADOCITJ-29902E

Part 10. Additional questions. (Continued.)

Write your USCIS "A"- number here:
A

D. Good Moral Character.

For the purposes of this application, you must answer "Yes" to the following questions, if applicable, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer or attorney, told you that you no longer have a record.

- 15. Have you ever committed a crime or offense for which you were **not** arrested? Yes No ✓
- 16. Have you ever been arrested, cited or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason? Yes No ✓
- 17. Have you ever been charged with committing any crime or offense? Yes No ✓
- 18. Have you ever been convicted of a crime or offense? Yes No ✓
- 19. Have you ever been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)? Yes No ✓
- 20. Have you ever received a suspended sentence, been placed on probation or been paroled? Yes No ✓
- 21. Have you ever been in jail or prison? Yes No ✓

If you answered "Yes" to any of Questions 15 through 21, complete the following table. If you need more space, use a separate sheet (s) of paper to give the same information.

Why were you arrested, cited, detained or charged?	Date arrested, cited, detained or charged? (mm/dd/yyyy)	Where were you arrested, cited, detained or charged? (City, State, Country)	Outcome or disposition of the arrest, citation, detention or charge (No charges filed, charges dismissed, jail, probation, etc.)

Answer Questions 22 through 33. If you answer "Yes" to any of these questions, attach (1) your written explanation why your answer was "Yes" and (2) any additional information or documentation that helps explain your answer.

- 22. Have you ever:
 - a. Been a habitual drunkard? Yes No ✓
 - b. Been a prostitute, or procured anyone for prostitution? Yes No ✓
 - c. Sold or smuggled controlled substances, illegal drugs or narcotics? Yes No ✓
 - d. Been married to more than one person at the same time? Yes No ✓
 - e. Helped anyone enter or try to enter the United States illegally? Yes No ✓
 - f. Gambled illegally or received income from illegal gambling? Yes No ✓
 - g. Failed to support your dependents or to pay alimony? Yes No ✓
- 23. Have you 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? Yes No ✓
- 24. Have you ever lied to any U.S. government official to gain entry or admission into the United States? Yes No ✓

Part 10. Additional questions. (Continued.)

Write your USCIS "A"- number here:
A

2018075284810 2901932 003014 28 0112123 032310 07:05 031910 N400CTU-29902E

E. Removal, Exclusion and Deportation Proceedings.

- 25. Are removal, exclusion, rescission or deportation proceedings pending against you? Yes No ✓
- 26. Have you ever been removed, excluded or deported from the United States? Yes No ✓
- 27. Have you ever been ordered to be removed, excluded or deported from the United States? Yes No ✓
- 28. Have you ever applied for any kind of relief from removal, exclusion or deportation? Yes No ✓

F. Military Service.

- 29. Have you ever served in the U.S. Armed Forces? Yes No ✓
- 30. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces? Yes No ✓
- 31. Have you ever applied for any kind of exemption from military service in the U.S. Armed Forces? Yes No ✓
- 32. Have you ever deserted from the U.S. Armed Forces? Yes No ✓

G. Selective Service Registration.

33. Are you a male who lived in the United States at any time between your 18th and 26th birthdays in any status except as a lawful nonimmigrant? Yes No ✓

If you answered "NO," go on to question 34.

If you answered "YES," provide the information below.

If you answered "YES," but you did not register with the Selective Service System and are still under 26 years of age, you must register before you apply for naturalization, so that you can complete the information below:

Date Registered (mm/dd/yyyy)

⁽¹²⁾ 3/30/2005

Selective Service Number

⁽¹³⁾ 85-1944285-2

If you answered "YES," but you did not register with the Selective Service and you are now 26 years old or older, attach a statement explaining why you did not register.

H. Oath Requirements. (See Part 14 for the Text of the Oath.)

Answer Questions 34 through 39. If you answer "No" to any of these questions, attach (1) your written explanation why the answer was "No" and (2) any additional information or documentation that helps to explain your answer.

- 34. Do you support the Constitution and form of government of the United States? Yes No ✓
- 35. Do you understand the full Oath of Allegiance to the United States? Yes No ✓
- 36. Are you willing to take the full Oath of Allegiance to the United States? Yes No ✓
- 37. If the law requires it, are you willing to bear arms on behalf of the United States? Yes No ✓
- 38. If the law requires it, are you willing to perform noncombatant services in the U.S. Armed Forces? Yes No ✓
- 39. If the law requires it, are you willing to perform work of national importance under civilian direction? Yes No ✓

Part 11. Your signature.

Write your USCIS "A"- number here:

A

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. I authorize the release of any information that the USCIS needs to determine my eligibility for naturalization.

Your Signature

Date (mm/dd/yyyy)



03/15/2010

Part 12. Signature of person who prepared this application for you. (If applicable.)

I declare under penalty of perjury that I prepared this application at the request of the above person. The answers provided are based on information of which I have personal knowledge and/or were provided to me by the above named person in response to the exact questions contained on this form.

Preparer's Printed Name

Preparer's Signature

Date (mm/dd/yyyy)

Preparer's Firm or Organization Name (If applicable)

Preparer's Daytime Phone Number

Preparer's Address - Street Number and Name

City

State


Zip Code

NOTE: Do not complete Parts 13 and 14 until a USCIS Officer instructs you to do so.

Part 13. Signature at interview.

I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, including corrections numbered 1 through ~~13~~ and the evidence submitted by me numbered pages 1 through , are true and correct to the best of my knowledge and belief.

Subscribed to and sworn to (affirmed) before me



JUN 10 2010

Officer's Printed Name or Stamp

Date (mm/dd/yyyy)

Complete Signature of Applicant

Officer's Signature





Part 14. Oath of Allegiance.

If your application is approved, you will be scheduled for a public oath ceremony at which time you will be required to take the following oath of allegiance immediately prior to becoming a naturalized citizen. By signing, you acknowledge your willingness and ability to take this oath:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen;

that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic;

that I will bear true faith and allegiance to the same;

that I will bear arms on behalf of the United States when required by the law;

that I will perform noncombatant service in the Armed Forces of the United States when required by the law;

that I will perform work of national importance under civilian direction when required by the law; and

that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.

Printed Name of Applicant

Complete Signature of Applicant

Records DeLeon



Exhibit F

UNITED STATES DEPARTMENT OF HOMELAND SECURITY



No. 32388117

CERTIFICATE OF

NATURALIZATION

Personal description of holder as of date of naturalization:

CS Registration No. A042318606

Date of birth [REDACTED] 1985

I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.

Sex: MALE

Height: 5 feet 6 inches

(Complete and true signature of holder)

Marital status: DIVORCED

Be it known that, pursuant to an application filed with the Secretary of Homeland Security

Country of former nationality:

at: HARLINGEN, TEXAS

MEXICO

The Secretary having found that:



RICARDO DE LEON

then residing in the United States, intends to reside in the United States when so required by the Naturalization Laws of the United States, and had in all other respects complied with the applicable provisions of such naturalization laws and was entitled to be admitted to citizenship, such person having taken the oath of allegiance in a ceremony conducted by the

US DIST COURT SOUTHERN DISTRICT OF TX

at: MCALLEN, TEXAS

on: JULY 23, 2010

that such person is admitted as a citizen of the United States of America.

IT IS PUNISHABLE BY U. S. LAW TO COPY, PRINT OR PHOTOGRAPH THIS CERTIFICATE, WITHOUT LAWFUL AUTHORITY.

Alexander N. Mayberry
Director, U. S. Citizenship and Immigration Services

DEPARTMENT OF HOMELAND SECURITY

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.