

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

<u>UNITED STATES OF AMERICA,</u>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. <u>8:18-cv-527</u></b>
	)	
<b>v.</b>	)	
	)	
<u>MOISES JAVIER LOPEZ</u>	)	
	)	
<b>Defendant.</b>	)	
	)	

**COMPLAINT TO REVOKE NATURALIZATION**

**I.    PRELIMINARY STATEMENT**

The United States of America (“Plaintiff”) brings this civil action against Defendant Moises Javier Lopez (“Defendant”), to revoke his naturalized U.S. citizenship. Before he became a citizen of the United States in March 2013, Defendant engaged in criminal activity that he concealed throughout the naturalization process and that disqualified him from U.S. citizenship. From on or about and between August 30, 2011 to February 26, 2013, Defendant sexually abused a minor victim. On June 7, 2013, shortly after his naturalization, Maryland authorities arrested Defendant for his crime, and, on August 20, 2013, Defendant pled guilty to Sex Abuse of a Minor, in violation of Maryland Criminal Law § 3-602. On November 4, 2013, a Maryland state court sentenced him to twenty five years’ confinement, suspending all but four years. Because he committed the foregoing crimes prior to his naturalization, Defendant could not have established the requisite good moral character for naturalization.

With the attached affidavit showing good cause, the United States of America brings this civil action on the grounds that Defendant illegally procured his naturalization and willfully misrepresented and concealed material facts about his unlawful activity during the naturalization

process. Under 8 U.S.C. § 1451(a), the United States seeks to revoke and set aside the order admitting Defendant to citizenship and to cancel his certificate of naturalization.

## **II. JURISDICTION AND VENUE**

1. This is an action filed under 8 U.S.C. § 1451(a) to revoke and set aside the decision admitting Defendant to U.S. citizenship and to cancel Defendant's Certificate of Naturalization No. 35683328 issued on March 22, 2013.

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

3. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant resides in Gaithersburg, Maryland, within the jurisdiction and venue of this Court.

## **III. PARTIES**

4. Plaintiff is the United States of America ("United States").

5. Defendant was born in the Republic of Colombia in 1975 and is a naturalized U.S. citizen.

## **IV. FACTUAL BACKGROUND**

6. The affidavit of Branton K. Johnson, a Deportation Officer, U.S. Immigration and Customs Enforcement, an agency within the Department of Homeland Security, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached hereto as Exhibit A.

### **A. Defendant's Criminal Activity**

7. From on or about and between August 30, 2011 to February 26, 2013, Defendant sexually abused a minor victim. See Criminal Information, *State v. Lopez*, No. 123254C (Md.

Cir. Ct. Aug. 5, 2013) (attached hereto as Exhibit B).

8. On August 5, 2013, Defendant was charged with Sexual Abuse of a Minor, in violation of Maryland Criminal Law § 3-602. *Id.*

9. On August 20, 2013, Defendant pled guilty to the foregoing crime. *See* Docket, *State v. Lopez*, No. 123254C (Md. Cir. Ct. 2013) (attached hereto as Exhibit C).

10. On November 4, 2013, the Maryland Circuit Court sentenced Defendant to twenty five years' confinement, all but four years suspended, and five years' supervised probation upon release. *See* Criminal Sentencing, *State v. Lopez*, No. 123254C (Md. Cir. Ct. 2013) (attached hereto as Exhibit D).

**B. Defendant's Immigration History and Naturalization**

11. Defendant is a native of the Republic of Columbia.

12. Defendant entered the United States on September 26, 2005, as a C-1 visa holder, and subsequently married a U.S. citizen.

13. On April 22, 2008, Defendant's application for permanent resident status was granted based on his marriage to a U.S. citizen.

14. On April 27, 2012, Defendant filed a Form N-400, Application for Naturalization ("Form N-400" or "naturalization application"), with U.S. Citizenship and Immigration Services ("USCIS"). *See* Form N-400, Application for Naturalization (attached hereto as Exhibit E).

15. In Part 10D of his Form N-400, Defendant answered "no" in response to question 15, which asked "Have you **ever** committed a crime or offense for which you were **not** arrested?"

16. Defendant's statement regarding whether he had committed a crime or offense for which he had not been arrested was false.

17. In his Form N-400, Defendant did not disclose that he had committed the crime of sexual abuse of a minor, for which he had not yet been arrested.

18. In Part 10D of his Form N-400, Defendant answered “no” in response to question 23, which asked “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?”

19. Defendant’s statement regarding whether he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit was false.

20. In his Form N-400, Defendant did not disclose that he had given false or misleading information by concealing his sexual abuse of a minor.

21. On or about April 25, 2012, Defendant signed the Form N-400 under penalty of perjury pursuant to the laws of the United States, thereby certifying that the information he provided was true and correct.

22. On September 11, 2012, Latika Brockington, a USCIS Immigration Services Officer (“ISO”), orally interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

23. At the beginning of the interview, ISO Brockington placed Defendant under oath.

24. During the interview, ISO Brockington asked Defendant whether he had ever committed a crime or offense for which he had not been arrested, consistent with Part 10D, question 15 of the Form N-400.

25. Consistent with Defendant's written answer to Part 10D, question 15 of the Form N-400, Defendant testified that he had never committed a crime or offense for which he had not been arrested.

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

27. In the interview, Defendant did not disclose that he had committed the crime of sexual abuse of a minor.

28. At the conclusion of his interview, Defendant signed the Form N-400 in the presence of ISO Brockington and swore that the contents of his application, including the six numbered corrections, were true and correct to the best of his knowledge and belief.

29. Based upon the information supplied by Defendant in his Form N-400 and based on the sworn answers he gave during his naturalization interview, USCIS approved Defendant's application for naturalization on February 28, 2013.

30. On March 22, 2013, Defendant took the Oath of Allegiance and became a naturalized U.S. citizen.

31. On March 22, 2013, USCIS issued Defendant Certificate of Naturalization No. 35683328. *See* Certificate of Naturalization (attached hereto as Exhibit F).

## **V. GOVERNING LAW**

### **A. Congressionally imposed prerequisites to the acquisition of citizenship**

32. 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 the Nation can rightfully obtain them only upon the terms and conditions specified by Congress.”) (quoting *Ginsberg*, 243 U.S. at 474)).

33. Congress has mandated that an individual may not naturalize unless that person “during all periods referred to in the 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 for an individual applying as the spouse of a U.S. citizen begins three 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.* §§ 1430(a), 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

34. 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).

35. 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).

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

37. Thus, individuals who commit unlawful acts 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).

38. “[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 both 8 U.S.C. § 1101(f)(3) and 8 C.F.R. § 316.10(b)(3)(iii)).

39. 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 United States v. Wight*, 839 F.2d 193, 195-96 (4th Cir. 1987).

#### **B. The Denaturalization Statute**

40. 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.

41. 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:

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

42. 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.

43. 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).

44. 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.

## **VI. CAUSES OF ACTION,**

### **COUNT I**

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

45. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 44 of this Complaint.

46. To be eligible for naturalization, Defendant must have shown that he was a person of good moral character from April 27, 2009 (three years before he filed his naturalization application) until he naturalized on March 22, 2013. 8 U.S.C. §§ 1430(a), 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

47. An applicant for naturalization is statutorily barred from showing that he is a person of good moral character if he commits a crime involving moral turpitude ("CIMT") during the statutory period. 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).



48. As set forth in paragraphs 7 through 10 of this Complaint, from on or about and between August 30, 2011 to February 26, 2013, during the statutory period, Defendant knowingly and intentionally sexually abused a minor victim.

49. On August 20, 2013, Defendant pled guilty to sexual abuse of a minor in violation of Maryland Criminal Law § 3-602.

50. On November 4, 2013, the Maryland Circuit Court sentenced Defendant to twenty five years' confinement, all but four years suspended, and five years' supervised probation upon release.

51. Defendant committed that crime during the statutory good moral character period.

52. Sexual abuse of a minor is a CIMT. *See, e.g., United States v. Diaz-Ibarra*, 522 F.3d 343, 348 (4th Cir. 2008) (defining "sexual abuse of a minor"); *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."); *United States v. Okeke*, 671 F. Supp. 2d 744, 750 (D. Md. 2009) (issuing order of denaturalization because, *inter alia*, "Defendant's sexual assault on a minor in 1996 sufficiently satisfies the INA criteria for a crime of moral turpitude.").

53. Because Defendant committed a CIMT during the statutory period, to which he later admitted and was convicted, 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 United States citizen.

54. 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. §§ 1430(a) and 1427(a)(3).

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

**COUNT II**

**ILLEGAL PROCUREMENT OF NATURALIZATION**  
**LACK OF GOOD MORAL CHARACTER**  
**(UNLAWFUL ACTS ADVERSELY REFLECTING ON MORAL CHARACTER)**

56. The United States re-alleges and incorporates by reference paragraphs 1 through 44 of this Complaint.

57. Defendant illegally procured his naturalization because he was statutorily precluded from establishing the good moral character necessary to naturalize on account of his sexual abuse of a minor victim.

58. To be eligible for naturalization, Defendant must have shown that he was a person of good moral character from April 27, 2009, to March 22, 2013. 8 U.S.C. §§ 1430(a), 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

59. 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) (catch-all provision); 8 C.F.R. § 316.10(b)(3)(iii).

60. Specifically, Defendant could not establish the requisite good moral character for naturalization because he knowingly and intentionally sexually abused a minor in violation of Maryland Criminal Law § 3-602, which adversely reflected on his moral character, and for which there are no extenuating circumstances.

61. The regulatory provision for unlawful acts at 8 C.F.R. § 316.10(b)(3)(iii) applies to Defendant because he committed the unlawful acts on or about and between August 30, 2011

to February 26, 2013, during the statutory period before he was naturalized, even though he pled guilty and was convicted after he was granted citizenship.

62. 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.

63. 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. §§ 1430(a) and 1427(a)(3).

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

### **COUNT III**

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

65. The United States re-alleges and incorporates by reference paragraphs 1 through 44 of this Complaint.

66. As discussed above, to be eligible for naturalization Defendant was required to show that he was a person of good moral character from April 27, 2009, to March 22, 2013. 8 U.S.C. §§ 1430(a), 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

67. Defendant was statutorily precluded from showing that he was a person of good moral character during the statutory period because he gave false testimony, under oath, for the purpose of obtaining an immigration benefit, specifically naturalization. 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

68. As set forth in paragraphs 22 through 28 of this Complaint, during the statutory period Defendant provided false testimony during his naturalization interview when he stated under oath that he had never committed a crime or offense for which he had not been arrested.

69. Defendant made the foregoing false statement for the purpose of obtaining an immigration benefit, namely, naturalization.

70. 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 become a naturalized U.S. citizen.

71. 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. §§ 1430(a) and 1427(a)(3).

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

#### **COUNT IV**

#### **PROCUREMENT OF UNITED STATES CITIZENSHIP BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION**

73. The United States re-alleges and incorporates by reference paragraphs 1 through 44 of this Complaint.

74. 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 and by willful misrepresentation.

75. As set forth in paragraphs 14 through 28, Defendant willfully misrepresented and concealed—in both his naturalization application and during his naturalization interview—his commission of criminal conduct for which he had not then been arrested.

76. At no point during the naturalization process did Defendant disclose that he had repeatedly sexually abused a minor victim from on or about August 30, 2011 to February 26, 2013.

77. 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 sexual abuse of a minor were false and misleading, and he made such representations willfully.

78. Defendant's misrepresentation and concealment of his unlawful activity were material to determining his eligibility for naturalization because they had the natural tendency to influence a decision by USCIS to approve his naturalization application. Indeed, Defendant's conduct rendered him ineligible for citizenship

79. Had Defendant disclosed his criminal conduct, USCIS would have denied Defendant's naturalization application.

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

#### **PRAYER FOR RELIEF**

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

- (1) A declaration that Defendant 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. 35683328, effective as of the original date of the order and certificate, March 22, 2013;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship obtained as a result of his March 22, 2013 naturalization;

(5) Judgment requiring Defendant to surrender and deliver, within ten (10) days of Judgment, his Certificate of Naturalization, as well as any copies thereof in his possession or control (and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others), to the Attorney General, or his representative, including undersigned counsel;

(6) Judgment requiring the Defendant to surrender and deliver, within ten (10) days of Judgment, any other indicia of U.S. citizenship, including, but not limited to, United States passports, voter registration cards, and other voting documents, as well as any copies thereof in his possession or control (and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others), to the Attorney General, or his representative, including undersigned counsel; and

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

Dated: February 22, 2018

Respectfully submitted,

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Acting Assistant Attorney General  
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WILLIAM C. PEACHEY  
Director, District Court Section  
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*Counsel for the United States*

# Exhibit A



UNITED STATES OF AMERICA	)	
	)	
DISTRICT OF MARYLAND	)	
	)	
In the Matter of the Revocation	)	AFFIDAVIT OF GOOD CAUSE
of the Naturalization of	)	
	)	
Moises Javier LOPEZ	)	
A [REDACTED] 0 406	)	

I, Branton K. Johnson, declare under penalty of perjury as follows:

- I. I am a Deportation Officer for Enforcement and Removal Operations, Department of Homeland Security (DHS). In this capacity, I have access to the official records of DHS, including the immigration file of Mr. Moises Javier Lopez (hereinafter "Mr. Lopez"), A [REDACTED] 0 406.
- II. I have examined the records relating to Mr. Lopez. 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.
- III. Mr. Lopez was born in Colombia on [REDACTED] 1975. [REDACTED] entered the United States on September 26, 2005 with a C1 visa. Mr. Lopez married a United States citizen who filed a relative petition on his behalf. As a result Mr. Lopez became a lawful permanent resident of the United States on April 22, 2008. On April 27, 2012, Mr. Lopez applied for naturalization, INS Form N-400, with the Baltimore Field Office of DHS United States Citizenship and Immigration Services ("USCIS") pursuant to Section 316(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1427(a).

- IV. On September 11, 2012, Mr. Lopez appeared before USCIS Adjudications Officer Latika Brockington to determine his eligibility for naturalization. At that time he stated, under oath, that he had been arrested on only one occasion, in April 2012 for a driving under the influence incident. Additionally, at that time he stated, under oath, that he had never committed a crime for which was not arrested. At the completion of his interview Mr. Lopez swore or affirmed that the contents of his application were true and correct. The case was continued for Mr. Lopez to provide documents associated with his arrest for the driving under the influence offense.
- V. Mr. Lopez submitted to USCIS true test copies of District Court of Maryland records indicating that all of the Driving Under the Influence charges were disposed of as *nolle prosequi*. On the basis of Mr. Lopez's written application, documents he submitted, and his testimony at the naturalization interview, his application for naturalization was approved on February 28, 2013. On or about March 12, 2013, USCIS sent Mr. Lopez a Notice of Naturalization Oath Ceremony, Form N-445 (hereafter Form N-445). Form N-445 advised Mr. Lopez 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. Lopez completed his answers to the questions on Form N-445 and signed Form N-445 on March 22, 2013 thereby certifying that his answers to the questions on this form were true and correct.

- VI. On the basis of the representations made on his completed Application to File Petition for Naturalization, Form N-400, and his responses to the questions on Form N-445, Mr. Lopez was permitted to take the oath of allegiance and was admitted as a citizen of the United States on March 22, 2013. On this same date he was issued a Certificate of Naturalization, number 089420406.
- VII. Mr. Lopez 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. Lopez was required to prove that he was a person of good moral character from April 27, 2009, three years before he filed his application for naturalization, until March 22, 2013, the date on which he was admitted as a citizen of the United States (“the statutory period”).
- VIII. Mr. Lopez 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. On February 26, 2013, during the statutory period, the Montgomery County, Maryland Family Crimes Division’s Child Abuse and Sexual Assault Section commenced an investigation into the sexual abuse of Mr. Lopez’s [REDACTED] by Mr. Lopez.

- C. Court records indicate that the sexual assault perpetrated against the victim was a continuous course of conduct that occurred August 2011 through February 2013, during the statutory period, when the victim was aged ten through twelve years old.
- D. On August 20, 2013 Mr. Lopez pleaded guilty to sexual abuse of a minor in the Circuit Court for Montgomery County in violation of Section 3-602(b)(1) of the Maryland criminal code. On November 4, 2013 Mr. Lopez was sentenced to 25 years in prison, all but four years suspended, for this offense.
- E. The crime of sexual abuse of a minor is a crime involving moral turpitude as contemplated under section 237(a)(2)(A)(i) of the Immigration and Nationality Act.
- F. The crime of sexual abuse of a minor constitutes child abuse as contemplated under section 237(a)(2)(E) of the Immigration and Nationality Act.
- G. As evidenced by his post-naturalization conviction, there were no extenuating circumstances that could have mitigated the effect of Mr. Lopez's actions on his ability to establish good moral character.
- H. Because Mr. Lopez 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.

IX. Mr. Lopez procured his naturalization by willful misrepresentation and concealment of material facts.

- A. Mr. Lopez willfully misrepresented and concealed his criminal history.
- B. In response to Question 15 under Part 10(D) of the Application to File Petition for Naturalization, Form N-400, Mr. Lopez asserted that he had never committed a crime or offense for which he had not been arrested.
- C. At his naturalization interview on September 11, 2012, during the statutory period, Mr. Lopez 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. Lopez 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. Lopez'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 sexual abuse of a minor.
- E. The facts misrepresented by Mr. Lopez were material to determining his eligibility for naturalization because they would have had the natural tendency to affect the USCIS decision whether to approve his application. In fact, Mr. Lopez's criminal activity precluded him from establishing good moral character.

- F. Mr. Lopez procured his naturalization by misrepresenting and concealing his criminal conduct.
- X. Mr. Lopez could not have established that he was a person of good moral character during the statutory period because he committed a crime involving moral turpitude for which the maximum penalty exceeded more than one year incarceration.
- A. Mr. Lopez could not have established that he was a person of good moral character during the statutory period because he committed a crime involving moral turpitude for which the maximum penalty exceeded more than one year incarceration.
- B. An applicant shall be found to lack good moral character if the applicant has committed, during the statutory period, a crime involving moral turpitude for which the maximum penalty exceeded more than one year incarceration. See INA §§ 101(f)(3), 212(a)(2)(A)(i)(I); 8 C.F.R. § 316.10(b)(2)(i).
- C. On February 26, 2013, during the statutory period, the Montgomery County, Maryland Family Crimes Division's Child Abuse and Sexual Assault Section commenced an investigation into the sexual abuse of Mr. Lopez's [REDACTED] by Mr. Lopez.
- D. Court records indicate that the sexual assault perpetrated against the victim was a continuous course of conduct that occurred August 2011 through February 2013, during the statutory period, when he was required to establish eligibility for naturalization.

- E. On August 20, 2013 Mr. Lopez pleaded guilty to sexual abuse of a minor in the Circuit Court for Montgomery County in violation of Section 3-602(b)(I) of the Maryland criminal code. On November 4, 2013 Mr. Lopez was sentenced to 25 years in prison, all but four years suspended, for this offense.
  - F. The crime of sexual abuse of a minor is a crime involving moral turpitude as contemplated under section 237(a)(2)(A)(i) of the Immigration and Nationality Act.
- XI. Mr. Lopez 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 September 11, 2012, Mr. Lopez appeared before USCIS Officer Brockington for an interview regarding his application for naturalization.
  - B. At the beginning of the naturalization interview Mr. Lopez 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, USCIS Officer Brockington asked Mr. Lopez about whether he had ever committed a criminal offense for which he had not been arrested.
  - D. In response to this question, Mr. Lopez testified, under oath, that he had not.


- E. This testimony was false. Mr. Lopez had sexually abused a minor between August 2011 and February 2013.
- F. Mr. Lopez's false testimony concealed the fact that he had committed a crime.
- G. Because Mr. Lopez provided false testimony, he could not establish that he was a person of good moral character.

XII. 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. Lopez's citizenship and to cancel his certificate of naturalization.

XIII. Mr. Lopez's last known place of residence is 9 Peony Drive, Gaithersburg, Maryland 20877; therefore, venue is proper in this district. 8 U.S.C. § 1451(a).

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 15 day of FEBRUARY, 2018.

 DO 4644  
Branton K. Johnson  
Deportation Officer  
U.S. Department of Homeland Security  
Immigration and Customs Enforcement  
Enforcement and Removal Operations



## Exhibit B



## Exhibit C

Criminal CIRCUIT CT # 123254 DIST CT #3D00301773 AS OF 2016-09-13 11:52  
Tracking #13-1001-31383-3

-----  
Trial Election: JURY Status: Reopened as of: 07/21/2016  
Plea Judge: M. MASON  
Arrest/Citation Date: 06/07/2013 Age: Track: 3 4-271:Closed

STATE OF MARYLAND

TIMOTHY HAGAN 27321  
ASSISTANT STATE'S ATTORNEY  
50 MARYLAND AVE  
ROCKVILLE MD 20850  
PHONE 240-777-7451

-vs-

MOISES JAVIER LOPEZ (i)

JENNIFER B PAGE 17782  
ARMSTRONG, CHERIS & PAGE, CHAR  
SUITE 109  
204 MONROE ST  
ROCKVILLE MD 20850  
PHONE 301-294-8080

-----  
C H A R G E S

Description Statute  
#001 SEX ABUSE MINOR CR 3-602

VERDICT: GUILTY

-----  
Costs Assessed Received Waived/Susp Due  
(none of record)

-----  
DATE SCHEDULED EVENT PLDG TIME RM. LENGTH  
08/20/2013 PX 1081\* PLEA [TRIAL DATE] 09:00 8  
11/04/2013 SE 1084\* SENTENCING 09:30 8  
09/08/2016 MT 0573\* MTN FOR APPROP RELIEF 33 01:30 6A

-----  
 D O C K E T I N F O R M A T I O N

08/05/2013 #1 DISTRICT COURT CASE NUMBER 636 C4  
 TYPE: DOCKET  
 DISTRICT COURT CASE NO. 3D00301773; TRACKING NO. 131001313833.

08/05/2013 #2 INFORMATION (CRIMINAL) 459 C4  
 TYPE: DOCKET  
 INFORMATION, FILED.

08/05/2013 #3 LINE ENTERING APPEARANCE OF COUNSEL 609 C4  
 TYPE: DOCKET  
 LINE ENTERING THE APPEARANCE OF TIMOTHY HAGAN AS COUNSEL FOR STATE,  
 FILED.

08/05/2013 #4 PLEA AGREEMENT 482 C4  
 TYPE: DOCKET  
 PLEA AGREEMENT BEFORE JUDGE BOYNTON, FILED.

08/05/2013 #5 ORDER, SETTING TRIAL AND PLEA DISPOSITION 1736 C4  
 TYPE: DOCKET  
 CONSENT ORDER OF COURT (DEBELIUS, J.) SETTING TRIAL DATE ON AUGUST 20,  
 2013 AT 9:00 A.M., FOR THE PURPOSE OF THE ENTRY OF A DISPOSITION  
 PURSUANT TO A PLEA AGREEMENT, ENTERED. (COPIES MAILED)  
 Judge: J DEBELIUS

08/05/2013 #6 SUMMONS ISSUED 248 C4  
 TYPE: DOCKET  
 SUMMONS ISSUED RETURNABLE: AUGUST 20, 2013 AT 9:00 A.M.

08/14/2013 #7 STATE'S CERTIFICATION OF COMPLIANCE 926 FG  
 TYPE: DOCKET  
 STATE'S CERTIFICATION OF COMPLIANCE OF VICTIM NOTIFICATION FORM,  
 FILED.

08/19/2013 #8 ORIGINAL RECORD RECEIVED FROM DISTRICT COU 489 C4  
 TYPE: DOCKET  
 ORIGINAL RECORD AND COPY OF DOCKET ENTRIES RECEIVED FROM DISTRICT  
 COURT IN MONTGOMERY COUNTY, CASE NUMBER 3D00301773, FILED. (LP)

08/19/2013 #9 RECOGNIZANCE TO ANSWER NO. 634 C4  
 TYPE: DOCKET  
 RECOGNIZANCE NO. 161672 - \$75,000.00 - SURETY BOND - POWER NO.  
 WC75-01029530, FILED. (LP)

08/20/2013 #10 HEARING, PLEA H4 1081 JS  
 TYPE: DOCKET  
 PLEA HEARING; STATE'S ATTORNEY, MR. TIMOTHY HAGAN.  
 Judge: D BOYNTON  
 TAPE# 8-130820 START# 09:12:22 STOP# 09:45:13 #SESSIONS 1

08/20/2013 #11 DEFENDANT APPEARED 681 JS  
 TYPE: DOCKET  
 DEFENDANT APPEARED WITH COUNSEL, MS. JENNIFER PAGE.

-----  
D O C K E T I N F O R M A T I O N

CONT'D.

08/20/2013 #12 DEFENDANT'S INITIAL APPEARANCE 765 JS  
TYPE: DOCKET  
DEFENDANT'S INITIAL APPEARANCE.  
Judge: D BOYNTON

08/20/2013 #13 DEFENDANT'S ORAL PLEA 766 JS  
TYPE: DOCKET  
DEFENDANT ENTERS A PLEA OF GUILTY TO COUNT #1 OF THE INFORMATION.  
COURT FINDS THE DEFENDANT GUILTY OF COUNT #1 (SEX ABUSE OF A MINOR).  
Judge: D BOYNTON

08/20/2013 #14 COURT CONTINUES THE BOND 1519 JS  
TYPE: DOCKET  
COURT CONTINUES ON BOND.  
Judge: D BOYNTON

08/20/2013 #15 COURT SETS 684 JS  
TYPE: DOCKET  
COURT SETS SENTENCING ON OCTOBER 22, 2013 AT 9:00 A.M. FOR 1 HOUR.  
Judge: D BOYNTON

08/20/2013 #16 COURT ORDERS/DIRECTS/DETERMINES 536 JS  
TYPE: DOCKET  
COURT ADDS SPECIAL CONDITIONS TO DEFENDANT'S BOND AS STATED ON THE  
RECORD. ORDER SIGNED.  
Judge: D BOYNTON

08/20/2013 #17 SPECIAL CONDITIONS ADDED TO BOND 1456 JS  
TYPE: DOCKET  
SPECIAL CONDITIONS ADDED TO BOND NO. 161672 AS SET FORTH ON THE  
RECORD, FILED.

08/23/2013 #18 ORDER OF COURT 99 JS  
TYPE: DOCKET  
ORDER OF COURT (BOYNTON, J.) THAT THE DEFENDANT MAY HAVE VISITATION  
WITH HIS MALE BIOLOGICAL SONS PROVIDED THAT HE BE SUPERVISED AT ALL  
TIMES BY AN RESPONSIBLE ADULT AND THAT THE SONS BE DELIVERED TO HIM  
FROM OUTSIDE THE FAMILY HOME AND HE REMAIN IN NO CONTACT WITH THE  
FAMILY HOME OR THE COMPLAINING WITNESS, ENTERED. (COPIES MAILED)  
Judge: D BOYNTON

08/23/2013 #19 SHERIFF'S RETURN ON SUMMONS: SERVED 752 JS  
TYPE: DOCKET  
SHERIFF'S RETURN ON SUMMONS: SUMMONED, FILED.

09/09/2013 #20 REQUEST, INTERPRETER (LANGUAGE) 739 C2  
TYPE: DOCKET  
DEFENDANT'S REQUEST FOR SPANISH SPEAKING INTERPRETER, FILED.

Criminal CIRCUIT CT # 123254 DIST CT #3D00301773 AS OF 2016-09-13 11:52 CONT'D

Tracking #13-1001-31383-3

STATE OF MARYLAND VS. MOISES JAVIER LOPEZ

-----  
D O C K E T I N F O R M A T I O N

CONT'D.

10/22/2013 #21 MEMORANDUM, POSTPONEMENT 1752 RT  
 TYPE: DOCKET  
 MEMORANDUM OF COURT (BOYNTON, J.) POSTPONE SENTENCING TO 11/04/2013 AT  
 9:30 A.M., FILED. (LP)  
 Judge: D BOYNTON  
 REASON: A-CALENDAR CONFLICTS  
 REQ BY: OTHER MULTI: NO EVENT(S): 2

10/22/2013 #22 NOTICE, SENTENCING DATE 256 RT  
 TYPE: DOCKET  
 NOTICE OF SENTENCING DATE ON 11/04/2013 AT 9:30 A.M., FILED AND  
 MAILED. (LP)

11/04/2013 #23 HEARING, SENTENCING H4 1084 MF  
 TYPE: DOCKET  
 SENTENCING HEARING. STATE'S ATTORNEY MR. HAGAN.  
 Judge: D BOYNTON  
 TAPE# 8-131104 START# 09:26:03 STOP# 10:22:44 #SESSIONS 1

11/04/2013 #24 DEFENDANT APPEARED 681 MF  
 TYPE: DOCKET  
 DEFENDANT APPEARED WITH COUNSEL MS. PAGE.  
 Judge: D BOYNTON

11/04/2013 #25 DISPOSITION 262 MF  
 TYPE: DOCKET  
 COURT SENTENCES THE DEFENDANT TO 25 YEARS DOC SUSPEND ALL BUT 4 YEARS  
 WITH CREDIT FOR 2 DAYS TIME SERVED; UPON RELEASE PLACES THE DEFENDANT  
 ON 5 YEARS SUPERVISED PROBATION SUBJECT TO CONDITIONS. COSTS WAIVED.  
 Judge: D BOYNTON

11/04/2013 #26 DEFENDANT ADVISED OF RIGHTS (RULE 4-342) 677 MF  
 TYPE: DOCKET  
 DEFENDANT ADVISED OF RIGHTS PURSUANT TO RULE 4-342 AND RIGHTS FORM,  
 FILED.

11/04/2013 #27 MEMORANDUM 727 MF  
 TYPE: DOCKET  
 STATE'S SENTENCING MEMORANDUM, FILED.

11/05/2013 #28 PROBATION CONTRACT 666 MF  
 TYPE: DOCKET  
 ORDER FOR PROBATION AND CONSENT, ENTERED.

11/05/2013 #29 COMMITMENT DELIVERED TO SHERIFF 665 MF  
 TYPE: DOCKET  
 COMMITMENT DELIVERED TO SHERIFF.

11/08/2013 #30 MARYLAND SENTENCING GUIDELINES 669 C2  
 TYPE: DOCKET  
 MARYLAND SENTENCING GUIDELINES, FILED. (LP)

-----  
D O C K E T I N F O R M A T I O N

CONT'D.

11/12/2013 #31 MOTION, RECONSIDERATION OF SENTENCE 458 G2  
TYPE: MOTION STATUS: IN ABEYAN  
DEFENDANT'S MOTION FOR RECONSIDERATION, FILED. (LP)  
\* Judge: M MASON

12/10/2013 #32 HELD IN ABEYANCE 1049 JK  
TYPE: DOCKET  
ORDER OF COURT (BOYNTON, J.) HOLDS DEFENDANT'S MOTION FOR  
RECONSIDERATION OF SENTENCE IN ABEYANCE, ENTERED. (COPIES MAILED)  
Judge: D BOYNTON

07/21/2016 #33 MOTION, APPROPRIATE RELIEF 930 FG  
TYPE: MOTION STATUS: OPEN  
DEFENDANT'S MOTION TO MODIFY CONDITIONS OF PROBATION AND ALLOW  
UNSUPERVISED CONTACT WITH DEFENDANT'S BIOLOGICAL MALE CHILDREN, FILED.  
Judge: D BOYNTON Hearing: 09/08/2016 01:30

08/05/2016 #34 NOTICE, HEARING DATE (MAILED) 437 KE  
TYPE: DOCKET  
NOTICE OF HEARING DATE FILED AND MAILED. (HEARING DATE: SEPTEMBER 8,  
2016 AT 1:30 P.M.)

08/05/2016 #35 MEMORANDUM 727 KE  
TYPE: DOCKET  
MEORAMDUM OF COURT (BOYNTON, J.) SCHEDULES MOTION FOR APPROPRIATE  
RELIEF FOR SEPTEMBER 8, 2016 AT 1:30, FILED.

Rule 4-271 Date: Closed



Criminal CIRCUIT CT # 123254 DIST CT #3D00301773 AS OF 2016-09-13 11:52 CONT'D

Tracking #13-1001-31383-3

STATE OF MARYLAND VS. MOISES JAVIER LOPEZ

-----  
G E N E R A L   C A S E   I N F O R M A T I O N  
-----

CASE#:	123254	CASE TYPE:	Criminal
SUBTYPE:	INFORMATION	CASE STATUS:	Reopened
LAST PLEA:	35	AGE:	
LAST DOCKET DATE:	08/05/2016	FILING DATE:	08/05/2013
TRIAL DATE:		STATUS DATE:	07/21/2016
TRIAL TIME:	0:00	BOND NUMBER:	161672
DISTRICT COURT NUMBER:	3D00301773	TRIAL ELECTION:	JURY
WARRANT STATUS:	NONE	SENTENCE DATE:	11/04/2013
JUDGES:	CASE D. BOYNTON	PLEA:	M. MASON
VERDICT:	GUILTY	TRACK:	3
AUDIT/REVIEW:	01/29/2014	4-271 DATE:	Closed

-----

DEFENDANT'S ADDRESS:

D-O-B: [REDACTED] 1975

[REDACTED]  
SILVER SPRING MD 20901

Tracking #13-1001-31383-3

STATE OF MARYLAND VS. MOISES JAVIER LOPEZ

C H A R G E D I S P O S I T I O N S

SENTENCE START DATE: 11/04/2013 COSTS AND FINES DUE 11/02/2039

Count: 001 CR 3-602 Charge: SEX ABUSE MINOR

PLEA: GUILTY

DISPOSITION

DATE

JUDGE

GUILTY

11/04/2013 D BOYNTON

INCARCERATED: LT YY MM DAY SUSPENDED: LT YY MM DAY PROBATION: YY MM DAY  
00 25 00 000 ALL BUT 00 04 00 000 (SUPERVISED) 05 00 000

NO CASE COMMENTS AVAILABLE

C A S E B O N D S

BOND# AMOUNT TYPE PERCENTAGE LIBER FOLIO DATE PAID  
161672 \$75000.00 SURETY 00% 00 04 00 000

RELEASED  
11/04/2013

SIGNER/SURETY: CONTINENTAL HERITAGE INS CO HILLIARD BLEVINS

H I S T O R Y I N F O R M A T I O N

Changed	Old Status	Old Date	New Status	New Date	By	Pldg
07/25/2016	Closed	12/10/2013	Reopened	07/21/2016	FAITHG	33
12/10/2013	Reopened	11/12/2013	Closed	12/10/2013	JOSEPHK	32
11/13/2013	Closed	11/04/2013	Reopened	11/12/2013	GREENA01	31
11/05/2013	Open	08/05/2013	Closed	11/04/2013	MARIAF	25

DATE	SCHEDULED EVENT	PLDG	TIME	RM.	LENGTH
09/08/2016	MT 0573* MTN FOR APPROP RELIEF	33	01:30	6A	
11/04/2013	SE 1084* SENTENCING		09:30	8	
08/20/2013	PX 1081* PLEA [TRIAL DATE]		09:00	8	

\*\*\* END OF INFORMATION FOR CASE #123254C \*\*\*

## Exhibit D

**CRIMINAL SENTENCING**

JUDGE NO./JUDGE: 0656 BOYNTON DATE: 11/04/2013 CASE NO.: 123254-C

CASE NAME: STATE OF MARYLAND vs. MOISES JAVIER LOPEZ

(1084) Sentencing hearing.

CTRM #: 8 Courtmart: 09:26:03 TO 10:22:44  
: : TO : : TO : :

State's Attorney Mr. Hagan

(681) Defendant appeared with counsel Ms. Page

(674) Defendant appeared without counsel.

(1078) (To be used ONLY when Bench Warrant is Issued/Continued, Appeal Dismissed or any other negative consequential results)

Defendant failed to appear.

Defense Counsel \_\_\_\_\_ appeared.

(1768) Mr./Ms. \_\_\_\_\_ appeared on behalf of the Defendant who was not present/transported.

Defendant not present.

(255) Writ return, filed.

(1000) Court finds Defendant incompetent to stand Trial.

(1008) Court finds Defendant competent to stand Trial.

(1557) Defendant found criminally responsible.

(1558) Defendant found not criminally responsible.

(944) Defendants oral motion for disposition pursuant to Criminal Procedures article 6-220 - \_\_\_\_\_.

(1801) State's Attorney's request that the conviction or disposition of Probation before Judgment of count(s) \_\_\_\_\_ be designated as Domestically Related Crimes.

(1802) Court designates count(s) \_\_\_\_\_ as Domestically Related Crimes.

(1803) Court denies the State's Attorney's request to designate count(s) \_\_\_\_\_ as Domestically Related Crimes.

(262) Court sentences the Defendant to 25 years DOC suspend all but 4 years with credit for 2 days time served; upon released places the defendant on 5 years supervised probation subject to conditions. costs waived.

State enters Nolle Pros as to remaining counts.

# Exhibit E

# 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 (Person applying for naturalization)

Write your USCIS A-Number here:  
A [REDACTED] 0406

**A. Your current legal name.**

Family Name (Last Name)

LOPEZ

Given Name (First Name)

MOISES

Full Middle Name (If applicable)

JAVIER

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

Family Name (Last Name)

LOPEZ

Given Name (First Name)

MOISES

Full Middle Name (If applicable)

JAVIER

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

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


**D. Name change (optional)**

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)

N/A

Given Name (First Name)

N/A

Full Middle Name

N/A

### 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 (Explain) N/A

#### For USCIS Use Only

Bar Code

Date Stamp



Remarks

#### Action Block



# STATISTICS



**Part 3. Information About You**

Write your USCIS A-Number here:

A [REDACTED] 0406

A. U.S. Social Security Number

[REDACTED]-3384

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

[REDACTED] 975

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

04/22/2008

D. Country of Birth

COLOMBIA

E. Country of Nationality

COLOMBIA

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) N/A

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 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: N/A

I use a wheelchair.

I am blind or sight impaired.

I will need another type of accommodation. Explain: N/A

**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

CLARKSBURG

County

MONTGOMERY

State

MD

ZIP Code

20871

Country

UNITED STATES OF AMERICA

B. Care of

SAME

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

Apartment Number

City

State

ZIP Code

Country

C. Daytime Phone Number (If any)

( 240 ) 855 [REDACTED]

Evening Phone Number (If any)

( 240 ) 855 [REDACTED]

E-Mail Address (If any)

[REDACTED]@LIVE.COM



**Part 5. Information for Criminal Records Search**

Write your USCIS A-Number here:

A [REDACTED] 0406

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

**A. Gender**

Male  Female

**B. Height**

5 Feet 11 Inches

**C. Weight**

185 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 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	01/15/2007	Present
N/A		
N/A		
N/A		
N/A		

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	
DR. GLASS (EMPLOYER)	920 BARNEGAT LANE, ANNAPOLIS, MD	04/01/2011	PRESENT	WINDOW CLEANER
MONTGOMERY COLLEGE (SCHOOL)	OBSERVATION DR, GERMANTOWN, MD	05/22/2007	12/02/2011	STUDENT
STEVEN SCHMIDT CORPORATION (EMPLOYER)	19731 BUCKLUDGE RD, BOYDS, MD	04/20/2007	04/01/2011	CONSTRUCTION WORKER



**Part 7. Time Outside the United States**  
*(Including Trips to Canada, Mexico and the Caribbean Islands)*

Write your USCIS A-Number here:

A [REDACTED] 0406

- A. How many total days did you spend outside of the United States during the past five years? 125 days
- B. How many trips of 24 hours or more have you taken outside of the United States during the past five years? 5 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 of paper.

Date You Left the United States (mm/dd/yyyy)	Date You Returned to the United States (mm/dd/yyyy)	Did Trip Last Six Months or More?	Countries to Which You Traveled	Total Days Out of the United States
11/29/2011	12/23/2011	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	COLOMBIA	24
12/03/2010	12/19/2010	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	COLOMBIA	16
07/17/2010	08/18/2010	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	COLOMBIA	32
04/07/2009	04/12/2009	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	COLOMBIA	5
12/03/2008	01/15/2009	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	COLOMBIA	43
N/A	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A	0
N/A	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A	0
N/A	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A	0
N/A	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A	0
N/A	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A	0

No other trips (1)

**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) S [REDACTED] Given Name (First Name) SONIA Full Middle Name (If applicable)

2. Date of Birth (mm/dd/yyyy) [REDACTED] 1982 3. Date of Marriage (mm/dd/yyyy) 06/21/2006 4. Spouse's U.S. Social Security # [REDACTED] 0062

5. Home Address - Street Number and Name [REDACTED] Apartment Number

City CLARKSBURG State MD Zip Code 20871

**Part 8. Information About Your Marital History (Continued)**

Write your USCIS A-Number here:

A [REDACTED] 0406

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

N/A

3. Place your spouse became a U.S. citizen (See instructions)

N/A

City and State

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

1. Spouse's Country of Citizenship

N/A

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

A N/A

3. Spouse's Immigration Status

Lawful Permanent Resident  Other N/A

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 of paper to provide the information requested in Questions 1-5 below.

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

N/A

Given Name (First Name)

N/A

Full Middle Name (If applicable)

N/A

2. Prior Spouse's Immigration Status

U.S. Citizen  
 Lawful Permanent Resident  
 Other N/A

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

N/A

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

N/A

5. How Marriage Ended

Divorce  Spouse Died  Other N/A

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

2

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)

JUNIOR

Given Name (First Name)

CELSO

Full Middle Name (If applicable)

N/A

2. Prior Spouse's Immigration Status

U.S. Citizen  
 Lawful Permanent Resident  
 Other N/A

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

05/19/2003

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

04/19/2005

5. How Marriage Ended

Divorce  Spouse Died  Other N/A



**Part 9. Information About Your Children**

Write your USCIS A-Number here:

A [REDACTED] 0406

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.

3

B. Provide the following information about all of your sons and daughters. If you need more space, use a separate sheet 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)
J [REDACTED] L [REDACTED] LOPEZ (Bio)	[REDACTED] 2002	A [REDACTED] 3591	COLOMBIA	[REDACTED] DRIVE, CLARKSBURG, MD, UNITED STATES OF AMERICA
B [REDACTED] L [REDACTED] MENDEZ (Bio)	[REDACTED] /2006	A N/A (2)	COLOMBIA	[REDACTED] 64, CARTAGENA, BOLIVAR, COLOMBIA
S [REDACTED] J [REDACTED] LOPEZ (Child with Sonia)	[REDACTED] 09	A N/A	UNITED STATES OF AMERICA	[REDACTED] DRIVE, CLARKSBURG, MD, UNITED STATES OF AMERICA
	N/A	A N/A	N/A	
	N/A	A N/A	N/A	
	N/A	A N/A	N/A	
	N/A	A N/A	N/A	
	N/A	A N/A	N/A	

**Part 10. Additional Questions**

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 [REDACTED] 0406

**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 of paper.

Name of Group	Name of Group
1. N/A	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:

- 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



**Part 10. Additional Questions (continued)**

Write your USCIS A-Number here:

A [REDACTED] 0406

**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  
*(3) (5) Claims arrested (4) (X only for arrest note below.)*
- 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 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.)
N/A DUI + DWI	4/2012	Griffenbury, MO	Still Pending
			<del>Claims no tickets</del>

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 [REDACTED] 0406

**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)	<input type="text" value="N/A"/>	Selective Service Number	<input type="text" value="N/A"/>
------------------------------	----------------------------------	--------------------------	----------------------------------

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 [redacted] 0406

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)

Moises Lopez

09/25/12

**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

[Blank]

[Blank]

Date (mm/dd/yyyy)

Preparer's Firm or Organization Name (If applicable)

Preparer's Daytime Phone Number

[Blank]

[Blank]

[Blank]

Preparer's Address - Street Number and Name

City

State

Zip Code

[Blank]

[Blank]

[Blank]

[Blank]

**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 (2) and the evidence submitted by me numbered pages 1 through (1), are true and correct to the best of my knowledge and belief.

Subscribed to and sworn to (affirmed) before me

L. Brockenbury  
Officer's Printed Name or Stamp

9/11/12  
Date (mm/dd/yyyy)

Complete Signature of Applicant

Officer's Signature

Moises Lopez

L. Brockenbury

**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

MOISES JAVIER LOPEZ : Moises Javier Lopez

Moises Lopez

N-400

A# [REDACTED] 0406  
Last Name LOPEZ  
First Name MOISES  
Middle Name JAVIER

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**Part 7. Time Outside the United States**  
*(Including Trips to Canada, Mexico and the Caribbean Islands)*

I DO NOT RECALL EXACT DATES HOWEVER THESE TRIPS WERE TO VISIT MY FAMILY MEMBERS DURING THE HOLIDAYS. I TOOK A BRIEF TRIP IN APRIL OF 2009 TO BRING MY SON [REDACTED] TO THE UNITED STATES AS HIS RESIDENT APPLICATION WAS APPROVED AT THAT TIME.

1

Applicant's Signature Moises Lopez



## Exhibit F



No. 35683328

CERTIFICATE OF

NATURALIZATION

Personal description of holder as of date of naturalization:

USCIS Registration No. A [redacted] 0406

Date of birth: [redacted] 1975

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

Sex: MALE

(Complete and true signature of holder)

Height: 5 feet 11 inches

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

Marital status: MARRIED

Country of former nationality: COLOMBIA

at: BALTIMORE, MARYLAND

The Secretary having found that:

MOISES JAVIER LOPEZ

residing at: CLARKSBURG, MARYLAND



having complied in all respects with all of the applicable provisions of the naturalization laws of the United States, being entitled to be admitted as a citizen of the United States, and having taken the oath of allegiance at a ceremony conducted by

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

at: BALTIMORE, MARYLAND

on: MARCH 22, 2013

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

Alfonso N. Macerolis, Director

U. S. Citizenship and Immigration Services



Moises J Lopez