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25 **UNITED STATES DISTRICT COURT**
 26 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

27 UNITED STATES OF AMERICA,
 28 Plaintiff,
 vs.
 YU ZHOU,
 Defendant.

Case No.: '25CV0902 JES SBC

**COMPLAINT TO REVOKE
NATURALIZATION**

I. PRELIMINARY STATEMENT


The United States (“Plaintiff”) brings this civil action against Yu Zhou (“Defendant”) to revoke his U.S. citizenship. This action under 8 U.S.C. § 1451(a)

1 is based on Defendant’s criminal conduct prior to naturalizing, for which he was
2 charged and to which he pled guilty after naturalizing. *See generally United States*
3 *v. Zhou, et al.*, 2:19-cr-163-SDM (S.D. Ohio). Specifically, before he became a
4 U.S. citizen, Defendant conspired to commit theft of trade secrets, in violation of
5 18 U.S.C. § 1832(a)(5), and conspired to commit wire fraud, 18 U.S.C. § 1343, in
6 violation of 18 U.S.C. § 1349. After naturalizing, Defendant pled guilty to these
7 crimes.

8 Defendant’s convictions and the conduct on which they were based require
9 revocation of his naturalization on four independent grounds. First, Defendant
10 illegally procured his naturalization because he lacked the requisite good moral
11 character to naturalize. As his guilty plea demonstrates, during the period in which
12 Congress has mandated that he demonstrate he possessed good moral character,
13 Defendant (a) committed a crime involving moral turpitude (“CIMT”); (b)
14 committed unlawful acts that adversely reflected upon his moral character; and (c)
15 provided false testimony for the purpose of obtaining an immigration benefit.
16 Additionally, Defendant procured his naturalization by concealing and willfully
17 mispresenting several facts that were material to determining his naturalization
18 eligibility.

19 Based on Defendant’s actions described further below and in the attached
20 affidavit showing good cause, the United States brings this civil action under
21 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to
22 citizenship and to cancel his Certificate of Naturalization.

23 II. JURISDICTION AND VENUE

24 1. This is an action filed under 8 U.S.C. § 1451(a) to revoke and set
25 aside the order admitting Defendant to U.S. citizenship and to cancel his
26 Certificate of Naturalization No. 

27 2. This Court has subject-matter jurisdiction pursuant to 28 U.S.C.
28 §§ 1331 and 1345 for a cause of action under 8 U.S.C. § 1451(a).

1 3. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28
2 U.S.C. § 1391 because Defendant resides in this District.

3 **III. PARTIES**

4 4. Plaintiff is the United States of America.

5 5. Defendant is a naturalized U.S. citizen whose last known address is in
6 San Diego County, California.

7 **IV. FACTUAL BACKGROUND**

8 6. The affidavit of Kenneth Teich, Special Agent, Immigration and
9 Customs Enforcement (“ICE”), U.S. Department of Homeland Security (“DHS”),
10 showing good cause for this action as required by 8 U.S.C. § 1451(a), is attached
11 as Exhibit A.

12 **IMMIGRATION HISTORY**

13 7. In August 2005, the United States admitted Defendant on a J-1 visa as
14 an Exchange Visitor. Defendant’s sponsor was the U.S. Department of Health and
15 Human Services’ National Institutes of Health.

16 8. In May 2008, Defendant arrived in the United States again and was
17 approved for an H-1B Specialty Occupation visa valid from June 23, 2008, until
18 June 1, 2011, with his sponsor as Nationwide Children’s Hospital (“NCH”) in
19 Columbus, Ohio.

20 9. On or about June 30, 2011, Defendant adjusted his immigration status
21 to permanent resident as a derivative spouse after his wife, also a biology research
22 scholar employed by NCH, obtained an immigrant visa as a foreign national of
23 “extraordinary ability.”

24 **NATURALIZATION PROCEEDINGS**

25 **Naturalization Application**

26 10. On or about July 8, 2016, Defendant filed with USCIS a Form N-400,
27 Application for Naturalization (“naturalization application”) (attached as Exhibit
28 B).

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1 11. In his naturalization application, Defendant answered “No” to Part 12,
2 Question 22, which asked: “Have you **EVER** committed, assisted in committing,
3 or attempted to commit, a crime or offense for which you were **NOT** arrested?”
4 (emphasis in original).

5 12. In his naturalization application, Defendant answered “No” to Part 12,
6 Question 31, which asked: “Have you **EVER** given any U.S. Government officials
7 **any** information or documentation that was false, fraudulent, or misleading?”
8 (emphasis in original).

9 13. In his naturalization application, Defendant answered “No” to Part 12,
10 Question 32, which asked: “Have you **EVER** lied to any U.S. Government
11 officials to gain entry or admission into the United States or to gain immigration
12 benefits while in the United States?” (emphasis in original).

13 14. On or about July 4, 2016, Defendant signed his naturalization
14 application under penalty of perjury, thereby certifying that he understood all the
15 information contained in and submitted with his application and that the
16 information was complete, true, and correct.

17 **Naturalization Interview**

18 15. On January 11, 2017, a USCIS officer orally interviewed Defendant
19 regarding his naturalization application to determine his eligibility for
20 naturalization.

21 16. At the beginning of the naturalization interview, the USCIS officer
22 placed Defendant under oath.

23 17. During the naturalization interview, the USCIS officer asked
24 Defendant many of the same questions found in the written naturalization
25 application.

26 18. During the naturalization interview, Defendant orally testified under
27 oath that he had never committed, assisted in committing, or attempted to commit a
28

1 crime or offense for which he was not arrested, consistent with his written response
2 to Part 12, Question 22 of his naturalization application.


3 19. During the naturalization interview, Defendant orally testified under
4 oath that he had never given any U.S. government officials any information or
5 documentation that was false, fraudulent, or misleading, consistent with his written
6 response to Part 12, Question 31 of his naturalization application.

7 20. During the naturalization interview, Defendant orally testified under
8 oath that he had never lied to any U.S. government officials to gain entry or
9 admission into the United States or to gain immigration benefits while in the
10 United States, consistent with his written response to Part 12, Question 32 of his
11 naturalization application.

12 21. At the end of the naturalization interview, Defendant again signed the
13 naturalization application in the presence of the USCIS officer and again swore
14 under penalty of perjury that the contents of his naturalization application were
15 complete, true, and correct.

16 22. Based on the information supplied by Defendant in his naturalization
17 application and in the sworn answers he gave during his naturalization interview,
18 USCIS approved his naturalization application.

19 **Oath of Allegiance**

20 23. On February 22, 2017, based on Defendant's approved naturalization
21 application and on the responses to the questionnaire he provided that same day on
22 Form N-445, Notice of Naturalization Oath Ceremony (attached as Exhibit C),
23 Defendant was administered the oath of allegiance, admitted to U.S. citizenship,
24 and issued Certificate of Naturalization No.  See Form N-550,
25 Certificate of Naturalization (attached as Exhibit D).

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1 **DEFENDANT’S BACKGROUND AND**
2 **RESULTING FALSE STATEMENTS AND TESTIMONY**

3 **Defendant’s Employment at Nationwide Children’s Hospital**

4 24. NCH employed Defendant from 2007 to 2017 as a biological
5 researcher.

6 25. As part of his employment at NCH, Defendant signed a
7 Confidentiality and Security Agreement restricting Defendant’s use of all NCH
8 confidential information to Defendant’s performance of NCH employment duties.

9 26. Defendant’s work at NCH included medical research focused on
10 exosomes, which play a key role in the research, identification, and treatment of a
11 range of medical conditions, including necrotizing enterocolitis (a condition found
12 in prematurely born babies), liver fibrosis, and liver cancer.

13 27. Part of Defendant’s research at NCH included development of a novel
14 method by which exosomes could be isolated from one drop of blood, a method
15 vital to the hospital because it allowed it to safely draw a small amount of blood
16 from prematurely born babies undergoing treatment for necrotizing enterocolitis.

17 **Defendant’s Business Ventures in China and the United States**

18 28. In 2015, without disclosure to NCH, Defendant helped start a
19 company in China (Company 1) that created and sold “isolation kits” that
20 purported to perform the exosome isolation process referenced immediately above.

21 29. Through Company 1, Defendant received benefits from the People’s
22 Republic of China government institutions and programs, including funding from
23 the PRC State Administration of Foreign Expert Affairs.

24 30. Defendant also helped form another company (Company 3) that
25 focused on exosome-based diagnostic and therapeutic products.

26 31. Defendant, along with his wife, reached an agreement with another
27 company (Company 2, an American company) whereby, in exchange for exosome-
28 related intellectual property that Defendant represented that he and his wife owned,

1 Defendant and his wife would receive \$876,087, as well as 500,000 shares of
2 Company 2's stock and 400 shares of Company 3's stock. *See* Plea Agreement,
3 ECF No. 127, *United States v. Zhou*, 2:19-cr-163-SDM-1 (S.D. Ohio Dec. 11,
4 2020) (attached as Exhibit E).

5 32. Additionally, Defendant, along with his wife, agreed to sell Company
6 3 all of their Company 1 stock for \$450,000, of which Defendant and his wife
7 received \$350,000, along with receiving at least \$219,821.97 in payments related
8 to agreements with Company 2 and Company 3. *Id.*

9 33. Defendant, along with his wife, received a total of \$1,445,908.97 from
10 transactions resulting from their exchange of exosome isolation intellectual
11 property that Defendant and his wife represented they owned. *Id.*

12 34. Defendant resigned from NCH in late 2017.

13 **Federal Criminal Charges and Conviction**

14 35. On or about July 29, 2019, Defendant, along with his wife, was
15 arrested in San Diego, California, after indictment on July 23, 2019, in the U.S.
16 District Court for the Southern District of Ohio for conspiracy to commit theft of
17 trade secrets, in violation of 18 U.S.C. § 1832(a)(5); theft of trade secrets, in
18 violation of 18 U.S.C. § 1832(a)(1), (2), (3), and (4); conspiracy to commit wire
19 fraud, 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349; and wire fraud, in
20 violation of 18 U.S.C. § 1343. *See* Indictment, ECF No. 6, *United States v. Zhou*,
21 *et al.*, 2:19-cr-163-SDM (S.D. Ohio July 24, 2019) (attached as Exhibit F).

22 36. On December 12, 2020, Defendant signed a plea agreement in which
23 he pled guilty to one count of conspiracy to commit theft of trade secrets, in
24 violation of 18 U.S.C. § 1832(a)(5), and one count of conspiracy to commit wire
25 fraud, in violation of 18 U.S.C. § 1349. *See* Exhibit E.

26 37. In support of his guilty plea, Defendant agreed that, during his tenure
27 at NCH until he departed in late 2017, he:
28

1 (a) knowingly, voluntarily, willfully, and unlawfully conspired with others
2 to commit the crime of theft of trade secrets, in violation of 18 U.S.C.
3 § 1832(a)(5), by conspiring to convert NCH’s trade secrets for his
4 economic benefit, with knowledge (i) that NCH treated as secret the
5 information that he conspired to convert; (ii) that the information was
6 taken from NCH without authorization; (iii) that the offense would injure
7 NCH; and (iv) that the information was related to a product or service
8 used or intended for use in interstate or foreign commerce; and

9 (b) knowingly, voluntarily, willfully, and unlawfully conspired with others
10 to commit the crime of wire fraud, in violation of 18 U.S.C. § 1349, by,
11 along with a member of each conspiracy, taking at least one overt act,
12 including the acts described above as taken from Defendant’s plea
13 agreement, for the purpose of advancing or helping each of the
14 conspiracies.

15 *Id.* at 10-12.

16 38. On April 20, 2021, the U.S. District Court for the Southern District of
17 Ohio sentenced Defendant to 33 months of imprisonment and three years of
18 supervised release, with restitution paid jointly and severally with Defendant’s
19 wife in the amount of \$2,616,087.00. *See* Judgment, ECF No. 174, *Zhou*, 2:19-cr-
20 163-SDM-1 (S.D. Ohio April 20, 2021) (attached as Exhibit G)

21 **Defendant’s False Statements and Testimony**

22 39. In completing his naturalization application *and* in orally responding
23 under oath at his naturalization interview, Defendant’s response of “No” to Part
24 12, Question 22 – which asked: “Have you **EVER** committed, assisted in
25 committing, or attempted to commit, a crime or offense for which you were **NOT**
26 arrested?” (emphasis in original) – was false.

27 40. Further, in completing his oath questionnaire on the day he
28 naturalized, Defendant’s response of “No” to Question 3 – which asked: “Since

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1 your [naturalization] interview, have you knowingly committed any crime or
2 offense, for which you have not been arrested?” – was false.

3 41. As outlined above, Defendant *had* committed the crimes of conspiracy
4 to commit theft of trade secrets and conspiracy to commit wire fraud prior to
5 completing his naturalization application in July 2016 and prior to interviewing in
6 support of his application in January 2017.

7 42. Defendant knew his response to Part 12, Question 22 of his
8 naturalization application, as well as his response to Question 3 of his oath
9 questionnaire, was false because, by the time he completed his naturalization
10 application in July 2016, he knew he had worked to steal and then monetize NCH
11 trade secrets and knew he had used NCH equipment for emailing regarding, among
12 other things, exosome-related operations at a company that Defendant started in
13 China in approximately 2015.

14 43. In completing his naturalization application *and* in orally responding
15 under oath at his naturalization interview, Defendant’s response of “No” to Part 12,
16 Question 31 – which asked: “Have you **EVER** given any U.S. Government
17 officials **any** information or documentation that was false, fraudulent, or
18 misleading? (emphasis in original) – was false.

19 44. As outlined above, Defendant *had* given false information, including
20 documentation that included false information, to a U.S. government official when
21 he filed his naturalization application in July 2016 and again when he interviewed
22 in support of his application in January 2017.

23 45. Defendant knew his response to Part 12, Question 31 was false
24 because, at the time he filed his naturalization application, and again at the time of
25 his naturalization interview, Defendant knew he had given false information to a
26 U.S. government official through the response he provided to Part 12, Question 22
27 of his naturalization application.

28

1 46. In completing his naturalization application *and* in orally responding
2 under oath at his naturalization interview, Defendant’s response of “No” to Part 12,
3 Question 32 – which asked: “Have you **EVER** lied to any U.S. Government
4 officials to gain entry or admission into the United States or to gain immigration
5 benefits while in the United States?” (emphasis in original) – was false.

6 47. As outlined above, Defendant *had* lied to a U.S. government official
7 to gain the immigration benefit of naturalization while in the United States, both
8 when he filed his naturalization application in July 2016 and again when he
9 interviewed in support of his application in January 2017.

10 48. Defendant knew his response to Part 12, Question 32 was false
11 because, at the time he filed his naturalization application, and again at the time of
12 his naturalization interview, Defendant knew he had lied to a U.S. government
13 official to gain the immigration benefit of naturalization while in the United States
14 through the responses he provided to Part 12, Questions 22 and 31 of his
15 naturalization application.

16 **V. GOVERNING LAW**

17 **CONGRESSIONALLY IMPOSED PREREQUISITES**
18 **TO THE ACQUISITION OF CITIZENSHIP**

19 49. No applicant has a right to naturalization “unless all statutory
20 requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75
21 (1917). Indeed, the Supreme Court has underscored that “[t]here must be strict
22 compliance with all the congressionally imposed prerequisites to the acquisition of
23 citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981) (an individual
24 “who seeks political rights as a member of this Nation can rightfully obtain them
25 only upon the terms and conditions specified by Congress”) (quoting *Ginsberg*,
26 243 U.S. at 474).

27 50. Congress has mandated that an individual may not naturalize unless
28 that person “during all periods referred to in this subsection has been and still is a

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1 person of good moral character” *See* 8 U.S.C. § 1427(a)(3). The required
2 statutory period for good moral character begins five years before the date the
3 applicant files the naturalization application, and it continues until the applicant
4 takes the oath of allegiance and becomes a U.S. citizen. *Id.*; 8 C.F.R.
5 § 316.10(a)(1).

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

10 52. As a matter of law, an applicant necessarily lacks good moral
11 character if he or she commits a crime involving moral turpitude (“CIMT”) during
12 the statutory period and later either is convicted of the offense or admits
13 commission of the offense. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C.
14 § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i) (providing that an applicant “shall be
15 found to lack good moral character” if, for example, he or she committed and was
16 convicted of one or more crimes involving moral turpitude).

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

20 54. Further, Congress created a “catch-all” provision, which states, “The
21 fact that any person is not within any of the foregoing classes shall not preclude a
22 finding that for other reasons such person is or was not of good moral character.”
23 8 U.S.C. § 1101(f) (flush language).

24 55. Thus, an individual who, during the statutory period, commits an
25 unlawful act adversely reflecting upon his or her moral character cannot meet the
26 good moral character requirement unless he or she establishes extenuating
27 circumstances. *See* 8 C.F.R. § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f) (flush
28 language).

1 59. Failure to comply with any of the congressionally imposed
2 prerequisites to the acquisition of citizenship renders the citizenship “illegally
3 procured.” *Fedorenko*, 449 U.S. at 506.

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

10 61. Where the government establishes that the defendant’s citizenship was
11 procured illegally or by willful misrepresentation or concealment of a material fact,
12 “district courts lack equitable discretion to refrain from entering a judgment of
13 denaturalization.” *Fedorenko*, 449 U.S. at 517.

14 **VI. CAUSES OF ACTION**

15 **COUNT I**

16 **ILLEGAL PROCUREMENT OF NATURALIZATION**
17 **LACK OF GOOD MORAL CHARACTER**
18 **(CRIME INVOLVING MORAL TURPITUDE)**

19 62. Plaintiff re-alleges and incorporates by reference the factual and legal
20 allegations contained in Sections II through V of this complaint.

21 63. Defendant was statutorily required to establish that he was a person of
22 good moral character from July 8, 2011, five years before he filed his
23 naturalization application, until the date he became a U.S. citizen on February 22,
24 2017. *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

25 64. Defendant was statutorily barred from establishing the requisite good
26 moral character for naturalization because he committed a CIMT during the
27 statutory period and subsequently was convicted of a CIMT. *See* 8 U.S.C.
28 § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

1 65. As outlined above, Defendant pled guilty to conspiring to commit
2 wire fraud, 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349.

3 66. Based on Defendant’s admissions in his plea agreement, he violated
4 18 U.S.C. § 1349 beginning as early as from approximately 2013 until late 2017, a
5 period that overlaps with his statutory period.

6 67. The crime of conspiring to commit wire fraud is a CIMT. *See*
7 *Humboldt Oil Co. v. Exxon Co., U.S.A.*, 695 F.2d 386, 389 (9th Cir. 1982) (finding
8 that wire fraud is a “felony involving moral turpitude” because “intent to defraud is
9 an element of . . . fraud by wire” and crimes “in which fraud is an ingredient
10 involve moral turpitude”); *Barragan-Lopez v. Mukasey*, 508 F.3d 899, 903 (9th
11 Cir. 2007) (finding that a conviction for a conspiracy is a CIMT if the underlying
12 crime is a CIMT).

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

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

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

22 **COUNT II**

23 **ILLEGAL PROCUREMENT OF NATURALIZATION**
24 **LACK OF GOOD MORAL CHARACTER**
25 **(UNLAWFUL ACTS)**

26 71. Plaintiff re-alleges and incorporates by reference the factual and legal
27 allegations contained in Sections II through V of this complaint.
28

1 72. Defendant was statutorily required to establish that he was a person of
2 good moral character from July 8, 2011, five years before he filed his
3 naturalization application, until the date he became a U.S. citizen on February 22,
4 2017. *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

5 73. Defendant could not establish the requisite good moral character for
6 naturalization because he committed unlawful acts that reflected adversely upon
7 his moral character, including conspiracy to commit theft of trade secrets, in
8 violation of 18 U.S.C. § 1832(a)(5), and conspiracy to commit wire fraud,
9 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349, during the statutory period, and
10 there are no extenuating circumstances. *See* 8 U.S.C. § 1101(f) (flush language);
11 8 C.F.R. § 316.10(b)(3)(iii).

12 74. Based on Defendant's admissions in his plea agreement, Defendant
13 violated 18 U.S.C. § 1832(a)(5) and 18 U.S.C. § 1349 during his tenure at NCH,
14 which began in 2007 and ended in late 2017, a period that encompasses his
15 statutory period.

16 75. The crimes of conspiring to commit trade secret theft and conspiring
17 to commit wire fraud adversely reflected on Defendant's moral character.

18 76. There were no extenuating circumstances with regard to Defendant's
19 unlawful activity that would lessen his guilt. He therefore cannot avoid the
20 regulatory bar on establishing good moral character found at 8 C.F.R. §
21 316.10(b)(3)(iii).

22 77. The catch-all provision for unlawful acts at 8 U.S.C. § 1101(f) and
23 8 C.F.R. § 316.10(b)(3)(iii) applies to Defendant regardless of whether the
24 statutory CIMT bar set forth above applies to him.

25 78. Because Defendant committed unlawful acts that adversely reflected
26 on his moral character during the statutory period, and he cannot demonstrate
27 extenuating circumstances, he cannot show under 8 U.S.C. § 1101(f) and 8 C.F.R.
28

1 § 316.10(b)(3)(iii) that he had the good moral character necessary to naturalize as a
2 U.S. citizen.

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

5 80. Because Defendant was ineligible to naturalize, he illegally procured
6 his naturalization, and this Court must revoke his naturalization as provided under
7 8 U.S.C. § 1451(a).

8 **COUNT III**

9 **ILLEGAL PROCUREMENT OF NATURALIZATION**
10 **LACK OF GOOD MORAL CHARACTER**
11 **(FALSE TESTIMONY)**

12 81. Plaintiff re-alleges and incorporates by reference the factual and legal
13 allegations contained in Sections II through V of this complaint.

14 82. Defendant was statutorily required to establish that he was a person of
15 good moral character from July 8, 2011, five years before he filed his
16 naturalization application, until the date he became a U.S. citizen on February 22,
17 2017. *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

18 83. Defendant was statutorily barred from showing that he was a person
19 of good moral character during his statutory good moral character period because
20 he gave false testimony, under oath, for the purpose of obtaining an immigration
21 benefit, namely, naturalization. *See* 8 U.S.C. § 1101(f)(6); 8 C.F.R.
22 § 316.10(b)(2)(vi).

23 84. As outlined above, after being placed under oath, Defendant provided
24 false testimony during his January 11, 2017 naturalization interview when, in
25 responding to Question 22, he testified that he had never committed, assisted in
26 committing, or attempted to commit, a crime or offense for which he was not
27 arrested, despite having committed, without arrest at the time, the crimes of
28 conspiracy to commit trade secret theft and conspiracy to commit wire fraud.

1 85. As outlined above, after being placed under oath, Defendant provided
2 false testimony during his January 11, 2017 naturalization interview when, in
3 responding to Question 31, he testified that he had never given any U.S.
4 government official any information or documentation that was false, fraudulent,
5 or misleading, despite having given false information to a U.S. government official
6 when, in response to Part 12, Questions 22, 31, and 32, he filed his naturalization
7 application in July 2016 and again when he interviewed in support of his
8 application in January 2017.

9 86. As also outlined above, after being placed under oath, Defendant
10 provided false testimony during his January 11, 2017 naturalization interview
11 when, in responding to Question 32, he testified that he had never lied to any U.S.
12 government official to gain entry or admission into the United States or to gain
13 immigration benefits while in the United States, despite having lied to a U.S.
14 government official to gain the immigration benefit of naturalization while in the
15 United States when, in response to Part 12, Questions 22, 31, and 32, he filed his
16 naturalization application in July 2016 and again when he interviewed in support
17 of his application in January 2017.

18 87. Defendant provided the foregoing false testimony for the purpose of
19 obtaining an immigration benefit, namely, naturalization.

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

24 89. Because Defendant could not establish that he was a person of good
25 moral character during the statutory period, he was ineligible for naturalization
26 under 8 U.S.C. § 1427(a)(3).
27
28

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

4 **COUNT IV**

5 **PROCUREMENT OF U.S. CITIZENSHIP BY CONCEALMENT**
6 **OF A MATERIAL FACT OR BY WILLFUL MISREPRESENTATION**

7 91. Plaintiff re-alleges and incorporates by reference the factual and legal
8 allegations contained in Sections II through V of this complaint.

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

12 93. As outlined above, throughout the naturalization process, including in
13 his naturalization application and during his interview, Defendant concealed and
14 willfully misrepresented the following facts:

15 (a) Defendant's commission of crimes for which he was not arrested;

16 (b) Defendant's provision of false information and documentation to a U.S.
17 government official in submitting his naturalization application and
18 interviewing in support of it; and

19 (c) Defendant's lies to a U.S. government official to gain the immigration
20 benefit of naturalization while in the United States when he submitted his
21 naturalization application and interviewed in support of it.

22 94. Additionally, as outlined above, on the day he naturalized, Defendant
23 willfully misrepresented that, since the time of his naturalization interview, he had
24 not knowingly committed any crime or offense for which he had not been arrested.

25 95. Defendant knew his representations were false and misleading, and he
26 therefore made them willfully.

27 96. Defendant's concealment and misrepresentation of the crimes he had
28 committed but for which he was not arrested, as well as his provision of false

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COMPLAINT TO REVOKE NATURALIZATION

1 information, documentation, and lies to a U.S. government official to obtain
2 naturalization, were material to determining his eligibility for naturalization
3 because they had the natural tendency to influence a decision by USCIS to approve
4 his naturalization application.

5 97. Indeed, Defendant's crime of conspiracy to commit wire fraud
6 implicates the bar to good moral character for those convicted of either a CIMT or
7 conspiracy to commit a CIMT, *see* 8 U.S.C. §§ 1101(f)(3), 1182(a)(2)(A)(i)(I),
8 1427(a)(3). Defendant thus procured his naturalization by willful
9 misrepresentation and concealment of material facts, and this Court must revoke
10 his naturalization as provided under 8 U.S.C. § 1451.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff respectfully requests:

- 13 (1) A declaration that Defendant illegally procured his naturalization;
14 (2) A declaration that Defendant procured his naturalization by
15 concealment of material facts and by willful misrepresentation;
16 (3) Judgment revoking and setting aside the order admitting Defendant to
17 citizenship and canceling Certificate of Naturalization No.  effective as
18 of the original date of the order and certificate, February 22, 2017;
19 (4) Judgment forever restraining and enjoining Defendant from claiming
20 any rights, privileges, benefits, or advantages under any document that evidences
21 U.S. citizenship obtained as a result of his February 22, 2017 naturalization;
22 (5) Judgment requiring Defendant to surrender and deliver, within ten
23 days of judgment, his Certificate of Naturalization, as well as any copies thereof in
24 his possession or control (and to make good faith efforts to recover and then
25 surrender any copies thereof that he knows are in the possession or control of
26 others), to the Attorney General or to her representative, including undersigned
27 counsel;
28

1 (6) Judgment requiring Defendant to surrender and deliver, within ten
2 days of judgment, any other indicia of U.S. citizenship – including, but not limited
3 to, U.S. passports (and passport cards, if applicable), as well as any enhanced
4 driver’s licenses, whether valid or expired – and any copies thereof in his
5 possession or control (and to make good faith efforts to recover and then surrender
6 any copies thereof that he knows are in the possession or control of others), to the
7 Attorney General or to her representative, including undersigned counsel; and

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

10 Dated: April 16, 2025

Respectfully submitted,

11
12 ADAM GORDON
13 United States Attorney
14 Southern District of California

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