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Attorneys for Omid Delkash

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Omid Delkash,

Petitioner,

v.

Kristi Noem, Secretary of the Department
of Homeland Security; et. al,

Respondents.

Case No.: 2:25-cv-04638

**NOTICE OF ELIGIBILITY TO
NATURALIZE UNDER 8 U.S.C. §
1440**

NOTICE OF ELIGIBILITY TO NATURALIZE UNDER 8 U.S.C. § 1440

Comes the Petitioner Omid Delkash, through undersigned counsel with this Notice of Eligibility for Naturalization under 8 U.S.C. § 1440. Mr. Delkash now has a pending naturalization application with DHS under Section 1440. See Exhibit A-Receipt Notice of the Naturalization Application under 8 U.S.C. § 1440. The statute permits naturalization for active duty servicemembers during certain armed conflicts. The designated periods of hostilities include service during the Persian

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1 Gulf Conflict. *See* 8 C.F.R. § 329.2. Mr. Delkash honorably served during this
2 period. *See* Exhibit B- D-2214, Certificate of Release from Active Duty, and
3 Honorable Discharge Order. An order of removal does not disqualify Mr. Delkash
4 from naturalization under section 1440.

5 In addition, Mr. Delkash's immigration attorney reviewed Petitioner's
6 criminal record after being informed that the Petitioner was arrested earlier this year
7 on suspicion of violating a restraining order. *See* Dckt. 11, p. 1 and AUSA at oral
8 argument. However, at the time of Mr. Delkash's warrantless arrest by ICE, the
9 Irvine Police Department had already declined prosecution of the charge, citing that
10 is "[c]annot prove [guilt] beyond a reasonable doubt." *See* Exhibit C- Irvine Police
11 Declining Prosecution Letter. There are no impediments to DHS granting Mr.
12 Delkash's naturalization application.
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15 Date: 8/21/25
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17 Respectfully submitted,

18 /s/ Andres Ortiz

19 Andres Ortiz, Esq.

20 Andres Ortiz Law

21 Attorney for the Petitioner
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Notice of Eligibility to Naturalize Under 8 U.S.C. § 1440 in *Omid Delkash v. Noem et. al*, with the Clerk of the Court for the Central District of California by using the appellate CM/ECF August 21, 2025, for filing and transmittal of Notice of Electronic Filing

/s/ Andres Ortiz
Andres Ortiz, Esq.
Attorney for Petitioner

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- **EXHIBIT B**- D-2214, Certificate of Release from Active Duty, and Honorable Discharge Order
- **EXHIBIT C**- Irvine Police Declining Prosecution Letter