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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

ERWIN ROBERTO GALINDO,
a/k/a Angelo Sandoval,
f/k/a Erwin Roberto Galindo-Mejia,

Defendant.

'26CV0610 GPC JLB

**COMPLAINT TO REVOKE
NATURALIZATION**

1 **PRELIMINARY STATEMENT**

2 The United States of America (“Plaintiff”) brings this civil action against Erwin
 3 Roberto Galindo (“Defendant”) to revoke his naturalized U.S. citizenship under 8
 4 U.S.C. § 1451(a). Plaintiff bases this action on Defendant’s criminal conduct prior to
 5 naturalizing and his misrepresentations of that conduct during his naturalization
 6 proceedings. Prior to naturalizing, Defendant sexually abused J.R.¹ when she was
 7 approximately 11 years old and while Defendant lived with her and her mother, and
 8 he sexually abused and raped his 14-year-old daughter, M.G., while she lived with
 9 Defendant. After naturalizing, Defendant was convicted in California of two counts of
 10 lewd or lascivious acts upon a child and was sentenced to eight years and eight
 11 months in prison. He was also required to register as a lifetime sex offender, pursuant
 12 to the California Megan’s Law. Defendant willfully misrepresented and concealed his
 13 criminal conduct throughout his naturalization process. Had he disclosed his criminal
 14 conduct, it would have clarified that he was ineligible to naturalize. Accordingly, as
 15 shown below, Defendant illegally procured his naturalization and obtained his
 16 naturalization through willful misrepresentation and concealment, and the United
 17 States brings this civil action to revoke and set aside the order admitting Defendant to
 18 U.S. citizenship and to cancel his Certificate of Naturalization.

19 **I. JURISDICTION AND VENUE**

20 1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the
 21 decision admitting Defendant to U.S. Citizenship and to cancel Defendant’s
 22 Certificate of Naturalization No. 37257894.

23 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C.
 24 §§ 1331 and 1345 for this cause of action under 8 U.S.C. § 1451(a).

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 26
 27 ¹ To protect the privacy of individuals who were minors when Defendant victimized them, the
 28 government will use only their initials in this complaint. Fed. R. Civ. P. 5-2(a)(3).

3. Venue is proper in this District pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant resides in San Diego, California, within the jurisdiction and venue of this Court.

II. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen.

III. FACTUAL BACKGROUND

6. The affidavit of Emilio G. Vazzana, a Special Agent of the U.S. Immigration and Customs Enforcement (“ICE”), an agency within the U.S. Department of Homeland Security (“DHS”), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached hereto as Exhibit A.

Defendant’s Commission of a Lewd or Lascivious Act Upon a Child Under 14 Years of Age

7. In or around late 1997, Defendant began a relationship with J.R.’s mother.

8. After dating J.R.’s mother for a few months, Defendant and J.R.’s mother moved in together.

9. J.R. resided with Defendant and J.R.’s mother.

10. In or around and between late 1997 to late 1998, Defendant sexually abused J.R., who was then approximately 11 years old.

11. During this time period, Defendant sexually abused J.R. 30 to 50 times.

12. During this time period, Defendant rubbed J.R.’s vagina over her clothes on at least four occasions.

13. During this time period, Defendant made J.R. touch or rub his penis on at least three occasions.

1 14. On one occasion during this time period, Defendant, with his penis
2 exposed and erect, pulled J.R.'s pants down, rubbed her vagina, and digitally
3 penetrated her vagina with his fingers.

4 15. After this incident, Defendant told J.R. not to tell her mother what
5 happened because her mother would be sad if she did.

6 16. J.R. did not disclose this or any other incident of sexual abuse to her
7 family during Defendant's and her mother's relationship.

8 **Defendant's Commission of a Lewd or Lascivious Act**
9 **Upon a Child 14 or 15 Years of Age**

10 17. In 2009, Defendant was married.

11 18. In 2009, Defendant resided with his wife and their minor daughters.

12 19. In February 2009, M.G., Defendant's 14-year-old daughter from a
13 previous marriage, was detained at the U.S-Mexico border while attempting to
14 enter the country to reunite with her mother.

15 20. M.G. was released into Defendant's custody, and she lived with him
16 and his family from around February 2009 to around November 2009.

17 21. In or around October 2009, Defendant sexually abused M.G., whereby
18 Defendant laid down next to M.G., stuck his hands down her pants, and digitally
19 penetrated her vagina.

20 22. In or around October 2009, in a separate incident, Defendant laid on
21 top of M.G., pinned her hands above her head, and asked her if she wanted to have
22 sex.

23 23. M.G. demanded that Defendant let her go because he was hurting her.
24 Defendant he told M.G. to be quiet, he forcibly undressed her, and he raped her.

25 24. In the weeks that followed, Defendant took M.G.'s cell phone away
26 from her, barred her from contacting her mother, isolated her from her half
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1 siblings, and threatened to have her deported if she told anyone what had
2 happened.

3 25. In or around November 2009, M.G. told Defendant she wanted to
4 return to Guatemala to live with her grandmother; Defendant agreed to purchase
5 her a plane ticket so that she could return to Guatemala.

6 26. In or around November 2009, M.G. returned to Guatemala.

7 **Defendant's Conviction for**
8 **a Lewd or Lascivious Act Upon a Child Under 14 Years of Age**
9 **and a Lewd or Lascivious Act Upon a Child 14 or 15 Years of Age**

10 27. On or about December 17, 2015, Defendant was arraigned on a felony
11 complaint in the Superior Court of California, County of San Diego, Central
12 Division. *See Complaint, California v. Galindo*, No. 264664 (Cal. Sup. Ct. San
13 Diego Cty., Dec. 15, 2015) (attached as Exhibit B).

14 28. The complaint charged Defendant with five counts of sex offenses, to
15 wit:

- 16 • Count 1, Forcible Rape, in violation of California Penal Code ("CPC")
17 §§ 261(a)(2), 1203.065(a) and 667.61(b)(c)(e) on or about and between
18 February 1, 2009, and October 31, 2009;
- 19 • Count 2, Forcible Lewd or Lascivious Act Upon a Child, to wit, touched
20 vagina, in violation of CPC §§ 288(b)(1), 1203.066(a)(8), and
21 667.61(b)(c)(e) on or about and between January 1, 1997, and December
22 31, 1997;
- 23 • Count 3, Lewd or Lascivious Act Upon a Child, to wit, touched vagina,
24 in violation of CPC §§ 288(a) and 667.61(b)(c)(e) on or about and
25 between January 1, 1997, and December 31, 1997;

- Count 4, Sexual Penetration-By Threat, in violation of CPC §§ 289(a)(2) and 667.6l(b)(c)(e) on or about and between January 1, 1997, and December 31, 1997; and
- Count 5, Lewd or Lascivious Act Upon a Child 14 or 15 Years of Age, to wit, touched vagina, in violation of CPC § 288(c)(l) on or about and between February 1, 2009, and October 31, 2009.

29. On or about May 25, 2016, Defendant entered a plea of guilty to the following two counts:

- Count 1, Lewd or Lascivious Act Upon a Child 14 or 15 Years of Age, in violation of CPC § 288(c)(l), with respect to his daughter, M.G., as Lesser Related Offense of Count 1, Forcible Rape, in violation of CPC § 26l(a)(2), on or about and between February 1, 2009, and October 31, 2009; and
- Count 3, Lewd or Lascivious Act Upon a Child Under 14 Years of Age, to wit, touched vagina, in violation of CPC § 288(a), with respect to J.R., on or about and between January 1, 1997, and December 31, 1997.

Exhibit B.

30. During his plea hearing, Defendant admitted, with respect to Count 1, that M.G., the victim, was 14 years old when the crime was committed and that, with respect to Count 3, J.R., the victim, was 11 years old when the crime was committed. *See* Certified Tr. of Change of Plea, *California v. Galindo*, Case No. SCD264664, 7:18-28 (Cal. App. 4th, May 25, 2016) (attached as Exhibit C).

31. On or about July 6, 2016, the court sentenced Defendant to eight years and eight months in state prison and required him to pay a \$10,000 fine, which was the maximum punishment allowable under the law, and subjected him to lifetime registration as a sex offender. *See* Plea of Guilty/No Contest – Felony, *California v. Galindo*, No. 264664 (Cal. Sup. Ct. San Diego Cty., May 25, 2016) (attached as

Exhibit D); *see also* Felony Abstract of Judgment – Determinate, *California v. Galindo*, No. 264664 (Cal. Sup. Ct. San Diego Cty., Aug. 24, 2016) (attached as Exhibit E); Certified Tr. of Change of Plea at 6:1-3.

32. After serving five years and five months of his sentence, Defendant was released from state custody on October 9, 2021.

Defendant’s Immigration History and Naturalization Proceedings

33. On February 15, 2008, Defendant was admitted to the United States as a conditional permanent resident (“PR”) status based on his marriage to his U.S. citizen spouse, Angela Marie Rivera.

34. On February 3, 2010, U.S. Citizenship and Immigration Services (“USCIS”) removed conditions on Defendant’s PR status.

35. On January 28, 2014, Defendant filed his Form N-400, Application for Naturalization (Form N-400) (attached as Exhibit F), with USCIS.

36. In response to Part 10.D (Good Moral Character), Question 15, which asked, “Have you ever committed a crime or offense for which you were not arrested?” Defendant answered, “No.”

37. Under Part 11 (Your Signature), Defendant signed and thus certified, under penalty of perjury, that his application and the evidence submitted with it were all true and correct.

38. On January 2, 2015, Defendant appeared in person before a USCIS officer to determine his eligibility for naturalization (“naturalization interview”).

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

40. During Defendant’s naturalization interview, the officer asked Defendant, “Have you ever committed a crime or offense for which you were not arrested?” as it appears under Part 10.D (Good Moral Character), Question 15, and Defendant answered, “No.”

41. Defendant never disclosed or discussed—during his naturalization interview or elsewhere in his naturalization application—having ever committed sex offenses against minors, including M.G. or J.R., crimes for which he had not then been arrested.

42. At the conclusion of his interview, under Part 13 (Signature at Interview), Defendant signed and thus swore (affirmed) and certified, under penalty of perjury, that he knew that the contents of his application for naturalization subscribed by him, including any corrections, and the evidence submitted by him, were true and correct to the best of his knowledge and belief.

43. Based in part on his written responses on the Form N-400 and evidence provided in support of his application and on his sworn oral testimony at the naturalization interview, USCIS approved Defendant's naturalization application on January 2, 2015.

44. Based on his approved naturalization application, Defendant took the Oath of Allegiance admitting him to U.S. citizenship, and the United States issued Defendant Certificate of Naturalization No.  on February 18, 2015. *See* Certificate of Naturalization (attached as Exhibit G).

IV. GOVERNING LAW

Congressionally imposed prerequisites to the acquisition of citizenship

45. No noncitizen has a right to naturalization “unless all statutory requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). The Supreme Court has consistently held that “there 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).

46. Congress has mandated that an individual may not naturalize unless that person “during all periods referred to in this subsection has been and still is a person of good moral character” *See* 8 U.S.C. § 1427(a)(3). For applicants

1 seeking to naturalize based on their status as a PR, the required statutory period for
2 good moral character begins five years before the date the applicant files the
3 application for naturalization, and it continues until the applicant takes the oath of
4 allegiance and becomes a U.S. citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R.
5 § 316.10(a)(1).

6 47. 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 generally* 8 U.S.C. § 1101(f). This includes individuals who
10 give false testimony for the purpose of obtaining immigration benefits. 8 U.S.C.
11 § 1101(f)(6).

12 48. Congress also created a “catch-all” provision, which states, “[t]he fact
13 that any person is not within any of the foregoing classes shall not preclude a
14 finding that for other reasons such person is or was not of good moral character.”
15 8 U.S.C. § 1101(f) (flush language).

16 49. Thus, individuals who commit unlawful acts adversely reflecting upon
17 their moral character during the statutory period cannot meet the good moral
18 character requirement, unless they prove that extenuating circumstances exist. *See*
19 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

20 50. With regard to the commission of unlawful acts, “requiring
21 consideration of an applicant’s unlawful acts during the . . . moral character
22 period—whether or not the applicant is convicted for the acts during that period” is
23 a permissible interpretation of section 1101(f). *United States v. Dang*, 488 F.3d
24 1135 (9th Cir. 2007).

25 51. Furthermore, in determining whether an applicant has established the
26 necessary good moral character to naturalize, the government is “not be limited to
27 the applicant’s conduct during the [statutory period] preceding the filing of the
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1 application but may take into consideration as a basis for such determination the
2 applicant's conduct and acts at any time prior to that period." 8 U.S.C. § 1427(e). It
3 may consider "the applicant's conduct and acts at any time prior to that period if
4 the conduct of the applicant during the statutory period does not reflect that there
5 has been reform of character from an earlier period or if the earlier conduct and
6 acts appear relevant to a determination of the applicant's present moral character."
7 8 C.F.R. § 316.10(a)(2).

8 **The Denaturalization Statute**

9 52. Recognizing that there are situations in which an individual has
10 naturalized despite failing to comply with all congressionally imposed
11 prerequisites to the acquisition of citizenship, including demonstration of good
12 moral character, or by concealing or misrepresenting facts that are material to the
13 decision on whether to grant naturalization, Congress enacted 8 U.S.C. § 1451.

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

- 17 i. illegally procured, *or*
- 18 ii. procured by concealment of a material fact or by willful
- 19 misrepresentation.

20 54. Failure to comply with any of the congressionally imposed
21 prerequisites to the acquisition of citizenship renders the citizenship "illegally
22 procured." *Fedorenko*, 449 U.S. at 506.

23 55. Naturalization was procured by concealment of a material fact or by
24 willful misrepresentation, where: (1) the naturalized citizen misrepresented or
25 concealed some fact during the naturalization process; (2) the misrepresentation or
26 concealment was willful; (3) the fact was material; and (4) the naturalized citizen

1 procured citizenship as a result of the misrepresentation or concealment. *Kungys v.*
2 *United States*, 485 U.S. 759, 767 (1988).

3 56. Where the government establishes that the defendant's citizenship was
4 procured illegally or by concealment or willful misrepresentation of material facts,
5 "district courts lack equitable discretion to refrain from entering a judgment of
6 denaturalization." *Fedorenko*, 449 U.S. at 517. And the district court must order
7 "such revocation and setting aside of the order admitting such person to citizenship
8 and such canceling of certificate of naturalization . . . effective as of the original
9 date of the order." 8 U.S.C. § 1451(a).

10 **IV. CAUSES OF ACTION**

11 **COUNT I**

12 **ILLEGAL PROCUREMENT OF NATURALIZATION** 13 **LACK OF GOOD MORAL CHARACTER** 14 **(UNLAWFUL ACTS DURING AND PRIOR** 15 **TO THE STATUTORY PERIOD)**

16 57. The United States re-alleges and incorporates by reference the factual
17 and legal allegations contained in Sections I through IV of this Complaint.

18 58. As set forth above, to be eligible for naturalization, Defendant was
19 required to establish that he was a person of good moral character during the
20 statutory period, from January 28, 2009, until February 18, 2015. 8 U.S.C.
21 §1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

22 59. Defendant committed an unlawful act during the statutory period that
23 adversely reflects on his moral character when he 1) committed a lewd or
24 lascivious act upon a child 14 or 15 years of age, in violation of CPC § 288(c)(l),
25 with respect to his 14-year-old daughter, M.G., on or about and between February
26 1, 2009, and October 31, 2009; and committed an unlawful act prior to the
27 statutory period that adversely reflected on his moral character when he
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1 2) committed a lewd or lascivious act upon a child under 14 years of age, by
2 touching the vagina of 11-year-old J.R., in violation of CPC § 288(a), on or about
3 and between January 1, 1997, and December 31, 1997.

4 60. Defendant was convicted of these aforementioned crimes, sentenced
5 to eight years and eight months in state prison and required to pay a \$10,000 fine,
6 which was the maximum punishment allowable under the law, and subjected to a
7 lifetime registration as a sex offender.

8 61. Defendant's sex crimes against minors constitute unlawful acts
9 committed during and prior to the statutory period that are relevant to a
10 determination of his moral character as contemplated by 8 U.S.C. § 1427(e); 8
11 C.F.R. § 316.10(a)(2).

12 62. Defendant cannot establish extenuating circumstances with regard to
13 having sexually abused and raped his 14-year-old daughter, M.G., or having
14 sexually abused 11-year-old J.R. and, therefore, Defendant cannot avoid the
15 regulatory bar on establishing good moral character found in 8 C.F.R.
16 § 316.10(b)(3)(iii); *see also, e.g., United States v. Zhou*, 815 F.3d 639, 644 (9th
17 Cir. 2016).

18 63. Defendant's sex crimes against minors during and prior to the
19 statutory period so adversely reflected on Defendant's moral character during the
20 statutory period that no evidence of his good moral character would permit
21 Defendant to satisfy his burden of establishing good moral character as required
22 for naturalization.

23 64. Because Defendant could not establish that he was a person of good
24 moral character during the statutory period, he was ineligible for naturalization
25 under 8 U.S.C. § 1427(a)(3).
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65. Because Defendant was ineligible to naturalize, he illegally procured his naturalization, and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

COUNT II
ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(THREE ADDITIONAL UNLAWFUL ACTS
DURING THE STATUTORY PERIOD)

66. The United States re-alleges and incorporates by reference the factual and legal allegations contained in Sections I through IV of this Complaint.

67. As set forth above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during the statutory period, from January 28, 2009, until February 18, 2015. 8 U.S.C. § 1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

68. Defendant could also not establish the requisite good moral character for naturalization because he committed three additional unlawful acts during the statutory period that reflected adversely on his moral character for which there were no extenuating circumstances. *See* 8 U.S.C. § 1101(f) (flush language); 8 C.F.R. § 316.10(b)(3)(iii); *see also, e.g., United States v. Zhou*, 815 F.3d 639, 644 (9th Cir. 2016).

69. Defendant committed three additional unlawful acts during his statutory period that adversely reflect on his moral character when he violated three federal statutes that criminalize making false statements to federal officials.

70. Specifically, Defendant falsely swore in an immigration matter, in violation of 18 U.S.C. § 1546(a) when, on or about January 28, 2014, in response to Part 10.Part D (Good Moral Character), Question 15 on his Form N-400, Defendant denied, under penalty of perjury, ever committing a crime or offense for

1 which he had not been arrested and when, on or about January 2, 2015, he denied
2 the same, while under oath, during his naturalization interview.

3 71. Specifically, Defendant made a false statement, in violation of 18
4 U.S.C. § 1001, when, on or about January 28, 2014, in response to Part 10.Part D
5 (Good Moral Character), Question 15 on his Form N-400, Defendant denied, under
6 penalty of perjury, ever committing a crime or offense for which he had not been
7 arrested and when, on or about January 2, 2015, he denied the same, while under
8 oath, during his naturalization interview.

9 72. Specifically, Defendant committed perjury, in violation of 18 U.S.C.
10 § 1621, when, on or about January 28, 2014, in response to Part 10.Part D (Good
11 Moral Character), Question 15 on his Form N-400, Defendant denied, under
12 penalty of perjury, ever committing a crime or offense for which he had not been
13 arrested and when, on or about January 2, 2015, he denied the same, while under
14 oath, during his naturalization interview.

15 73. Defendant falsely swore in an immigration matter, made a false
16 statement, and committed perjury, because he knew he had (1) committed a lewd
17 or lascivious act upon a child 14 or 15 years of age, in violation of CPC
18 § 288(c)(1), with respect to his 14-year-old daughter, M.G., on or about and
19 between February 1, 2009, and October 31, 2009; and (2) committed a lewd or
20 lascivious act upon a child under 14 years of age, by touching the vagina of 11-
21 year-old J.R., in violation of CPC § 288(a), on or about and between January 1,
22 1997, and December 31, 1997, for which he had not yet been arrested; and, with
23 regard to making a false statement and committing perjury, Defendant also knew
24 that such acts were unlawful.

25 74. Defendant knew his responses were false, because Defendant later
26 admitted to and was convicted of these two crimes, sentenced to eight years and
27 eight months in state prison and required to pay a \$10,000 fine, which was the
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1 maximum punishment allowable under the law, and subjected to a lifetime
2 registration as a sex offender.

3 75. Defendant's crimes of falsely swearing in an immigration matter,
4 making false statements, and committing perjury constitute unlawful acts that
5 adversely reflect on Defendant's moral character as contemplated by 8 U.S.C.
6 § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii).

7 76. Defendant cannot establish extenuating circumstances with regard to
8 falsely swearing in an immigration matter, making false statements, and
9 committing perjury.

10 77. Defendant cannot avoid the regulatory bar on establishing good moral
11 character found under 8 C.F.R. § 316.10(b)(3)(iii).

12 78. Defendant's deceptive conduct within the statutory period, which
13 sought to conceal his sex crimes against minors, so adversely reflect on
14 Defendant's moral character that no evidence of good moral character would
15 permit Defendant to satisfy his burden of establishing good moral character as
16 required for naturalization.

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

20 80. Because Defendant was ineligible to naturalize, he illegally procured
21 his naturalization, and this Court must revoke his citizenship under 8 U.S.C.
22 § 1451(a).

COUNT III

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

81. The United States re-alleges and incorporates by reference the factual and legal allegations contained in Sections I through IV of this Complaint.

82. As set forth above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during the statutory period, from January 28, 2009, until February 18, 2015. 8 U.S.C. § 1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

83. Defendant was statutorily barred from establishing the good moral character necessary to naturalize, because during the statutory period, he gave false testimony, under oath, for the purpose of obtaining an immigration benefit, specifically naturalization. *See* 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

84. Defendant provided false testimony for the purpose of obtaining an immigration benefit during his January 2, 2015 naturalization interview when in response to being asked whether he had ever committed a crime or offense for which he had not been arrested, Defendant denied orally and under oath ever having committed any such crimes or offenses.

85. That answer was false because Defendant had (1) committed a lewd or lascivious act upon a child 14 or 15 years of age, in violation of CPC § 288(c)(1), with respect to his 14-year-old daughter, M.G., on or about and between February 1, 2009, and October 31, 2009; and (2) committed a lewd or lascivious act upon a child under 14 years of age, by touching the vagina of 11-year-old J.R., in violation of CPC § 288(a), on or about and between January 1, 1997, and December 31, 1997, for which he then had not been arrested.

1 86. Defendant knew his testimony was false, because Defendant later
2 admitted to and was convicted of these two crimes, sentenced to eight years and
3 eight months in state prison and required to pay a \$10,000 fine, which was the
4 maximum punishment allowable under the law, and subjected to a lifetime
5 registration as a sex offender.

6 87. Defendant gave his false testimony at his naturalization interview with
7 the intent of obtaining the immigration benefit of naturalization.

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

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

14 90. Because he was ineligible to naturalize, Defendant illegally procured
15 his citizenship, and this Court must revoke his naturalization, as provided for by
16 8 U.S.C. § 1451(a).

17 **COUNT IV**

18 **PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF A**
19 **MATERIAL FACT OR WILLFUL MISREPRESENTATION**

20 91. The United States re-alleges and incorporates by reference the factual
21 and legal allegations in Sections I through IV of this Complaint.

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

1 93. Throughout the naturalization process, Defendant willfully
2 misrepresented and concealed his lewd and lascivious acts against minors—
3 criminal acts for which he was later convicted after pleading guilty.

4 94. At no point during the naturalization process did Defendant disclose
5 his criminal conduct, despite being provided several opportunities to do so.

6 95. First, on his Form N-400, Defendant denied ever having committed a
7 crime or offense for which he had not been arrested and subsequently signed and
8 thus certified, under penalty of perjury, that his naturalization application and the
9 evidence submitted with it, were all true and correct.

10 96. Second, during Defendant's naturalization interview, Defendant
11 denied, while under oath, that he had ever committed a crime or offense for which
12 he had not been arrested and subsequently signed and thus swore and certified that
13 he knew that the contents of his application were true and correct.

14 97. Defendant's repeated misrepresentations regarding his criminal
15 conduct on his Form N-400 and during his naturalization interview were willful,
16 because he knew he had committed a lewd or lascivious act upon a child 14 or 15
17 years of age, in violation of CPC § 288(c)(1), with respect to his 14-year-old
18 daughter, M.G., on or about and between February 1, 2009, and October 31, 2009,
19 for which he had not been arrested, and for which he would be subsequently
20 convicted of after obtaining U.S. citizenship.

21 98. Defendant's repeated misrepresentations regarding his criminal
22 conduct on his Form N-400 and during his naturalization interview were willful,
23 because he knew he had committed a lewd or lascivious act upon a child under 14
24 years of age, by touching the vagina of 11-year-old J.R., in violation of CPC
25 § 288(a), on or about and between January 1, 1997, and December 31, 1997, for
26 which he had not been arrested, and for which he would be subsequently convicted
27 of after obtaining U.S. citizenship.

1 99. Defendant knew his misrepresentations were false, because Defendant
2 later admitted to and was convicted of these two crimes, sentenced to eight years
3 and eight months in state prison and required to pay a \$10,000 fine, which was the
4 maximum punishment allowable under the law, and subjected to a lifetime
5 registration as a sex offender

6 100. Defendant's misrepresentations were material to his naturalization,
7 because the disclosure of sex crimes against minors would have had a natural
8 tendency to influence USCIS's decision whether to approve Defendant's
9 naturalization application.

10 101. Indeed, Defendant's criminal conduct precluded him from
11 establishing the requisite good moral character to naturalize. Had Defendant
12 disclosed the truth about his criminal conduct, his ineligibility for naturalization
13 would have been revealed, and USCIS would not have approved his application
14 nor administered the oath of allegiance.

15 102. Defendant thus procured his naturalization by willful
16 misrepresentation and concealment of material facts, and this Court must therefore
17 revoke his naturalization pursuant to the requirements of 8 U.S.C. § 1451(a).

18 **V. PRAYER FOR RELIEF**

19 **WHEREFORE**, Plaintiff, the United States of America, prays for relief as
20 follows:

- 21 (1) A declaration that Defendant illegally procured his naturalization;
22 (2) A declaration that Defendant procured his naturalization by concealment
23 of material facts and by willful misrepresentation;
24 (3) Judgment revoking and setting aside the order admitting Defendant to
25 citizenship and canceling Certificate of Naturalization No.  effective as
26 of the original date of the order and certificate, February 18, 2015;
27 (4) Judgment forever restraining and enjoining Defendant from claiming
28

1 any rights, privileges, benefits, or advantages under any document which evidences
2 United States citizenship obtained as a result of his February 18, 2015
3 naturalization;

4 (5) Judgment requiring Defendant, within ten (10) days of judgment, to
5 surrender and deliver his Certificate of Naturalization, any U.S. passport,
6 Enhanced Drivers License, or any other indicia of U.S. citizenship issued to him,
7 whether valid or expired, as well as any copies thereof in his possession or control
8 (and to make good faith efforts to recover and then surrender any copies thereof
9 that he knows are in the possession or control of others), to the Attorney General,
10 or her representative, including undersigned counsel; and

11 (6) Judgment granting the United States any other relief that may be lawful
12 and proper in this case.

1 Dated: January 30, 2026

Respectfully submitted,

2
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5 Southern District of California

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