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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALPHA BA, also known as Samba Ba,

Defendant.

---

**COMPLAINT TO REVOKE NATURALIZATION**

---

The United States of America (Plaintiff) brings this civil action against Defendant Alpha Ba, also known as Samba Ba (Defendant), to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a), on the ground that Defendant illegally procured his naturalization and willfully misrepresented and concealed material facts in applying to naturalize.

## INTRODUCTION

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel Defendant's Certificate of Naturalization No. [redacted], issued November 6, 2012.

2. Article I, Section 8, Clause 4 of the United States Constitution grants Congress the power to "establish a uniform Rule of Naturalization." Because Congress has authority to impose "prerequisites to the acquisition of citizenship," the "[f]ailure to comply with any of these conditions renders the certificate of citizenship 'illegally procured,'" and "naturalization that is unlawfully procured can be set aside." *Fedorenko v. United States*, 449 U.S. 490, 506 (1981).

3. This case seeks to set aside the naturalization of an individual whose actions and conduct statutorily barred him from becoming a U.S. citizen and thus render his naturalization unlawfully procured. Defendant obtained naturalization as a U.S. citizen in 2012 under the identity Alpha Ba. But before that date, he had been ordered excluded and deported from the United States under a different name, Samba Ba.

4. Specifically, on or about November 30, 1994, Defendant filed an application for an immigration benefit with the Immigration and Naturalization Service ("INS"), identifying himself as Samba Ba. On July 17, 1995, an immigration judge denied his application but granted him voluntary departure until August 17, 1995, with an alternate order of deportation to Mauritania. Defendant did not timely depart, then later failed to surrender for deportation.

5. Then, on August 11, 1996, Defendant, using a different name and identity—Alpha Ba—filed another application for an immigration benefit with the INS. In this application, Defendant changed, *inter alia*, his name, date of birth, date of entry into the United States, and basis for his claim. On April 14, 1997, an immigration judge granted Defendant's application.

6. Defendant then proceeded to obtain other benefits under his new Alpha Ba identity—without disclosing, in any of his immigration applications or proceedings, his prior immigration history under the Samba Ba identity. On February 3, 2003, the INS approved Defendant's adjustment of status application under the identity Alpha Ba. And then, on November 6, 2012, Defendant obtained naturalization under the identity and immigration history of Alpha Ba.

7. Defendant's actions and conduct statutorily barred him from becoming a U.S. citizen and rendered his naturalization unlawfully procured. They also demonstrate that he procured his naturalization by concealment and willful misrepresentation.

8. Congress has prescribed that "It shall be the duty of the United States attorneys for the respective districts, upon affidavit showing good cause therefor . . . . . to institute proceedings" to revoke naturalization "in any district court of the United States in the judicial district in which the naturalized citizen may reside at the time of bringing suit . . . " 28 U.S.C. § 1451(a). Pursuant to that provision, and upon the attached affidavit showing good cause, the United States brings this civil action to revoke and set aside the order that admitted Defendant to citizenship and to cancel his certificate of naturalization.

## JURISDICTION AND VENUE

9. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel Defendant's Certificate of Naturalization No. [redacted], issued November 6, 2012.

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

11. Venue is proper in this district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant resides in Silverthorne, Colorado, within the jurisdiction and venue of this Court.

## PARTIES

12. Plaintiff is the United States of America.

13. Defendant Alpha Ba and the person known as Samba Ba are one and the same person. Defendant is a naturalized U.S. citizen who purports to be a native of Mauritania and who resides in Silverthorne, Colorado.

## FACTUAL ALLEGATIONS

14. The affidavit of Shawn Sanders, an Immigration Services Officer with U.S. Citizenship and Immigration Services ("USCIS"), an agency with 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.

### I. Defendant's immigration history under the identity Samba Ba.

15. On or about November 30, 1994, Defendant, using the identity Samba Ba, filed an application for an immigration benefit with the immigration court. The INS assigned him alien registration number Axxx-xxx-052. *See* Ex. B.

16. In the application, Defendant represented the following:

a. his name was Samba Ba;

b. he was born on XXX xx, 1961, in Mauritania; and

c. he had last arrived in the United States on March 20, 1990.[1]

17. On or about February 23, 1995, Defendant signed the application, under penalty of perjury, declaring that the contents of the application and all accompanying documents were "true and correct."

[1] The specific month and day on which Defendant alleged to have been born in each of his immigration applications have been omitted and redacted in this complaint to protect his personally identifying information in accordance with Fed. R. Civ. P. 5.2(a)(2).

18. On April 19, 1995, Defendant appeared for an interview with the INS. The INS referred his application to the immigration court.

19. On May 3, 1995, the INS served Defendant, under the name Samba Ba, with a Form I-221, Order to Show Cause and Notice of Hearing in Deportation Proceedings (OSC), placing him into exclusion proceedings.

20. On May 30, 1995, Defendant appeared in immigration court and admitted the allegations and conceded the deportation charge in the OSC.

21. On July 17, 1995, Defendant appeared for a continued deportation hearing. At that hearing, the immigration judge denied Defendant's applications but granted his request for voluntary departure. Ex. C. The order granted Defendant until August 17, 1995, to voluntarily depart the United States, at which time, should he fail to do so, the order would convert to an order of deportation to Mauritania. *Id.*

22. On October 23, 1996, the INS mailed Defendant, to his then-most current address on file, a Form I-166, Notice to Deportable Alien to Surrender, ordering him to report to 26 Federal Plaza, Room 12-110, New York, New York, on December 2, 1996, for deportation to Mauritania. The return receipt bears the name of "Samba Ba." Ex. D.

23. On December 2, 1996, Defendant failed to surrender for deportation.

24. The government has no record that Defendant departed the United States pursuant to the deportation order within the time permitted.

**II. Defendant's immigration history under another identity, Alpha Ba.**

18. On August 11, 1996, Defendant, using a new, different identity, Alpha Ba, filed with the INS a second application for an immigration benefit ("second application"). Ex. E.

19. In the second application, Defendant represented the following:

a. his name was Alpha Ba;

b. he did not use any other names previously;

c. he was born on XXX xx, 1963, in Mauritania; and

d. he had last arrived in the United States on July 27, 1996.

20. On or about August 11, 1996, Defendant signed the application, under penalty of perjury, declaring that the contents of the application and all accompanying documents were "true and correct."

25. On September 19, 1996, Defendant appeared for an interview with the INS. The INS referred his second application to the immigration court.

26. On October 3, 1996, the INS served Defendant, under the name Alpha Ba, with a Form I-221, Order to Show Cause and Notice of Hearing in Deportation Proceedings (OSC), placing him into deportation proceedings.

27. On October 25, 1996, Defendant appeared in immigration court and admitted the allegations and conceded the deportation charge in the OSC.

21. On April 14, 1997, an immigration judge granted Defendant's second application.

22. On October 20, 1997, Defendant, under the name Alpha Ba, filed a Form I-131, Application for Travel Document. The INS granted the application on January 16, 1998. It was valid until January 16, 1999.

23. On July 20, 1998, using the identity of Alpha Ba, Defendant was admitted into the United States.

24. On January 25, 1999, Defendant filed with the INS a Form I-485, Application to Register Permanent Residence or Adjust Status. *See* Ex. F.

25. In the adjustment application, Defendant represented the following:

a. his name was Alpha Ba;

b. he was born on XXX xx, 1963, in Mauritania;

c. his last entry into the United States was on July 20, 1998;

d. he had never, in or outside the U.S., been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance; and

e. he had never, sought to procure, or procured, a visa, or other documentation, entry into the United States, or any immigration benefit by fraud or willful misrepresentation of a material fact.

26. On or about January 1, 1999, Defendant signed the application, under penalty of perjury, declaring that the contents of the application and all accompanying documents were "true and correct."

27. On February 3, 2003, the INS granted Defendant's adjustment application, adjusting his status to that of a permanent resident, with an effective date of February 3, 2002.

28. On April 23, 2007, Defendant, using the identity Alpha Ba, filed with USCIS a Form N-400, Application for Naturalization ("first naturalization application") based, *inter alia*, on having been a lawful permanent resident for at least five years. *See* Ex. G.

a. In his first naturalization application, in response to Question A in Part 1, Defendant represented his name as Alpha Ba;

b. In his first naturalization application, in response to Part 1, he listed the A number

(Axxx-xxx-672) that had been assigned to him using the identity Alpha Ba;

c. In his first naturalization application, in response to Question C in Part 1, Defendant wrote "None" when asked about other names used;

d. In his first naturalization application, in response to Question B in Part 3, Defendant represented that his date of birth was XXX xx, 1963;

e. In his first naturalization application, Defendant answered "no" to Question 23 in Part 10, 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?" (emphasis in original);

f. In his first naturalization application, Defendant answered "no" to Question 24 in Part 10, which asked: "Have you **EVER** lied to any U.S. Government official to gain entry or admission into the United States?" (emphasis in original);

g. In his first naturalization application, Defendant answered "no" to Question 27 in Part 10, which asked: "Have you **EVER** been ordered to be removed, excluded, or deported from the United States?" (emphasis in original); and

h. In his first naturalization application, Defendant answered "no" to Question 28 in Part 10, which asked: "Have you **EVER** applied for any kind of relief from removal, exclusion, or deportation?" (emphasis in original).

29. On or about March 14, 2007, Defendant signed his naturalization application under penalty of perjury pursuant to the laws of the United States, thereby certifying that the application and the evidence submitted with it were all true and correct.

30. On November 6, 2007, a USCIS Immigration Services Officer ("ISO") orally interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

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

32. During the interview, Defendant testified to the contents of his Form N-400 and, consistent with his written answers, that:

a. his legal name was Alpha Ba;

b. his date of birth was XXX xx, 1963;

c. he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal;

d. he had never lied to any U.S. government official to gain entry or admission into the United States;

33. On November 6, 2007, at the conclusion of his naturalization interview, Defendant signed his first naturalization application in the presence of the ISO under penalty of perjury, thereby attesting that the information it contained was true and correct. Ex. G at 10.

34. On January 22, 2008, Defendant failed to meet the English writing requirement, and USCIS denied his first naturalization application.

35. On August 10, 2012, Defendant, using the identity Alpha Ba, filed with USCIS a second Form N-400, Application for Naturalization ("second naturalization application") based, *inter alia*, on having been a lawful permanent resident for at least five years. *See* Ex. H.

a. In his second naturalization application, in response to Question A in Part 1, Defendant represented his name as Alpha Ba;

b. In his second naturalization application, in response to Part 1, he listed the A number (Axxx-xxx-672) that had been assigned to him using the identity Alpha Ba;

c. In his second naturalization application, in response to Question C in Part 1, Defendant wrote "None" when asked about other names used;

d. In his second naturalization application, in response to Question B in Part 3, Defendant represented that his date of birth was XXX xx, 1963;

e. In his second naturalization application, Defendant answered "no" to Question 23 in Part 10, 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?" (emphasis in original);

f. In his second naturalization application, Defendant answered "no" to Question 24 in Part 10, which asked: "Have you **EVER** lied to any U.S. Government official to gain entry or admission into the United States?" (emphasis in original);

g. In his second naturalization application, Defendant answered "no" to Question 27 in Part 10, which asked: "Have you **EVER** been ordered to be removed, excluded, or deported from the United States?" (emphasis in original); and

h. In his second naturalization application, Defendant answered "no" to Question 28 in Part 10, which asked: "Have you **EVER** applied for any kind of relief from removal, exclusion, or deportation?" (emphasis in original).

36. On or about July 26, 2012, Defendant signed his naturalization application under penalty of perjury pursuant to the laws of the United States, thereby certifying that the application and the evidence submitted with it were all true and correct.

37. On November 6, 2012, a USCIS Immigration Services Officer ("ISO") orally interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

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

39. During the interview, Defendant testified to the contents of his Form N-400 and, consistent with his written answers, that:

a. his legal name was Alpha Ba;

b. his date of birth was XXX xx, 1963;

c. he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal;

d. he had never lied to any U.S. government official to gain entry or admission into the United States;

e. he had never been ordered to be removed, excluded, or deported from the United States; and

40. On November 6, 2012, at the conclusion of his naturalization interview, Defendant signed his first naturalization application in the presence of the ISO under penalty of perjury, thereby attesting that the information it contained was true and correct. Ex. H at 10.

41. On November 6, 2012, based upon the information supplied by Defendant in his naturalization application and on the sworn testimony he gave during his naturalization interview, USCIS approved Defendant's naturalization application. Ex. H at 1.

42. On November 6, 2012, Defendant took the oath of allegiance and became a naturalized U.S. citizen.

43. On November 6, 2012, USCIS issued Defendant, under the identity Alpha Ba, Certificate of Naturalization No. [redacted]. Ex. I.

**III. The fingerprints provided by Samba Ba and Alpha Ba show that they are the same individual.**

44. On or about February 24, 1995, Defendant, using the name Samba Ba, provided fingerprints as part of his immigration benefit application. Ex. J at 20-21.

45. On or about May 15, 1995, Defendant, using the name Samba Ba, provided fingerprints as part of his immigration benefit application. Ex. J at 19.

46. On or about August 12, 1996, Defendant, using the name Alpha Ba, provided fingerprints as part of his immigration benefit application. Ex. J at 17.

47. On or about July 23, 2018, a Fingerprint Specialist with the Homeland Security Investigation's Forensic Laboratory analyzed the fingerprint submissions described in Paragraphs 44 through 46 above and concluded that the same individual submitted those fingerprints under both the Samba Ba and the Alpha Ba identities. Ex. J at 1-2.

## GOVERNING LAW

**I. Congress has imposed prerequisites to the acquisition of citizenship.**

48. 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). The Supreme Court

has underscored that "[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship." *Fedorenko v. United States*, 449 U.S. 490, 506 (1981); *see also id.* ("An alien who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress[.]") (quoting *Ginsberg*, 243 U.S. at 474)).

49. Congress has provided that, in general, "no person shall be naturalized unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of this chapter." 8 U.S.C. § 1429. Congress has defined the term "lawfully admitted for permanent residence" to mean "the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws." *See* 8 U.S.C. § 1101(a)(20).

50. An individual who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided for in the Immigration and Nationality Act ("INA") is inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

51. In addition, 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 . . . ." 8 U.S.C. § 1427(a)(3). The required statutory period for good moral character begins five years before the date the applicant files the application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. *Id.*

52. Congress explicitly precluded individuals who give false testimony during the statutory period 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).

53. An applicant for naturalization is precluded from establishing good moral character if the applicant committed unlawful acts during the statutory period that adversely reflected on the applicant's moral character, unless the applicant proves that extenuating circumstances exist. 8 U.S.C. § 1101(f) (flush language); 8 C.F.R. § 316.10(b)(3)(iii).

## II. Congress has provided for revocation of naturalization in certain circumstances.

54. In 8 U.S.C. § 1451(a), Congress imposed a duty on United States Attorneys, upon affidavit showing good cause, to seek to revoke naturalization where an individual obtained naturalization despite failing to comply with all prerequisites imposed by Congress to the acquisition of citizenship, or by concealing or misrepresenting facts material to the decision on whether to grant the naturalization application.

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

(a) "illegally procured," *or*

(b) "procured by concealment of a material fact or by willful misrepresentation."

56. Failure to comply with any of the prerequisites imposed by Congress to the acquisition of citizenship renders the citizenship "illegally procured." *Fedorenko*, 449 U.S. at 506.

57. Naturalization is "procured by concealment of a material fact or by willful misrepresentation," 8 U.S.C. § 1451(a), where: (i) the naturalized citizen misrepresented or

concealed some fact during the naturalization process; (ii) the misrepresentation or concealment was willful; (iii) the fact was material; and (iv) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

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

## CAUSES OF ACTION

### COUNT ONE
### ILLEGAL PROCUREMENT OF NATURALIZATION
**Not Lawfully Admitted for Permanent Residence**
**(Fraud or Willful Misrepresentation of a Material Fact)**

59. The United States re-alleges and incorporates by reference the foregoing paragraphs.

60. To qualify for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence. *See* 8 U.S.C. § 1429.

61. The term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Cordova-Soto v. Holder*, 659 F.3d 1029, n.1 (10th Cir. 2011).

62. Among the applicable provisions in the INA at the time of Defendant's adjustment of status to permanent resident was the requirement that he be admissible to the United States. *See* 8 U.S.C. §§ 1159(b)(5) (1996), 1255(a) (1997), 1255(a) (2000).

63. An alien who, by fraud or by willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided for in the INA, is inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

64. Defendant was never lawfully admitted to the United States as a permanent resident and cannot satisfy the requirements of 8 U.S.C. §§ 1427(a)(1) and 1429 because he was inadmissible at the time of his adjustment to permanent resident status.

65. Defendant was inadmissible because he made sworn statements in immigration benefit applications that were not true. Defendant sought to procure admission into the United States and other benefits provided for in the INA by fraud or willfully misrepresenting a material fact. Specifically, at the time Defendant adjusted his status to permanent resident using the name Alpha Ba, he had previously sought to procure and had been denied an immigration benefit using the name Samba Ba. At the time that Defendant adjusted to permanent resident status, he had been ordered excluded, and had then departed the United States subject to that order, under the name Samba Ba. Defendant willfully concealed these facts on his application for adjustment of status.

66. Defendant also sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact. His false statements regarding his name, alien number, date of birth, and his immigration history were material to determining his eligibility for the immigration benefits for which he applied. Defendant's false statements had the natural tendency to influence a decision by the immigration officer to approve his applications. Defendant thus sought to

procure an immigration benefit by fraud or willfully misrepresenting a material fact. 8 U.S.C. § 1182(a)(6)(C)(i).

67. Because Defendant was inadmissible at the time he adjusted to permanent resident status, he was not lawfully admitted for permanent residence in accordance with the substantive legal requirements to obtain that status.

68. Because Defendant was never lawfully admitted for permanent residence, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

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

**COUNT TWO**
**ILLEGAL PROCUREMENT OF NATURALIZATION**
**Not Lawfully Admitted for Permanent Residence**
**(Subject to Deportation Order Executed Prior to Adjustment)**

70. The United States re-alleges and incorporates by reference the foregoing paragraphs.

71. To qualify for naturalization, Defendant had to have been "lawfully admitted" to the United States for permanent residence. *See* 8 U.S.C. § 1429.

72. Among the statutory provisions that were applicable at the time of Defendant's adjustment to permanent resident was the requirement that he be admissible to the United States or otherwise seek admission with advanced approval and consent of the United States. 8 U.S.C. §§ 1159(b)(5) (1996), 1182(a)(9)(A)(iii) (2002).

73. Under the law in effect at the time of Defendant's adjustment of status, an individual who had departed the United States while subject to an order of exclusion,

deportation, or removal, was inadmissible for ten years after the date of departure from the United States. *See* 8 U.S.C. § 1182(a)(9)(A)(ii) (2002).

74. Defendant departed the United States sometime after January 16, 1998, while under the order of deportation under the identity of Samba Ba, but he sought admission into the United States on July 20, 1998, before the statutory ten-year bar expired.

75. Defendant had not sought admission with the advance approval and consent of the United States prior to his admission in 1998 or concurrent with his adjustment of status application in 2003. Thus, he was inadmissible. 8 U.S.C. § 1182(a)(9)(A)(ii), (iii) (2002).

76. Because Defendant was inadmissible at the time he adjusted to permanent resident status, he was never lawfully admitted for permanent residence in accordance with the substantive legal requirements to obtain that status. 8 U.S.C. § 1159(b)(5).

77. Because Defendant was never lawfully admitted for permanent residence, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

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

## COUNT THREE
## ILLEGAL PROCUREMENT OF NATURALIZATION
### Lack of Good Moral Character
### (Unlawful Acts with No Extenuating Circumstances)

79. The United States re-alleges and incorporates by reference the foregoing paragraphs.

80. To be eligible for naturalization, Congress has mandated that an applicant must show that he or she has been a person of good moral character for the five-year statutory period

before filing his or her naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. § 1427(a); *see also* 8 C.F.R. § 316.10(a)(i).

81. Defendant filed his second naturalization application on August 10, 2012, and he naturalized on November 6, 2012. Thus, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his "statutory period" from August 11, 2007, until November 6, 2012.

82. Defendant completed and filed his second naturalization application during his "statutory period."

83. Defendant committed acts during the statutory period that constitute the essential elements of the following criminal offenses: false swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a); making false statements, in violation of 18 U.S.C. 1001; and perjury, in violation of 18 U.S.C. § 1621(1).

84. *False Swearing in an Immigration Matter.* Defendant knowingly subscribed as true, under penalty of perjury under 28 U.S.C § 1746, false statements with respect to material facts in a document required by the immigration laws and regulations prescribed thereunder, in violation of 18 U.S.C. § 1546(a).

85. Specifically, on July 6, 2012, Defendant knowingly made false statements on his naturalization application, including that he had not used another name, that he had not given false or misleading information or lied to a government officer, that he had never been ordered deported, and that he had never applied for relief from removal.

86. *False Statements.* Defendant violated 18 U.S.C. § 1001(a)(1)-(3) by knowingly and willfully concealing in his naturalization application—a matter within the jurisdiction of the

Executive Branch of the Government of the United States—that he had previously used a different identity and that he been ordered excluded and deported under that identity.

87. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 23 in Part 10, 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?" (emphasis in original).

88. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 24 in Part 10, which asked: "Have you **EVER** lied to any U.S. Government official to gain entry or admission into the United States?" (emphasis in original).

89. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 27 in Part 10, which asked: "Have you **EVER** been ordered to be removed, excluded, or deported from the United States?" (emphasis in original).

90. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 28 in Part 10, which asked: "Have you **EVER** applied for any kind of relief from removal, exclusion, or deportation?" (emphasis in original).

91. *Perjury (Written Statement)*. In a statement under penalty of perjury as permitted under 28 U.S.C. § 1746, Defendant willfully subscribed as true material matters which he did not believe to be true, in violation of 18 U.S.C. § 1621(1).

92. Specifically, on November 6, 2007 and November 6, 2012, Defendant knowingly made false statements orally and under oath during his naturalization interview, including that he had never given false or misleading information or lied to a government officer and, on November 6, 2012, that he had never been ordered removed, excluded or deported from the United States.

93. These acts adversely reflected on Defendant's moral character. No extenuating circumstances exist that would palliate Defendant's violation of 18 U.S.C. § 1001(a)(1)-(3).

94. Because Defendant committed unlawful acts that adversely reflected on his moral character during the statutory period and he cannot demonstrate extenuating circumstances, he could not be regarded as a person of good moral character necessary to become a naturalized U.S. citizen. 8 U.S.C. § 1101(f)(6) and 8 C.F.R. § 316.10(b)(3)(iii).

95. Because Defendant lacked good moral character during the statutory period, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(3) and 1429.

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

## COUNT FOUR
## ILLEGAL PROCUREMENT OF NATURALIZATION
### Lack of Good Moral Character
### (False Testimony)

97. The United States re-alleges and incorporates by reference the foregoing paragraphs.

98. To be eligible for naturalization, Congress has mandated that an applicant must show that he or she has been a person of good moral character for the five-year statutory period

before filing his or her naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(i).

99. An individual who, during the statutory period, provided false testimony, under oath, for the purpose of obtaining an immigration benefit could not establish good moral character. 8 U.S.C. § 1101(f)(6).

100. Defendant filed his second naturalization application on August 10, 2012, and he was naturalized on November 6, 2012. Thus, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his "statutory period" from August 11, 2007, until November 6, 2012.

101. During the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he swore, orally and under oath, at two naturalization interviews, on November 6, 2007, and November 6, 2012, that:

a. he had never used any other names other than Alpha Ba;

b. he had never given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal; and

c. he had never lied to any U.S. government official to gain entry or admission into the United States;

102. During the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he swore, orally and under oath, at the naturalization interview on November 6, 2012, that:

a. he had never been ordered to be removed, excluded, or deported from the United States.

103. Defendant's testimony on each of the questions discussed above was oral, under oath, knowingly false, and for the purpose of obtaining an immigration benefit, namely naturalization.

104. In addition, during the statutory period, on July 26, 2012, Defendant signed Part 11 of the second naturalization application, certifying under penalty of perjury that the application and the evidence are all true and correct, including his false representation that he had never been ordered to be removed, excluded, or deported from the United States.

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

106. Because Defendant lacked good moral character during the statutory period, he was and remains ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

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

## COUNT FIVE
## PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

108. The United States re-alleges and incorporates by reference the foregoing paragraphs.

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

110. As set forth herein, throughout the naturalization process, Defendant willfully misrepresented and concealed, among other things: (i) his use of another identity, including a different date of birth; (ii) his prior order of exclusion and deportation; (iii) his prior application for an immigration benefit under a different identity; (iv) that he had given false or misleading information to a U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal; (v) that he had lied to a U.S. Government official to gain entry or admission into the United States; (vi) that he had been ordered to be removed, excluded, or deported from the United States; and (vii) that he had previously applied for relief from removal, exclusion, or deportation.

111. Defendant made such misrepresentations voluntarily and deliberately, despite knowing that such representations were false and misleading. Accordingly, Defendant made these misrepresentations willfully.

112. Defendant's misrepresentations were material to his naturalization because the disclosure of his multiple identities, multiple claimed dates of birth, prior application for an immigration benefit, prior order of exclusion and deportation, and prior representations to U.S. Government officials while applying for an immigration benefit would have had a natural tendency to influence USCIS's decision whether to approve Defendant's application for naturalization. Had USCIS been aware of this information, it would have denied his naturalization application.

113. 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 illegally procured his citizenship;

2. A declaration that Defendant procured his citizenship by concealment of material fact and by willful misrepresentation;

3. Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. [redacted], effective as of the original date of the certificate, November 6, 2012;

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 November 6, 2012, naturalization;

5. Judgment requiring the Defendant, within ten days of the entry of judgment against him, to surrender and deliver his Certificate of Naturalization No. [redacted] and 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 Acting Attorney General, or his designated representative, including undersigned counsel;

6. Judgment requiring the Defendant, within ten days of the entry of judgment, to surrender and deliver any other indicia of U.S. citizenship (including, but not limited to, United States passports and passport cards, Enhanced Driver's License, and other relevant documents),

whether current or expired, and 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 Acting 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 this case.

Dated: June 30, 2026.

PETER MCNEILLY
United States Attorney

s/ Logan Brown
***Logan Brown***
Assistant United States Attorney
U.S. Attorney's Office
1801 California Street, Suite 1600
Denver, CO 80202
Telephone: 303-454-0100
Email: Logan.Brown@usdoj.gov

Counsel for Plaintiff