IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, Plaintiff, v. MARCIN STANISLAW GARBACZ, Defendant.	Civil Action No. 2:26-cv-02345 **COMPLAINT TO REVOKE NATURALIZATION**

I. PRELIMINARY STATEMENT

1. The United States of America brings this civil action against Defendant Marcin Stanislaw Garbacz ("Defendant"), to revoke his naturalized United States citizenship. This action under 8 U.S.C. § 1451(a) is based on Defendant's unlawful conduct prior to naturalizing. Specifically, before he became a citizen of the United States in July 2014, Defendant engaged in criminal activity that he concealed throughout the naturalization process and that disqualified him from United States citizenship ("U.S. citizenship").

2. Beginning as early as July 2012, Defendant, then an ordained Roman Catholic Priest, devised a wire fraud scheme to defraud the Diocese of Rapid City of cash donations collected during church services in violation of several federal criminal statutes. In May 2014,

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Defendant illegally procured U.S. citizenship by knowingly concealing material facts and willfully misrepresenting his criminal conduct during his naturalization process. On May 21, 2019, the United States secured a 65-count Second Superseding Indictment against Defendant alleging violations of multiple federal criminal statutes. On March 10, 2020, a jury found Defendant guilty of all charges. On July 15, 2022, the U.S. District Court for the District of South Dakota sentenced him to 57 months of imprisonment.

3. While investigating Defendant for his wire fraud scheme against the Diocese of Rapid City, law enforcement executed a search warrant and examined Defendant's electronic devices. That search identified child sexual abuse material located on a flash drive owned by Defendant. A subsequent investigation revealed that between June and July 2011, Defendant organized a youth group and travelled to Poland for a 16-day trip. [redacted] On March 18, 2021, the United States secured a three-count Superseding indictment against Defendant alleging violations of multiple federal criminal statutes. On November 18, 2021, Defendant pleaded guilty to engaging in illicit sexual conduct in a foreign place which involved a minor. On March 23, 2022, the U.S. District Court for the District of South Dakota sentenced Defendant to an additional term of 60 months of imprisonment.

4. Accordingly, as shown below, Defendant unlawfully naturalized and this Court must order the denaturalization of Defendant.

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II. JURISDICTION, PARTIES, AND VENUE

5. This is an action filed under 8 U.S.C. § 1451(a) to revoke and set aside the decision admitting Defendant to United States citizenship and to cancel Defendant's Certificate of Naturalization Number 36795117.

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

7. Plaintiff is the United States of America.

8. Defendant is naturalized U.S. citizen and a native of Poland.

9. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant's last residence before his arrest and incarceration was in Kent, Washington, within the Western District of Washington.

III. FACTUAL BACKGROUND

A. Defendant's Immigration History and Naturalization Application

10. On September 10, 2008, Defendant was admitted to the United States as a lawful permanent resident. *See* Affidavit of Good Cause ¶ 7; *see also,* Exhibit A, Form I-485, Application to Register Permanent Residence or Adjust Status, p. 1.

11. On or about November 1, 2013, Defendant submitted an application for naturalization, Form N-400, Application for Naturalization ("N-400"), with the U.S. Citizenship and Immigration Services ("USCIS"), a true and complete copy of Form N-400, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit B.

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12. On Part 10, Question 15 asks, "Have you **ever** committed a crime or offense for which you were **not** arrested?" In his response, Defendant checked the box for "No." Exhibit B, p. 8; *see also,* Affidavit of Good Cause ¶ 9. (emphasis in original)

13. Part 10, Question 23 asks, "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?" In his response, the Defendant checked the box for "No." Exhibit B, p. 8; *see also,* Affidavit of Good Cause ¶ 9.

14. On May 12, 2014, a USCIS officer placed Defendant under oath and conducted an interview regarding his N-400 to determine his eligibility for naturalization. Exhibit B, pp. 1, 10.

15. During the interview, and consistent with his responses on the N-400, Defendant testified that he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit. *Id.*

16. At the conclusion of his naturalization interview, Defendant signed his N-400 at Part 13, swearing for a second time that the contents of his naturalization application were true to the best of his knowledge and belief. *Id.*, p. 10.

17. On or about July 2, 2014, Defendant prepared the final pre-naturalization paperwork by filing a form N-445, Notice of Naturalization Ceremony ("N-445"), a true and complete copy of which, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit. C.

18. The N-445 requests, in relevant part, information regarding an applicant's conduct between the time of their naturalization interview and the time of their naturalization ceremony.

19. Question 3 of the N-445 reads, in relevant part, "Since your interview [for your

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naturalization application], have you knowingly committed any crime or offense, for which you have not been arrested"? (emphasis in original) In his response, Defendant checked the box for "No." *Id.*, p. 2.

20. The final N-445 requires the applicant to "certify that each of the answers shown above were made by me or at my direction, and that they are true and correct." Defendant signed the application on July 2, 2014. *Id.*

21. On July 2, 2014, Defendant took the oath of allegiance on and was admitted to U.S. citizenship. In addition, USCIS issued Defendant his Certificate of Naturalization No. 36795117, attached hereto as Exhibit D.

B. <u>Defendant's Criminal History</u>

22. Between 2012 and 2019, Defendant was employed as a priest at the Catholic Diocese of Rapid City, South Dakota. Beginning 2012 through 2018, Defendant stole approximately $259,696.19 from the collections funds of three parishes within the Catholic Diocese of Rapid City. Although Defendant did not work at any of those parishes, he had lived in each of them at various times and knew where each parish church kept its donations over the weekends. To steal the collections money, Defendant entered the parish churches following weekend masses and took money from the donations.

23. To conceal his theft, Defendant purchased tamper proof money bags identical to the tamper-proof bags used by the parishes. Defendant cut open the original tamper-proof bags, stole money for himself, and placed the remaining funds in the bags he had purchased. Defendant forged the signature and other information on the front of those bags to make it appear as though the bags were original. To conceal his theft, Defendant discarded the original tamper proof bags in dumpsters.

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24. Defendant's thefts went undetected for years. In 2018, a bookkeeper for one of the parishes became suspicious that somebody was stealing money. As a result, the bookkeeper started recording the serial numbers on the tamper-proof bags and then discovered that the tamper-proof bags had been replaced and that money had been stolen. Security cameras were installed in the collections storage area. On April 23, 2018, the camera footage showed Defendant entering the parish in the middle of the night, removing the tamper proof bags, and taking them into the confessional. The video footage then captured Defendant returning new tamper proof bags to the original storage area and leaving the church.

25. Defendant deposited the stolen funds into his personal bank account. Bank records revealed Defendant deposited the funds via ATM cash deposits. Defendant then spent the stolen funds to purchase artwork, statues, ornate chalices, vehicles, and motorcycles.

26. The pastor sent the video footage to the Bishop for the Diocese of Rapid City, who confronted Defendant. After several denials, Defendant admitted the theft when he learned that video footage existed. The Diocese of Rapid City reported the theft to law enforcement. A South Dakota police detective interviewed Defendant. Defendant admitted stealing money from other parishes in the diocese. When asked how long the theft occurred, Defendant admitted that he had stolen money for a couple of years. A subsequent investigation revealed that since 2012, Defendant had stolen and deposited at least $259,696.19 in cash as part of his scheme.

27. In May 2019, Defendant booked a one-way flight from Seattle-Tacoma International Airport to Krakow, Poland. Defendant was arrested immediately before boarding his international flight. During his arrest, law enforcement seized a thumb drive in Defendant's possession. A warrant was obtained to search for evidence related to wire fraud and money laundering. The data on the device was digitally extracted. The data extraction contained [redacted]

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[redacted]

28. A subsequent investigation revealed that the victim lived in the same community as Defendant and was involved in the Roman Catholic Church. Between June 21, 2011, and July 7, 2011, Defendant had traveled with the victim to Poland as part of an organized trip. While traveling, the victim was in the sole custody, care, and control of Defendant. Defendant paid for the victim's airfare and hotel stays. For five days during the trip, Defendant resided in the same room as the victim.

[redacted]

30. Either while in Poland or after returning to the United States following the trip, Defendant [redacted]

31. On May 21, 2019, the United States filed a Second Superseding Indictment in the U.S. District Court for the District of South Dakota charging Defendant with 50 counts of wire fraud in violation of 18 U.S.C. § 1343, nine counts of money laundering in violation of 18 U.S.C. § 1956, one count of interstate transportation of stolen currency 18 U.S.C. § 2314, and five counts of making and subscribing a false tax return in violation of 26 U.S.C. § 7206(1) related to his theft of close to $259,696.19 in collections funds of three parishes within the Catholic Diocese of Rapid City. *See* Exhibit E, Criminal Documents – Part 1 – Second Superseding Indictment. Of the 65

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counts alleged in the Second Superseding Indictment, 18 counts of wire fraud and one count of subscribing a false tax return occurred within a five-year period prior to Defendant's naturalization.

32. On March 10, 2020, a jury found Defendant guilty on all counts.[1] *See* Exhibit E, Part 2 – Verdict Form. On July 15, 2022, the U.S. District Court for the District of South Dakota sentenced Defendant to 93 months of imprisonment. *See* Exhibit E, Part 3 – Amended Judgment.[2]

33. On March 18, 2021, the United States filed a Superseding Indictment in the U.S. District Court for the District of South Dakota charging Defendant with one count of engaging in illicit sexual conduct in a foreign place in violation of 18 U.S.C. § 2423(c), one count of possession of child pornography in violation of 18 U.S.C. § 2252A, and one count of witness tampering in violation of 18 U.S.C. § 1512 related to the surreptitious filming of a 17-year old victim of Defendant's parish during an overseas church trip. *See* Exhibit E, Criminal Documents – Part 4 – Superseding Indictment. Of the three counts alleged in the Superseding Indictment, the one count of engaging in illicit sexual conduct in a foreign place occurred between June 2011 and July 2011.

34. On November 18, 2021, Defendant pleaded guilty to engaging in illicit sexual conduct in a foreign place. *See* Exhibit E, Part 5 – Report and Recommendations on Plea of Guilty. On March 23, 2022, the U.S. District Court for the District of South Dakota sentenced Defendant to 60 months of imprisonment – running consecutive to his earlier 57-month prison term. *See* Exhibit E, Part 6 – Judgment.

1 In 2022, the Eighth Circuit overturned three of the wire fraud counts but affirmed the remainder of the counts and the related sentences. Each of the three overturned counts of wire fraud were alleged to have occurred after Defendant's July 2012 naturalization. *United States v. Garbacz*, 33 F.4th 459 (8th Cir. 2022).

2 In 2026, the Eighth Circuit affirmed the sentence. *United States v. Garbacz*, No. 25-2172, 2026 WL 1426273, 2026 U.S. App. LEXIS 14527 (8th Cir. May 21, 2026).

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35. Defendant is currently serving out his federal sentence at FCI Englewood in Littleton, Colorado. His current release date is March 20, 2029.

IV. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

36. No applicant has a right to naturalization "unless all statutory requirements are complied with." *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). Indeed, the Supreme Court 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) (An individual "who seeks political rights as a member of the Nation can rightfully obtain them only upon the terms and conditions specified by Congress.") (quoting *Ginsberg*, 243 U.S. at 474).

37. 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).

38. 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.*; 8 C.F.R. § 316.10(a)(1).

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

40. Congress explicitly precluded an individual from establishing the good moral character necessary to naturalize if during the statutory period he commits certain offenses

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described in 8 U.S.C. § 1182, of which he was convicted or to which he admits. 8 U.S.C. § 1101(f)(3).

41. Among the offenses described in 8 U.S.C. § 1182 that preclude an individual from establishing the required good moral character are the commission of crimes for which he or she receives multiple criminal convictions with aggregate sentences of confinement of five years or more. 8 U.S.C. § 1182(a)(2)(B).

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

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

44. Thus, an individual who commits an unlawful act adversely reflecting upon his or her moral character cannot meet the good moral character requirement unless he or she proves that extenuating circumstances existed that would palliate or ameliorate guilt. *See* 8 C.F.R. § 316.10(b)(3)(iii); *see also*, 8 U.S.C. § 1101(f) (catch-all provision).

45. "[A] conviction during the statutory period is not necessary for a finding that an applicant lacks good moral character. It is enough that the offense was 'committed' during that time." *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011) (discussing 8 U.S.C. § 1101(f)(3) and 8 C.F.R. § 316.10(b)(3)(iii)). When an individual has been convicted, he or she is collaterally estopped from contesting all issues necessarily decided in the criminal matter. *See id.* at 663 (citing *United States v. Jean-Baptiste*, 395 F.3d 1190, 1192 (11th Cir. 2005), *cert. denied*, 546 U.S. 852

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(2005)) (stating that a defendant "may not . . . re-litigate issues decided in his criminal case" in a subsequent civil denaturalization action).

B. <u>The Denaturalization Statute</u>

46. Congress enacted 8 U.S.C. § 1451 in recognition of the fact that there are situations where an individual has naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship or by concealing or misrepresenting facts that are material to the decision on whether to grant his or her naturalization application.

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

i. illegally procured; or,

ii. procured by concealment of a material fact or by willful misrepresentation.

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

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

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

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V. CAUSES OF ACTION

COUNT ONE
ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(Multiple Criminal Convictions)

51. The United States re-alleges and incorporates by reference the factual and legal allegations contained in Paragraphs 1 - 50 of this Complaint as if set forth herein.

52. To qualify for naturalization, Defendant was required to show that he was a person of good moral character from November 12, 2008 (five years before he applied for naturalization), until the date he became a U.S. citizen on July 2, 2014 ("the statutory period"). *See* 8 U.S.C. §1427(a); 8 C.F.R. § 316.10(a)(1).

53. An applicant for naturalization who committed crimes during his statutory period for which he received multiple criminal convictions and for which the aggregate sentences of confinement were 5 years or more cannot be found to be a person of good moral character. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(B)); *see also*, 8 C.F.R. § 316.10(b)(2)(ii).

54. Defendant committed crimes during his naturalization process and was convicted for that criminal conduct.

55. As a result of those convictions, Defendant was sentenced to aggregate sentences of confinement of five or more years in prison.

56. Because Defendant committed crimes during the statutory period for which he received multiple convictions and an aggregate prison sentence totaling five or more years, he lacked the good moral character necessary to become a naturalized U.S. citizen. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(B)).

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57. Because Defendant was not a person of good moral character, he was ineligible to naturalize. *See* 8 U.S.C. § 1427(a)(3).

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

COUNT TWO
ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(Unlawful Acts)

59. Plaintiff re-alleges and incorporates by reference the factual and legal allegations in Paragraphs 1 - 58 of this complaint as if set forth herein.

60. As outlined above, Defendant was required to establish that he was a person of good moral character from November 12, 2008, until the date he became a U.S. citizen on July 2, 2014. *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

61. Defendant could not establish the requisite good moral character for naturalization because he committed unlawful acts during the statutory period that reflected adversely on his moral character, and there were no extenuating circumstances that would lessen his guilt. *See* 8 C.F.R. § 316.10(b61)(3)(iii); 8 U.S.C. § 1101(f) (catch-all provision).

62. As set forth above, Defendant was convicted of 18 counts of wire fraud, one count of making and subscribing a false tax return, and one count of engaging in illicit sexual conduct in a foreign place and received an aggregate of over five years of imprisonment. Each of these crimes were committed by Defendant during the statutory period.

63. There are no extenuating circumstances with regard to Defendant's unlawful activity that render his conduct less reprehensible than it otherwise would be or that would tend

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to lessen his guilt. As such, he cannot avoid the regulatory bar on establishing good moral character found at 8 C.F.R. § 316.10(b)(3)(iii).

64. Because Defendant committed unlawful acts that adversely reflected on his moral character during the statutory period, and he cannot demonstrate extenuating circumstances, he was barred under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

COUNT THREE
ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(False Testimony)

65. The United States re-alleges and incorporates by reference paragraphs 1 – 64 of this complaint as if set forth herein.

66. As outlined above, Defendant was required to establish that he was a person of good moral character from December 13, 1994, until the date he became a U.S. citizen on December 1, 2000. *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

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

68. As set forth in paragraphs 11 through 16, and paragraphs 22 through 34, during the statutory period, Defendant provided false testimony during his naturalization interview when he stated under oath that he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit, even though the Naturalization Application Defendant submitted to the U.S. Government on November 1, 2013 – and certified under penalty of perjury – affirmed that he had never committed a crime or offense for which he had not been

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arrested. In fact, by November 1, 2013, Defendant had committed 11 counts of wire fraud in furtherance of his scheme to defraud the Diocese of Rapid City. Defendant had also knowingly engaged in illicit sexual conduct with a child in a foreign place. Defendant was convicted of those offenses.

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

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

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

COUNT FOUR
PROCUREMENT OF UNITED STATES CITIZENSHIP BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

72. The United States re-alleges and incorporates by reference paragraphs 1 – 71 of this complaint as if set forth herein.

73. 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 facts and willful misrepresentations.

74. As set forth in paragraphs 11 through 34 above, throughout the naturalization process, Defendant willfully misrepresented and concealed his criminal conduct and presented false testimony to obtain an immigration benefit.

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75. At no point during the naturalization process did Defendant disclose his criminal conduct, but instead knowingly presented false information that he had not committed any criminal acts.

76. Further, at no point during the naturalization process did Defendant disclose that he had given false testimony during his naturalization interview.

77. Defendant knew his misrepresentations and concealment were false and misleading and he acted willfully in providing such misrepresentations and concealment.

78. Defendant's misrepresentations and concealment were material to determining his eligibility for naturalization because they did not allow USCIS to make an informed decision when approving his naturalization application. In addition, Defendant's conduct related directly to a determination of whether he could establish the good moral character required under 8 U.S.C. § 1427(a)(3).

79. Had Defendant disclosed the truth about his criminal conduct, UCIS would have denied Defendant's naturalization because of his ineligibility and would not have allowed him to take the oath of allegiance.

80. Defendant procured his naturalization by concealment of material facts and willful misrepresentation, 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, requests:

(1) A finding that Defendant illegally procured his citizenship;

(2) A finding that Defendant procured his citizenship by concealment and willful misrepresentation of material facts;

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(3) Judgment revoking and setting aside Defendant's naturalization and canceling Certificate of Naturalization No. [redacted] effective as of the original date of the order and certificate, July 2, 2014;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to United States citizenship that he obtained because of his July 2, 2014 naturalization;

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

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

(7) Judgment granting the United States such other relief as may be lawful and proper in this case.

Dated: July 6, 2026

Respectfully submitted,

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