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14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE DISTRICT OF ARIZONA**

16 United States of America,) No. CV-26-_____
17)
18 Plaintiff,)
19)
20 v.) **COMPLAINT TO REVOKE**
21) **NATURALIZATION**
22 Dixit Manubhai Patel,)
23)
24 Defendant.)
25 _____)

26 The United States of America brings this civil action, supported by the
27 accompanying Affidavit of Good Cause, against Dixit Manubhai Patel to revoke his
28 naturalized United States citizenship under 8 U.S.C. § 1451(a) because Mr. Patel illegally
procured his naturalization.

1 **I. PRELIMINARY STATEMENT OF THE CASE**

2 In 1993, an immigration judge denied an immigrant application that Mr. Patel
3 submitted and ordered him to be deported from the United States. On several occasions
4 from 2000 to 2008, while subject to the deportation order, Mr. Patel left the United States
5 and traveled to India and Kenya.

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1 By statute, and as courts—including this one—have held, an individual who
2 departs the United States while subject to an order of removal or deportation is
3 inadmissible for 10 years after the date of departure from the United States. 8 U.S.C. §
4 1182(a)(9)(A)(ii); *see also, e.g., United States v. Hirani*, 824 F.3d 741, 752 (8th Cir.
5 2016); *United States v. Brown*, No. 18-cv-4213, 2019 WL 5549174, at *2 (D. Ariz. Oct.
6 28, 2019).

7 In 1997, Mr. Patel sought lawful permanent residence. This application was
8 approved in 1999, and Mr. Patel naturalized as a United States citizen in 2009. However,
9 due to his international travel, Mr. Patel was inadmissible from September 17, 2000 (the
10 date he first departed the United States after the deportation order) until and including
11 May 26, 2018 (10 years after the date he last departed the United States before he
12 naturalized on April 3, 2009).

13 Because Mr. Patel was inadmissible and ineligible for naturalization, he illegally
14 procured his United States citizenship and, therefore, his naturalization is subject to
15 revocation under 8 U.S.C. § 1451(a). Accordingly, the United States respectfully requests
16 that the Court revoke and set aside the order admitting Mr. Patel to citizenship and cancel
17 his certificate of naturalization.

18 **II. PARTIES, JURISDICTION, AND VENUE**

19 1. Plaintiff is the United States of America.
20 2. Mr. Patel is a native of India and a naturalized United States citizen.
21 3. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order
22 admitting Mr. Patel to United States citizenship and to cancel his Certificate of
23 Naturalization No. 

24 4. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 and
25 28 U.S.C. § 1345 for a cause of action under 8 U.S.C. § 1451(a).

26 5. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28 U.S.C.
27 § 1391 because Mr. Patel resides in this judicial district.

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1 **III. FACTUAL ALLEGATIONS**

2 **A. Mr. Patel Is Ordered Deported.**

3 6. On October 9, 1992, Mr. Patel filed an application for an immigration
4 benefit with Immigration and Naturalization Service (“INS”).¹

5 7. On June 4, 1993, INS served Mr. Patel Form I-221 Order to Show Cause
6 and Notice of Hearing (“OSC”) charging him as deportable pursuant to 8 U.S.C. §
7 1231(a)(1)(B) in that he entered the United States without inspection.

8 8. The OSC ordered Mr. Patel to appear for a hearing before an Immigration
9 Judge of the Executive Office for Immigration Review (“EOIR”).

10 9. On October 7, 1993, Mr. Patel failed to appear at his deportation hearing,
11 and the immigration judge ordered Mr. Patel deported from the United States to India.

12 10. Mr. Patel failed to depart the United States pursuant to that order.

13 **B. Mr. Patel Obtains Permanent Resident Status.**

14 11. On September 29, 1997, Mr. Patel filed with INS Form I-485, Application
15 to Register Permanent Residence or Adjust Status, based on his marriage to his United
16 States citizen spouse.

17 12. On December 28, 1999, INS approved Mr. Patel’s Form I-485, granting
18 him permanent resident status, and issued him a permanent resident card, valid until
19 February 8, 2010.

20 **C. Mr. Patel Departs the United States.**

21 13. On October 31, 2008, Mr. Patel filed with USCIS Form N-400, Application
22 for Naturalization (Form N-400), signed on October 23, 2008.

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26 ¹ On March 1, 2003, the INS ceased to exist, and many of its relevant functions
27 transferred to DHS and its sub-agencies, including United States Citizenship and
28 Immigration Services (“USCIS”). See Homeland Security Act of 2002, Pub. L. No. 107-
296, 110 Stat. 2135 (Nov. 25, 2002). The United States references “INS” or “USCIS”
where factually appropriate.

1 14. On his Form N-400, Mr. Patel represented that he departed the United
2 States on September 17, 2000; traveled to India; and returned to the United States on
3 March 12, 2001.

4 15. On his Form N-400, Mr. Patel represented that he departed the United
5 States on September 22, 2002; traveled to Kenya; and returned to the United States on
6 October 6, 2002.

7 16. On his Form N-400, Mr. Patel represented that he departed the United
8 States on January 18, 2003; traveled to India; and returned to the United States on
9 February 4, 2003.

10 17. On his Form N-400, Mr. Patel represented that he departed the United
11 States on February 3, 2004; traveled to India; and returned to the United States on March
12 5, 2004.

13 18. On his Form N-400, Mr. Patel represented that he departed the United
14 States on December 7, 2005; traveled to India; and returned to the United States on
15 December 23, 2005.

16 19. On his Form N-400, Mr. Patel represented that he departed the United
17 States on October 31, 2006; traveled to India; and returned to the United States on
18 November 22, 2006.

19 20. On his Form N-400, Mr. Patel represented that he departed the United
20 States on June 9, 2007; traveled to India; and returned to the United States on June 27,
21 2007.

22 21. On his Form N-400, Mr. Patel represented that he departed the United
23 States on November 22, 2007; traveled to India; and returned to the United States on
24 December 10, 2007.

25 22. On his Form N-400, Mr. Patel represented that he departed the United
26 States on May 26, 2008; traveled to Kenya; and returned to the United States on June 10,
27 2008.

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D. Mr. Patel Becomes a Naturalized Citizen.

23. Mr. Patel's Form N-400 was approved on February 24, 2009.

24. On March 5, 2009, USCIS issued Mr. Patel a Form N-445, Notice of Naturalization Oath Ceremony (Form N-445), which instructed him to appear for a naturalization oath ceremony.

25. On April 3, 2009, Mr. Patel appeared at the naturalization oath ceremony, took the oath of allegiance, and was admitted as a citizen of the United States.

26. Mr. Patel was issued Certificate of Naturalization No. .

IV. GOVERNING LAW

27. 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).

28. 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)).

29. Congress enacted 8 U.S.C. § 1451 to address situations in which an individual has "illegally procured" citizenship.

30. Citizenship is "illegally procured" if the applicant failed to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship. *Fedorenko*, 449 U.S. at 506.

31. Under 8 U.S.C. § 1451(a), an order of naturalization is subject to revocation and a certificate of naturalization is subject to cancellation if naturalization was illegally procured.

32. 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.

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1 33. Where the United States establishes that the defendant's citizenship was
2 procured illegally, "district courts lack equitable discretion to refrain from entering a
3 judgment of denaturalization." *Fedorenko*, 449 U.S. at 517.

4 **V. CAUSE OF ACTION**

5 **COUNT I**

6 **ILLEGAL PROCUREMENT OF NATURALIZATION**

7 **Noncitizen Ordered Removed**

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

10 35. An individual who departs the United States while subject to an order of
11 removal or deportation is inadmissible for 10 years after the date of departure from the
12 United States. 8 U.S.C. § 1182(a)(9)(A)(ii).

13 36. Mr. Patel was inadmissible under 8 U.S.C. § 1182(a)(9)(A)(ii) at the time
14 of his naturalization in 2009 because he was subject to an order of removal issued in 1993
15 and departed the United States several times between 2000 and 2008.

16 37. Because Mr. Patel was inadmissible, he was ineligible for naturalization
17 under 8 U.S.C. § 1429.

18 38. Because Mr. Patel was ineligible for naturalization, he illegally procured
19 his naturalization.

20 39. Because Mr. Patel illegally procured his naturalization, his naturalization is
21 subject to revocation under 8 U.S.C. § 1451(a).

22 **PRAYER FOR RELIEF**

23 **WHEREFORE**, the United States of America respectfully requests:

- 24 (1) A declaration that Mr. Patel procured his citizenship illegally;
- 25 (2) Judgment revoking and setting aside the order admitting Mr. Patel to
- 26 citizenship and canceling Certificate of Naturalization No.  effective as of the
- 27 original date of the order and certificate, April 3, 2009.

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(3) Judgment forever restraining and enjoining Mr. Patel from claiming any rights, privileges, benefits, or advantages related to United States citizenship that he obtained as a result of his April 3, 2009, naturalization;

(4) Judgment requiring Mr. Patel to surrender and deliver, within 14 days of the entry of judgment against him, his Certificate of Naturalization No. [REDACTED] and any copies thereof in his possession—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 Acting Attorney General through his designee, including undersigned counsel;

(5) Judgment requiring Mr. Patel to immediately surrender and deliver, within 14 days of entry of Judgment, any other indicia of United States citizenship, including, but not limited to, United States passports (whether valid or expired), United States passport cards (whether valid or expired), and Enhanced Driver's Licenses (whether valid or expired), 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 through his designee, including undersigned counsel; and

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

RESPECTFULLY SUBMITTED July 21, 2026.

TIMOTHY COURCHAINÉ
United States Attorney
District of Arizona

/s/ *Lon R. Leavitt*

LON R. LEAVITT
Assistant United States Attorney
Counsel for the United States of America

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**IN THE UNITED STATES DISTRICT COURT
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12 United States of America,) No. CV-26-_____
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14 Plaintiff,)
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16 v.) **AFFIDAVIT OF GOOD CAUSE**
17)
18 Dixit Manubhai Patel,)
19)
20 Defendant.)
21)
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19 I, Lon R. Leavitt, declare as follows:

- 20 1. I am an Assistant United States Attorney for the District of Arizona.
- 21 2. In this capacity, I have been provided certain official records of the
- 22 Department of Homeland Security ("DHS"), including various immigration files of Dixit
- 23 Manubhai Patel, the named defendant.
- 24 3. I have examined records relating to Mr. Patel, including, but not limited to,
- 25 certain records contained in his immigration files.
- 26 4. Based on my review of records relating to Mr. Patel, and on information
- 27 and belief, the "Factual Allegations" set forth in Section III of the accompanying
- 28 Complaint are true and correct.

6. Mr. Patel was inadmissible under 8 U.S.C. § 1182(a)(9)(A)(ii) at the time of his naturalization in 2009 because he was subject to an order of removal issued in 1993 and departed the United States several times between 2000 and 2008.

8. Because Mr. Patel was ineligible for naturalization, he illegally procured his naturalization.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

RESPECTFULLY SUBMITTED July 21, 2026.

/s/ *Lon R. Leavitt*

LON R. LEAVITT
Assistant United States Attorney