

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS MARTINEZ-ZAVALA,

Defendant.

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Civil Action No. 7:26-cv-00281

COMPLAINT TO REVOKE NATURALIZATION

With the attached affidavit showing good cause, the United States of America brings this civil action against Defendant Jose Luis Martinez-Zavala ("Defendant") to revoke his naturalized United States citizenship under 8 U.S.C. § 1451(a). The Court must revoke Defendant's citizenship, because he illegally procured his naturalization and procured his naturalization by concealment and willful misrepresentation of material facts about his criminal history.

Prior to naturalizing, Defendant committed Aggravated Sexual Assault of a Child, a First Degree Felony and unlawful act that adversely reflected on his moral character, and he was convicted of that crime after he naturalized as a U.S. citizen. Despite being asked about his criminal history in writing and at a sworn interview, Defendant failed to disclose his sexual assault throughout his naturalization proceedings. Instead, he falsely claimed he had never given any U.S. Government official any information or documentation that was false, fraudulent, or misleading. Accordingly, the United States brings this action to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel his certificate of naturalization.

I. JURISDICTION AND VENUE

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 Certificate of Naturalization No. 36750336, issued August 9, 2014.

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

3. Venue is proper in this District pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant resides Crane, Texas, 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 Erika Gutierrez, a Deportation Officer with U.S. Immigrations and Customs Enforcement (“ICE”), 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 NATURALIZATION

7. Defendant was born in Mexico in 1946.

8. On April 20, 1974, Defendant was admitted into the United States in El Paso, Texas, as a permanent resident, on an Immediate Relative spousal visa (IR-1).

9. On March 13, 2014, Defendant signed and subsequently submitted a Form N-400, Application for Naturalization (“Naturalization Application”), with U.S. Citizenship and Immigration Services (“USCIS”) pursuant to 8 U.S.C. § 1427(a).

10. A true and accurate copy of Defendant's Naturalization Application, except for redactions of immaterial personally identifying information, is attached as Exhibit B.

11. On his Naturalization Application, Defendant answered "No" in response to Part 10, Question 15, which asked: "Have you ever committed a crime or offense for which you were not arrested?"

12. On March 13, 2014, Defendant signed his Naturalization Application under penalty of perjury, thereby certifying that the application and the evidence he submitted with it were all true and correct.

13. On July 2, 2014, Defendant appeared in person before a USCIS Adjudications Officer to determine Defendant's eligibility for naturalization (the "Naturalization Interview").

14. At the beginning of the Naturalization Interview, the Adjudications Officer placed Defendant under oath.

15. During the Naturalization Interview, the Adjudications Officer asked Defendant many of the questions Defendant had answered in writing on his Naturalization Application.

16. During the Naturalization Interview, Defendant provided his answers to the Adjudications Officer's questions orally and under oath.

17. During the Naturalization Interview, the Adjudications Officer asked Defendant Part 10, Question 15, which asked: "Have you ever committed a crime or offense for which you were not arrested?"

18. During the Naturalization Interview, Defendant orally and under oath responded in the negative when asked if he had ever committed a crime or offense for which had not been arrested.

19. During the Naturalization Interview, the Adjudications Officer asked Defendant Part 10, Question 23, 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?”

20. During the Naturalization Interview, Defendant orally and under oath responded in the negative when asked if he had 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.

21. During the Naturalization Interview, Defendant requested that four changes be made to his Naturalization Application. None of those changes related to his written or oral answers to Part 10, Question 15 or Part 10, Question 23 of the Naturalization Application.

22. At the conclusion of the Naturalization Interview, Defendant signed his Naturalization Application in the presence of the Adjudications Office, swearing that the contents of his Application, including the four numbered changes made at his request, were true and correct to the best of his knowledge.

23. Based on the information Defendant provided in his Naturalization Application and on his sworn oral answers at his Naturalization Interview, USCIS approved Defendant’s Naturalization Application on July 2, 2014.

24. Defendant took the oath of allegiance on August 19, 2014, in Crane, Texas, and on that date was admitted as a citizen of the United States.

25. Defendant was issued Certificate of Naturalization number 

26. A true and accurate copy of Defendant’s Certificate of Naturalization, except for redactions of immaterial personally identifying information, is attached as Exhibit C.

DEFENDANT'S CRIMINAL HISTORY

27. On May 3, 2019, a grand jury for Travis County, Texas, in the 427th Judicial District Court, returned an indictment against Defendant ("Indictment").

28. A true and accurate copy of the Indictment, except for redactions of immaterial personally identifying information, is attached as Exhibit D.

29. The Indictment included twelve counts charging Defendant with violating four different Texas laws relating to sexual abuse of a minor.

30. The Indictment alleged that Defendant had "intentionally and knowing" caused "the penetration of the sexual organ of" child younger than 14 years of age "by the finger of the Defendant."

31. The Indictment included the following counts:

- a. Count I: Continuous Sexual Abuse of a Young Child, F1, 21.02
- b. Counts II-III: Aggravated Sexual Assault of a Child, F1, 22.021(a)(1)(B)
- c. Counts IV-II: Indecency with a Child by Contact, F2, 21.11(a)(1)
- d. Count XII: Indecency with a Child by Exposure, F3, 21.11(a)(2)

32. Defendant entered a guilty plea to the charge of Aggravated Sexual Assault of a Child, Texas Penal Code Ann. § 22.021(a)(2)(B), a First Degree Felony.

33. On August 5, 2020, a judge in Travis County, Texas, in the 427th Judicial District Court, found Defendant guilty of Aggravated Sexual Assault of a Child, in violation of Texas Penal Code Ann. § 22.021(a)(2)(B), a First Degree Felony. *See* Judgment of Conviction, D-1-DC-19-800841 ("Judgment of Conviction").

34. A true and accurate copy of the Judgment of Conviction by Court in the criminal case against Defendant, except for redactions of immaterial personally identifying information, is attached as Exhibit E.

35. The Judgment of Conviction lists May 17, 2010, as the date on which Defendant committed the offense for which he entered his guilty plea and was convicted.

36. Defendant received a sentence of ten years in the Texas Department of Criminal Justice, Correctional Institutions Division.

IV. GOVERNING LAW

Congressionally Imposed Prerequisites to the Acquisition of Citizenship

37. 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). Indeed, 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)).

38. 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). 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).

36. 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).

37. Congress 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).

38. Further, Congress created a “catch-all” provision, which states, “The 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) (flush language).

39. 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 lessen his or her culpability for the crime. See 8 C.F.R. § 316.10(b)(3)(iii); see also 8 U.S.C. § 1101(f).

40. 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); *United States v. Mwalumba*, 688 F. Supp. 2d 565, 570 (N.D. Tex. 2010) (“If a person commits a crime of moral turpitude during the statutory good-moral-character period but is not convicted of that crime until after gaining citizenship, he or she is subject to denaturalization under the ‘catch-all’ provisions of 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii).”) (citing *United States v. Jean-Baptiste*, 395 F.3d 1190, 1191 (11th Cir.), *cert. denied*, 546 U.S. 852 (2005) (“[A] naturalized citizen who committed certain unlawful acts during the statutory period prior to taking the oath of allegiance

but for which he was indicted, arrested and convicted after naturalization stands to lose his [citizenship] for lack of good moral character.”))

The Denaturalization Statute

39. Recognizing 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, Congress enacted 8 U.S.C. § 1451.

40. 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 or her naturalization was *either*:

- a. illegally procured, *or*
- b. procured by concealment of a material fact or by willful misrepresentation.

41. 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.

42. 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. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

43. 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.” *Id.* at 517.

V. CAUSES OF ACTION

COUNT I

**ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(Unlawful Acts Reflecting Adversely on Moral Character)**

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

45. Defendant was required to establish that he was a person of good moral character from March 13, 2009, five years before he filed his Naturalization Application, until August 19, 2014, when he naturalized as a U.S. citizen (his “Statutory Period”).

46. On May 17, 2010, Defendant committed Aggravated Sexual Assault of a Child, in violation of Texas Penal Code Ann. § 22.021(a)(2)(B)

47. Defendant pleaded guilty to charge of Aggravated Sexual Assault of a Child, Texas Penal Code Ann. § 22.021(a)(2)(B), a First Degree Felony, with an offense date of May 17, 2010.

48. Aggravated Sexual Assault of a Child, Texas Penal Code Ann. § 22.021(a)(2)(B), a First Degree Felony, is a crime that adversely reflects on Defendant’s moral character.

49. No extenuating circumstances exist that would ameliorate or palliate Defendant’s guilt for committing Aggravated Sexual Assault of a Child, in violation of Texas Penal Code Ann. § 22.021(a)(2)(B), a First Degree Felony.

50. Defendant’s commission during his statutory period of Aggravated Sexual Assault of a Child, in violation of Texas Penal Code Ann. § 22.021(a)(2)(B), so adversely on Defendant’s moral character that no evidence of her good moral character would permit

Defendant to satisfy his burden of establishing good moral character as required for naturalization.

51. Because, during his Statutory Period, Defendant committed an unlawful act that adversely reflected on his moral character, with no extenuating circumstances that would ameliorate or palliate his guilt, he could not demonstrate that he had the requisite good moral character to naturalize and was, therefore, ineligible to naturalize.

52. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

53. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship, as provided for by 8 U.S.C. 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Commission Of Additional Unlawful Acts During The Statutory Period That Adversely Reflecting On Moral Character)

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

55. Defendant was required to establish that he was a person of good moral character from March 13, 2009, five years before he filed his Naturalization Application, until August 19, 2014, when he naturalized as a U.S. citizen (his “Statutory Period”).

56. Defendant could not establish the requisite good moral character for naturalization because, during his statutory period, he committed three unlawful acts relating to making false statements to federal officials 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).

57. During his Statutory Period, Defendant committed the unlawful act of making a false statement, in violation of 18 U.S.C. § 1001, when, on March 13, 2014, he falsely swore on his Naturalization Application that he had never committed a crime for which he had not been arrested, and when, on July 2, 2014, he made the same representation while under oath, during his Naturalization Interview.

58. During his Statutory Period, Defendant committed the unlawful act of falsely swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a), when, on March 13, 2014, he falsely swore on his Naturalization Application that he had never committed a crime for which he had not been arrested, and when, on July 2, 2014, he made the same representation while under oath, during his Naturalization Interview.

59. During his Statutory Period, Defendant committed the unlawful act of perjury, in violation of 18 U.S.C. § 1621, when, on March 13, 2014, he falsely swore on his Naturalization Application that he had never committed a crime for which he had not been arrested, and when, on July 2, 2014, he made the same representation while under oath, during his Naturalization Interview.

60. No extenuating circumstances exist that would ameliorate or palliate Defendant's guilt for violating 18 U.S.C. §§ 1001, 1546, and 1621.

61. Defendant's commission during his statutory period of making false statements, in violation of 18 U.S.C. § 1001, false swearing in an immigration matter, in violation of 18 U.S.C. § 1546, and perjury, in violation of 18 U.S.C. § 1621, so adversely on Defendant's moral character that no evidence of her good moral character would permit Defendant to satisfy his burden of establishing good moral character as required for naturalization.

62. Because, during his Statutory Period, Defendant committed unlawful acts that adversely reflected on his moral character, with no extenuating circumstances that would ameliorate or palliate his guilt, he could not demonstrate that he had the requisite good moral character to naturalize and was, therefore, ineligible to naturalize.

63. Because he was ineligible to naturalize, Defendant illegally procured his citizenship..

64. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship, as provided for by 8 U.S.C. 1451(a).

COUNT III

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

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

66. Defendant was required to establish that he was a person of good moral character during his Statutory Period from March 13, 2009, five years before he filed his Naturalization Application, until August 19, 2014, when he naturalized as a U.S. citizen.

67. An applicant for naturalization is statutorily precluded from establishing the good moral character necessary to naturalize if he has given false testimony for the purpose of obtaining an immigration benefit. *See* 8 U.S.C. § 1101(f)(6).

68. During his Statutory Period, Defendant provided false testimony for the purpose of obtaining an immigration benefit, when, on July 2, 2014, he provided sworn oral answers at his Naturalization Interview.

69. During the Naturalization Interview, the Adjudications Officer asked Defendant Part 10, Question 15 from his Naturalization Application, “Have you ever committed a crime or offense for which you were not arrested?”

70. During the Naturalization Interview, Defendant orally and under oath responded in the negative when asked if he had ever committed a crime or offense for which had not been arrested.

71. This answer was false, because on May 17, 2010, Defendant had committed the crime of Aggravated Sexual Assault of a Child, in violation of Texas Penal Code Ann. § 22.021(a)(2)(B), a First Degree Felony, but he had not yet been arrested for that crime as of his Naturalization Application.

72. During the Naturalization Interview, the Adjudications Officer asked Defendant Part 10, Question 23 from his Naturalization Application, “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?”

73. During the Naturalization Interview, Defendant orally and under oath responded in the negative when asked if he had 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.

74. This answer was false, because Defendant had given false or misleading information to a U.S. Government Official for an immigration benefit when he completed and submitted his Naturalization Application, and then when he testified at his Naturalization Interview, that he had never committed a crime for which he had not been arrested.

75. This answer was false, because Defendant given false or misleading information on his Naturalization Application and at his Naturalization Interview, denying that he had committed the crime of Aggravated Sexual Assault of a Child, in violation of Texas Penal Code Ann. § 22.021(a)(2)(B), a First Degree Felony, on May 17, 2010, but he had not yet been arrested.

76. Defendant provided the foregoing false testimony for the purpose of obtaining an immigration benefit, namely, naturalization.

77. Because Defendant provided false testimony for the purpose of obtaining an immigration benefit during the statutory period, he lacked the good moral character necessary to be eligible to naturalize.

78. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

79. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT IV

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

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

101. 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.

102. As set forth above, Defendant concealed and willfully misrepresented on his Naturalization Application and at his Naturalization Interview that he had never committed a

crime or offense for which he had not been arrested, when, in fact, he had committed the crime of Aggravated Sexual Assault of a Child, in violation of Texas Penal Code Ann.

§ 22.021(a)(2)(B), a First Degree Felony, but had not yet been arrested for that crime.

103. As set forth above, Defendant concealed and willfully misrepresented on his Naturalization Application and at his Naturalization Interview that he had never given any U.S. Government official any information or documentation that was false, fraudulent, or misleading, when, in fact, he had given U.S. Government officials false, fraudulent, or misleading information or documentation about his criminal history.

104. Defendant knew that his misrepresentations and omissions about his criminal history were false and misleading, and thus made them willfully.

105. Defendant's willful misrepresentations and omissions were material to determining his eligibility for naturalization. Defendant's false statements and testimony had the natural tendency to influence a decision by USCIS to approve his Naturalization Application. Indeed, but for Defendant's concealment of material facts and willful misrepresentations, multiple grounds of statutory ineligibility for naturalization would have been disclosed, and USCIS would not have approved his Naturalization Application or administered the Oath of Allegiance.

106. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts.

107. This Court must therefore revoke his citizenship pursuant to the requirements of 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully requests:

- A. A declaration that Defendant illegally procured his citizenship;
- B. A declaration that Defendant procured his citizenship by concealment of material facts and by willful misrepresentation;
- C. Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No.  effective as of the original date of the order and certificate, August 9, 2014;
- D. 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 August 9, 2014 naturalization;
- E. Judgment requiring Defendant, within ten days of Judgment, to surrender and deliver his Certificate of Naturalization, 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 Acting Attorney General, through his representative, undersigned counsel;
- F. Judgment requiring Defendant, within ten days of Judgment, to surrender and deliver any other indicia of U.S. citizenship, including, but not limited to, any U.S. passports, passport cards, or Enhanced Driver's Licenses, whether valid or expired, as well as any copies of the foregoing 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 representative, undersigned counsel;

G. Judgment granting the United States any other relief that may be lawful and proper in this case.

Dated: July 31, 2026

JUSTIN R. SIMMONS
United States Attorney

Respectfully submitted,

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