

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	No. _____
	)	
Plaintiff,	)	
	)	
v.	)	<b>COMPLAINT TO REVOKE</b>
	)	<b>NATURALIZATION</b>
	)	
ENAAM MAHMOUD ARNAOUT	)	
	)	
Defendant.	)	
	)	

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**I. JURISDICTION AND VENUE**

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Enaam Mahmoud Arnaout (“Defendant”), to citizenship and to cancel Certificate of Naturalization No. 20910984.

2. The affidavit of Susan K. Vasquez, a Special Agent with U.S. Immigration and Customs Enforcement (“ICE”) in the Department of Homeland Security (“DHS”), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.<sup>1</sup>

3. Plaintiff is the United States of America. This Court has jurisdiction pursuant to 28 U.S.C. § 1345 and 8 U.S.C. § 1451(a).

4. Defendant is a naturalized United States citizen, whose last known residence in the United States was in Palos Hills, Illinois. Pursuant to 8 U.S.C. § 1451(a), Plaintiff has properly filed this action within the Northern District of Illinois.

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<sup>1</sup> On March 1, 2003, the Immigration and Naturalization Service (“INS”) ceased to exist as an independent agency and many of its relevant functions transferred to DHS. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, 110 Stat. 2135 (Nov. 25, 2002). However, because the events in this case took place prior to the transfer, the agency will be referred to as the “INS” throughout this Complaint rather than DHS.

## **II. FACTUAL BACKGROUND**

### **IMMIGRATION HISTORY**

5. Defendant, a native and citizen of Syria, entered the United States on June 20, 1990, on a CR1 immigrant visa (conditional resident immigrant visa for the spouse of a United States citizen). He was thereby admitted as a conditional permanent resident of the United States. Defendant and Nancy Catherine Noyes (“Noyes”), Defendant’s United States citizen wife, were married on March 9, 1989. Defendant’s INS file (“A file”) number is [REDACTED]

6. Defendant and Noyes petitioned the INS to remove the conditions on Defendant’s residence on April 10, 1992. The INS approved Defendant’s petition on May 7, 1992.

### **NATURALIZATION PROCEEDINGS**

#### **Application for Naturalization**

7. On April 8, 1993, Defendant filed an INS Form N-400, Application for Naturalization, based on having been a permanent resident of the United States for at least three (3) years and having been married to a United States citizen for those three (3) years.

a. Subpart B in Part 4 of Defendant’s INS Form N-400, captioned, “Information about your residences and employment,” instructs the applicant to “[l]ist your employers during the last five (5) years,” and provide the employer’s name, the dates employed, and the occupation or position held. In response to the instruction in Subpart B of Part 4 of his INS Form N-400, Defendant stated that he was employed by “B.I.F.” from February 1, 1993 to “current” as a “Coordinator” and that he was employed by “M.E.F.” from January 1, 1992 to December 31, 1992, as a “Telmerketer.”

b. Question 12(b) in Part 7 of Defendant’s INS Form N-400, captioned, “Additional eligibility factors,” asks “Have you ever . . . given false testimony for the

purpose of obtaining any immigration benefit?” In response to Question 12(g), Defendant stated, “No.”

c. Question 15(a) in Part 7 of Defendant’s INS Form N-400, captioned, “Additional eligibility factors,” asks “Have you ever . . . knowingly committed any crime for which you have not been arrested?” In response to Question 15(a), Defendant stated, “No.”

d. Part 9 of Defendant’s INS Form N-400, captioned, “Memberships and organizations,” instructs the applicant to, “[l]ist your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place.” In response to the instruction in Part 9 of his INS Form N-400, Defendant stated, “None.”

8. Defendant signed his INS Form N-400 under the penalty of perjury under the laws of the United States, thereby certifying that the information he provided was true and correct, and filed it with the INS on April 8, 1993.

### **Naturalization Interview**

9. On September 8, 1993, an INS officer placed Defendant under oath and interviewed him regarding his INS Form N-400, Application for Naturalization. During this interview, Defendant testified substantially as follows:

a. Consistent with his statement in Subpart B in Part 4 of his INS Form N-400, Defendant testified that he was employed by “B.I.F.” as a coordinator from February 1, 1993 to present, and employed by “M.E.F.” as a telemarketer from January 1, 1992 to December 31, 1992.

b. Consistent with his statement at Question 12(g) in Part 7 of his INS Form N-400, Defendant testified that he had never given false testimony for the purpose of obtaining any immigration benefit.

c. Consistent with his statement at Question 15(a) in Part 7 of his INS Form N-400, Defendant testified that he had never knowingly committed any crime for which he had not been arrested.

d. Consistent with his statement in Part 9 of his INS Form N-400, Defendant testified that he had never been a member or affiliated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place.

10. At the end of his naturalization interview on September 8, 1993, Defendant again signed his INS Form N-400 under penalty of perjury under the laws of the United States, thereby attesting that the information in his application for naturalization – including any corrections and supplements – was true to the best of his knowledge and belief.

11. Based on Defendant's INS Form N-400 and sworn testimony during his naturalization interview, the INS approved Defendant's application for naturalization on November 1, 1993.

12. Based on his approved INS Form N-400, the INS administered the oath of allegiance to Defendant on March 10, 1994, admitted him to United States citizenship, and issued Certificate of Naturalization Number 20910984.

## **FALSE STATEMENTS AND TESTIMONY**

### **Employment**

13. From on or about January 1989 until the time he arrived in the United States in June 1990, Defendant was an employee of *Lajnat Al-Birr Al-Islamiah* ("LBI"). LBI is also known as the Islamic Benevolence Committee.

a. In or about 1987, Adel Batterjee founded LBI in Saudi Arabia and Pakistan.

b. One of the purposes of LBI was to raise funds in Saudi Arabia to provide support to the mujahedeen then fighting in Afghanistan.

c. LBI also provided financial and operational support to fighters associated with Usama bin Laden and Gulbuddin Hekmatyer. The United States Department of Treasury designated Hekmatyer as a Specially Designated Global Terrorist on February 18, 2003. Bin Laden was the founder of al-Qa'ida and the leader responsible for the September 11, 2001 attacks on the United States.

d. On December 21, 2004, the United States Department of Treasury, under Executive Order 13224, designated Batterjee as a provider of financial and material support to al-Qa'ida and bin Laden.

14. Based on his employment with LBI, Defendant's statement in Part 4 of his INS Form N-400, Application for Naturalization, that for the five (5) years prior to filing his INS Form N-400 on April 8, 1993, he was only employed by "M.E.F." from January 1, 1992 to December 31, 1992, and "B.I.F." from February 1, 1993 to the time of filing, was false. Likewise, Defendant's testimony during his sworn naturalization interview that – for the five (5) years prior to filing his INS Form N-400 – he was only employed by M.E.F. from January 1, 1992 to December 31, 1992, and by B.I.F. from February 1, 1993 to the time of filing, was also false. Defendant knew

these statements and testimony to be false, and he provided them with the intent to deceive and to obtain an immigration benefit.

### **Memberships and Organizations**

15. From in or about December 1986 until the time he arrived in the United States in June 1990, Defendant provided direct support to various groups claiming to fight the Soviet Union in Afghanistan. During this time, Defendant associated with Usama bin Laden, who himself claimed to assist the mujahedeen in Afghanistan, and Gulbuddin Hekmatyar, a leader of one of the Afghan mujahedeen factions.

16. Defendant provided mujahedeen fighters in Afghanistan with supplies and logistical support. By providing the mujahedeen with support and or money, Defendant knowingly affiliated himself with various organizations and associations that claimed to repel the Soviet Union from Afghanistan. Accordingly, Defendant's statement in Part 9 of his INS Form N-400, Application for Naturalization, filed on April 8, 1993, that he had no present or past membership in or affiliation with any organization or association was false. In addition, Defendant's sworn testimony during his naturalization interview on September 8, 1993, that he had no present or past membership in or affiliation with any organization or association, was also false. Defendant knew these statements and testimony to be false, and he provided them with the intent to deceive and to obtain an immigration benefit.

### **False Testimony**

17. On September 8, 1993, Defendant provided false sworn testimony regarding his employment history; whether he had ever been a member of or associated with any organizations; whether he had ever provided false testimony for the purpose of obtaining any immigration benefit; and whether he had ever knowingly committed a crime for which he had

not been arrested, all for the purpose of obtaining an immigration benefit. Accordingly, Defendant's sworn testimony that he had never given false testimony for the purpose of obtaining any immigration benefit was false. Defendant's sworn testimony that he had never committed any crime for which he had not been arrested, was also false. Defendant knew these statements and testimony to be false, and he provided them with the intent to deceive and to obtain an immigration benefit.

### **Prior Crimes**

18. In or about 1993 and continuing to in or about May 2002, Defendant knowingly committed crimes for which, at the time he filed his INS Form N-400, Application for Naturalization, and the time of his sworn naturalization interview on September 8, 1993, he had not been arrested for, to wit: conspiracy to commit racketeering and corrupt organizations, in violation of 18 U.S.C. § 1962(d); false statements, in violation of 18 U.S.C. § 1001; and false swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a).

a. On or about October 9, 2002, the United States indicted Defendant for multiple criminal offenses. On January 22, 2003, the United States filed a second superseding indictment charging, among other offenses, that between 1992 and May 2002, Defendant engaged in conspiracy to commit racketeering in violation of 18 U.S.C. § 1962(d), which involved multiple acts indictable under 18 U.S.C. § 1341 (mail fraud), 18 U.S.C. § 1343 (wire fraud), 18 U.S.C. § 1503 (obstruction of justice), and 18 U.S.C. § 1956 (money laundering).

b. On or about February 10, 2003, Defendant pled guilty to the second superseding count of conspiracy to commit racketeering and corrupt organizations under 18 U.S.C. § 1962(d). In his plea, Defendant admitted that, beginning in or about May

1993 and continuing until in or about May 2002, he engaged in a conspiracy to commit racketeering in violation of 18 U.S.C. § 1962(d), which involved acts indictable under 18 U.S.C. § 1341 (mail fraud) and 18 U.S.C. § 1343 (wire fraud). The Court entered a judgment of conviction on February 10, 2003.

c. Pursuant to his February 10, 2003 conviction, the Court sentenced Defendant to 136 months imprisonment. Subsequently, on February 17, 2006, the Court resentenced Defendant to 120 months imprisonment.

19. Based on Defendant's commission of these offenses, his statement in response to Question 15(a) in Part 7 of his INS Form N-400, Application for Naturalization, that he had never knowingly committed any crime for which he had not been arrested, was false. Likewise, Defendant's sworn testimony during his naturalization interview on September 8, 1993, that he had never knowingly committed any crime for which he had not been arrested, was also false. Defendant knew these statements and testimony to be false, and he provided them with the intent to deceive and to obtain an immigration benefit.

20. Defendant's false statements on his INS Form N-400, Application for Naturalization, and false testimony during his naturalization interview on September 8, 1993 were material. Defendant's false statements and testimony misled the INS and cut off material lines of inquiry.

#### **EMPLOYMENT AND AFFILIATION WITH THE BENEVOLENCE INTERNATIONAL FOUNDATION**

21. From at least in or about May 1993 through in or about May 2002, Defendant was an employee or associated with the Benevolence International Foundation, Inc. ("BIF").

a. Beginning in or about May 1993 through in or about May 2002, Defendant was responsible for and directed BIF's operations in the United States.



b. Defendant used funds donated to the BIF to purchase materials and supplies for various fighters and military groups.

c. BIF was incorporated in Illinois in March 1992 and the Internal Revenue Service granted the BIF tax exempt status in May 1993.

d. Beginning in May 1993, BIF, through its employees, solicited donations from the public by purporting that BIF and its related overseas offices were a charitable organization involved solely in humanitarian work for the benefit of civilian populations.

e. In fact, the objectives of the BIF were to support the activities of mujahedeen fighters in various areas of the world by raising funds and providing support to mujahedeen and others engaged in violence and armed confrontation. This included providing support to al-Qa'ida and Hezb-e-Islami.

f. The United States State Department designated al-Qa'ida as a Foreign Terrorist Organization in October 1999. Al-Qa'ida was established by Usama bin Ladin in 1988 with Arabs who fought in Afghanistan against the Soviet Union. The group helped finance, recruit, transport, and train Sunni Islamic extremists for the Afghan resistance. Al-Qa'ida's goal is uniting Muslims to fight the United States and its allies, overthrowing regimes it deems "non-Islamic," and expelling Westerners and non-Muslims from Muslim countries. Its ultimate goal is the establishment of a pan-Islamic caliphate throughout the world. Al-Qa'ida leaders issued a statement in February 1998 under the banner of "The World Islamic Front for Jihad Against the Jews and Crusaders" saying it was the duty of all Muslims to kill United States citizens, civilian and military, and their allies everywhere. Top al-Qa'ida leaders have plotted and directed terror attacks worldwide, to include multiple attacks in 2005 against the London public transportation

system and the September 11, 2001 attacks in New York, New York, Washington, District of Columbia, and Shanksville, Pennsylvania. In October 2000, al-Qa'ida conducted a suicide attack on the USS Cole in the port of Aden, Yemen, killing 17 United States Navy sailors and injuring 39. Al-Qa'ida carried out the August 1998 bombings of the United States Embassies in Nairobi and Dar es Salaam, killing at least 301 individuals and injuring more than 5,000 others. Al-Qa'ida and its supporters claim to have shot down United States helicopters and killed United States servicemen in Somalia in 1993 and to have conducted three bombings that targeted United States troops in Aden, Yemen, in December 1992.

g. Hezb-e-Islami, or "Party of Islam," is a political and paramilitary organization in Afghanistan founded in 1976 by Gulbuddin Hekmatyar, who has been prominent in various Afghan conflicts since the late 1970s. Hezb-e Islami Gulbuddin (HIG) is an offshoot of that original Hezb-e Islami, and is a virulently anti-Western insurgent group whose goal is to replace Afghan President Hamid Karzai's regime with an Islamic state rooted in sharia (Islamic law), in line with Hekmatyar's vision of a Pashtun-dominated Afghanistan. His group conducts attacks against Coalition forces, Afghan Government targets, and Western interests in Afghanistan.

h. On November 19, 2002, the United States Department of Treasury designated the BIF as financiers of terrorism under Executive Order 13224. The Department of Treasury stated that substantial evidence documented the close relationship between Defendant, who was the BIF Chief Executive Officer, and a member of BIF's Board of Directors, and bin Laden. Further, the Department of Treasury's designation noted that Defendant worked with other persons, including members of al-Qa'ida, to purchase

rockets, mortars, rifles, and offensive and defensive bombs, and to distribute them to various mujahedeen camps, including camps operated by al-Qa'ida.

i. In its November 19, 2002 designation, the Department of Treasury also concluded that the BIF provided additional support for and has been linked to al-Qa'ida and its operatives in other ways. The BIF lent direct logistical support in 1998 to Mamdouh Mahmud Salim, a lieutenant of bin Laden who was indicted for conspiring to kill United States nationals. The BIF is also linked to Mohamed Loay Bayazid, who was implicated in the United States embassy bombings trial for his efforts to obtain weapons components on behalf of bin Laden. Bayazid's 1994 driver's license application identifies his address as the address of BIF's Illinois office.

j. On November 21, 2002, pursuant to paragraphs 1 and 2 of resolution 1390, the United Nations listed the BIF as being associated with al-Qa'ida and bin Laden for "participating in the financing, planning, facilitating, preparing or perpetrating of acts of activities by, in conjunction with, under the name of, on behalf or in support of . . . supplying, selling or transferring arms and related materiel to" or "otherwise supporting acts or activities of" bin Laden and al-Qa'ida.

### **III. THE RELEVANT LAW**

22. Under section 340(a) of the INA, the Court must revoke Defendant's naturalization and cancel his Certificate of Naturalization if his naturalization was either: (a) illegally procured, or (b) procured by concealment of a material fact or by willful misrepresentation. *See* 8 U.S.C. § 1451(a).

**COUNT I**

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

23. The United States re-alleges and incorporates by reference paragraphs 1 through 22 of this Complaint.

24. Defendant illegally procured his naturalization because he was statutorily precluded from establishing the good moral character necessary to naturalize on account of his false testimony for the purpose of obtaining an immigration benefit.

25. An applicant for naturalization must satisfy the statutory requirement of demonstrating that he is a person of good moral character. *See* 8 U.S.C. § 1427(a).

26. 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).

27. On September 8, 1993, an INS officer interviewed Defendant regarding his INS Form, N-400, Application for Naturalization. At the beginning of his naturalization interview, Defendant took an oath affirming that he would answer all questions truthfully.

28. As discussed in paragraph 9 above, an INS officer asked Defendant about his employment history; whether he had ever been a member of or associated with any organizations; whether he had ever provided false testimony for the purpose of obtaining any immigration benefit; and whether he had ever knowingly committed a crime for which he had not been arrested. Defendant testified under oath about these matters.

29. As discussed in paragraphs 13 through 19 above, this testimony was false.

30. Defendant provided false testimony about his employment history; whether he had ever been a member of or associated with any organizations; whether he had ever provided false testimony for the purpose of obtaining any immigration benefit; and whether he had ever knowingly committed a crime for which he had not been arrested. Defendant's false testimony concealed the fact that he was employed by LBI; associated with mujahedeen fighters in Afghanistan; and had committed crimes of moral turpitude – including conspiracy to commit racketeering, false testimony, and false swearing in an immigration matter – all of which would have precluded him from establishing the good moral character necessary to naturalize.

31. Defendant lacked the good moral character necessary for naturalization because he provided false testimony to obtain an immigration benefit. Defendant's naturalization was therefore illegally procured and must be revoked pursuant to 8 U.S.C. § 1451(a).

## **COUNT II**

### **ILLEGAL PROCUREMENT OF NATURALIZATION** **LACK OF GOOD MORAL CHARACTER** **(CONVICTION OF AN AGGRAVATED FELONY)**

32. The United States re-alleges and incorporates by reference paragraphs 1 through 22 of this Complaint.

33. Defendant illegally procured his naturalization because he was statutorily precluded from establishing the good moral character necessary to naturalize on account of his conviction of an aggravated felony.

34. One of the requirements to becoming a citizen of the United States is the applicant must satisfy the statutory requirement that he is a person of good moral character. *See* 8 U.S.C. § 1427(a).

35. An applicant for naturalization is statutorily precluded from establishing the good moral character necessary to naturalize if, at any time, he has been convicted of an aggravated felony. *See* 8 U.S.C. §§ 1101(f)(8), 1101(a)(43); 8 C.F.R. § 316.10(b)(1)(ii).

36. On February 10, 2003, the United States District Court for the Northern District of Illinois entered a judgment of conviction against defendant for conspiracy to commit racketeering and corrupt organizations in violation of 18 U.S.C. § 1962(d). Subsequently, on February 17, 2006, the Court sentenced Defendant to 136 months imprisonment.

37. Conspiracy to commit racketeering and corrupt organizations in violation of 18 U.S.C. § 1962(d) is an aggravated felony the conviction of which precludes a finding of good moral character.

38. Because Defendant admitted to committing and was convicted for an aggravated felony, he was statutorily ineligible to naturalize for lack of good moral character.

39. Defendant's naturalization was therefore illegally procured and must be revoked pursuant to 8 U.S.C. § 1451(a).

### **COUNT III**

#### **ILLEGAL PROCUREMENT OF NATURALIZATION** **LACK OF GOOD MORAL CHARACTER** **(CRIMES INVOLVING MORAL TURPITUDE)**

40. The United States re-alleges and incorporates by reference paragraphs 1 through 22 of this Complaint.

41. Defendant illegally procured his naturalization because he was statutorily precluded from establishing the good moral character necessary to naturalize on account of his commission of crimes involving moral turpitude.

42. One of the requirements to becoming a citizen of the United States is the applicant must satisfy the statutory requirement that he is a person of good moral character. *See* 8 U.S.C. § 1427(a). Defendant was required to prove that he was a person of good moral character from five years prior to filing his Application for Naturalization, or April 8, 1988, until the time he became a naturalized citizen on March 10, 1994 (“statutory period”).

43. An applicant for naturalization is statutorily precluded from establishing the good moral character necessary to naturalize if, during the statutory period, he commits acts which constitute the essential elements of a crime involving moral turpitude. *See* 8 U.S.C. §§ 1101(f)(3), 1182(a)(2)(A)(i)(I); 8 C.F.R. § 316.10(b)(2)(i).

44. During the statutory period, Defendant committed the following criminal offenses: conspiring with others to conduct and participate, directly and indirectly, in the conduct of affairs of an enterprise, which engaged in and the activities of which affected interstate and foreign commerce, through a pattern of racketeering activity, in violation of 18 U.S.C. § 1341 (mail fraud) and 18 U.S.C. § 1343 (wire fraud), all in violation of 18 U.S.C. § 1962(d); false statements, in violation of 18 U.S.C. § 1001; and false swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a).

a. Conspiracy to Conduct and Participate in Racketeering Activity: Beginning in or about May 1993 and continuing until in or about May 2002, Defendant engaged in a conspiracy to commit racketeering which involved acts indictable under 18 U.S.C. § 1341 (mail fraud) and 18 U.S.C. § 1343 (wire fraud). On or about February 10, 2003, Defendant pled guilty to this charge and its elements in the United States District Court for the Northern District of Illinois. All are in violation of 18 U.S.C. § 1962(d).

b. False Testimony: On or about September 8, 1993, Defendant did willfully and knowingly make and cause to be made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of a department or agency of the United States. As discussed in paragraph 9 above, Defendant testified before an INS officer about his employment history; whether he had ever provided false testimony for the purpose of obtaining any immigration benefit; whether he had ever committed any crime for which he had not been arrested; and whether he had ever been a member of or associated with any organizations. As discussed in paragraphs 13 through 19 above, Defendant knew these statements and representations were false. All are in violation of 18 U.S.C. § 1001.

c. False Swearing in an Immigration Matter: On or about the dates of April 8, 1993 and September 8, 1993, Defendant did knowingly make 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, to wit: an INS Form N-400, Application for Naturalization. As alleged at paragraphs 7 through 8 above, Defendant made false statements relating to his employment history; whether he had ever provided false testimony for the purpose of obtaining any immigration benefit; whether he had ever committed any crime for which he had not been arrested; and whether he had ever been a member of or associated with any organizations. As alleged in paragraphs 13 through 19 above, Defendant knew these statements to be false. All are in violation of 18 U.S.C. § 1546(a).

45. Conspiring to commit acts of racketeering, false statements, and false swearing in an immigration matter all constitute crimes involving moral turpitude.



46. Because Defendant committed more than one crime involving moral turpitude during the statutory period, he was statutorily ineligible to naturalize for lack of good moral character.

47. Defendant's naturalization was therefore illegally procured and must be revoked pursuant to 8 U.S.C. § 1451(a).

#### **COUNT IV**

#### **ILLEGAL PROCUREMENT OF NATURALIZATION** **LACK OF GOOD MORAL CHARACTER** **(AFFILIATION WITH CERTAIN ORGANIZATIONS)**

48. The United States re-alleges and incorporates by reference paragraphs 1 through 22 of this Complaint.

49. Pursuant to 8 U.S.C. § 1424(a)(4), a person is precluded from naturalizing if they are “a member of or affiliated with any organization that advocates or teaches . . . (A) the overthrow by force or violence or other unconstitutional means of the Government of the United States or of all forms of law; or . . . (B) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers . . . of the Government of the United States or of any other organized government because of his or their official character; or . . . (C) the unlawful damage, injury or destruction of property . . . .”<sup>2</sup>

50. Pursuant to 8 U.S.C. § 1101(e), a person is affiliated with an organization when it engages in the act of “giving, loaning, or promising of support or of money or any other thing of value for any purpose to any organization . . . .”

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<sup>2</sup> Pursuant to 8 U.S.C. § 1451(c), if within the five years next following their naturalization, an alien becomes a member of or affiliated with any organization described by provisions at 8 U.S.C. § 1424, it shall be considered *prima facie* evidence that such person was not attached to the principles of the Constitution of the United States and was not well disposed to the good order and happiness of the United States at the time of naturalization, and in the absence of countervailing evidence, it shall be sufficient to authorize the revocation and setting aside of the order admitting such person to citizenship as having been obtained by the concealment of a material fact or by willful misrepresentation.

51. Defendant illegally procured his naturalization because he was statutorily precluded from naturalizing under 8 U.S.C. § 1424(a)(4).

52. As discussed in paragraph 21 above, Defendant directed the BIF's United States operations from at least in or about May 1993 through on or about May 2002.

53. Throughout Defendant's involvement in the BIF, Defendant, through the BIF, provided money, goods, and supplies to al-Qa'ida and Hezb-e-Islami. These groups advocated the violent or forceful overthrow of the United States, the duty, necessity, or propriety of the unlawful assaulting of United States officers, and the unlawful damage, injury, or destruction of property. Defendant's providing of support and money to al-Qa'ida and Hezb-e-Islami precluded his naturalization.

54. Defendant's naturalization was therefore illegally procured and must be revoked pursuant to 8 U.S.C. § 1451(a).

### **COUNT V**

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

55. The United States re-alleges and incorporates by reference paragraphs 1 through 22 of this Complaint.

56. Defendant procured his naturalization by willful misrepresentation and concealment of material facts during his naturalization proceedings.

57. As discussed in paragraphs 7 through 8 above, Defendant made false statements on his INS Form N-400, Application for Naturalization, regarding his employment history; whether he had ever provided false testimony for the purpose of obtaining any immigration benefit;

whether he had ever committed any crime for which he had not been arrested; and whether he had ever been a member of or associated with any organizations.

58. Defendant signed his INS Form N-400, Application for Naturalization, under penalty of perjury under the laws of the United States, thereby certifying under oath that the information contained therein was true and correct. Defendant filed his application with the INS on April 8, 1993.

59. On September 8, 1993, an INS officer interviewed Defendant regarding his INS Form N-400, Application for Naturalization. At the beginning of his naturalization interview, an INS officer placed Defendant under oath. Defendant affirmed that he would answer all questions truthfully.

60. As discussed in paragraph 9 and paragraphs 13 through 20 above, during his naturalization interview on September 8, 1993, Defendant falsely testified under oath about his employment history; whether he had ever provided false testimony for the purpose of obtaining any immigration benefit; whether he had ever committed any crime for which he had not been arrested; and whether he had ever been a member of or associated with any organizations.

61. At the end of his naturalization interview, Defendant again signed his INS Form N-400, Application for Naturalization, under penalty of perjury under the laws of the United States, thereby affirming under oath that the information contained therein was true and correct.

62. Defendant intentionally misrepresented and concealed his employment history; whether he had ever provided false testimony for the purpose of obtaining any immigration benefit; whether he had ever committed any crime for which he had not been arrested; and whether he had ever been a member of or associated with any organizations. Defendant knew his statements and sworn testimony about these matters were false and misleading.

63. Defendant's false statements and testimony about these matters was material to determining his eligibility for naturalization. Defendant's false statements and testimony had the natural tendency to influence a decision by INS to approve his INS Form N-400, Application for Naturalization. In fact, Defendant's commission of criminal offenses relating to conspiracy to commit racketeering and involvement with the LBI and bin Laden would have precluded him from establishing the good moral character necessary for naturalization. The INS would have denied Defendant's INS Form N-400, Application for Naturalization, had he been truthful. Defendant thus procured his naturalization by concealment of material facts and willful misrepresentations.

64. Denaturalization is required when an alien has concealed material facts or made willful misrepresentations which aided in the receipt of naturalization. *See* 8 U.S.C. § 1451(a). Accordingly, Defendant's naturalization must be revoked pursuant to 8 U.S.C. § 1451(a).

WHEREFORE, the United States prays for relief as follows:

(1) Judgment revoking and setting aside the naturalization of the Defendant (which was ordered by the Attorney General of the United States, admitting Defendant to United States citizenship), and canceling Certificate of Naturalization No. 20910984;

(2) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, or advantages under any document which evidences United States citizenship obtained as a result of his March 10, 1994 naturalization;

(3) Judgment requiring the Defendant to surrender and deliver his Certificate of Naturalization and any other indicia of United States citizenship, as well as any copies thereof in his possession (and to make good faith efforts to recover and then surrender any copies thereof

that he knows are in the possession of others), to the Attorney General, or his representative, including the undersigned, immediately; and

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

DATED: July 23, 2014

Respectfully Submitted,

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Fax: (202) 305-7000  
Email: anthony.d.bianco@usdoj.gov

## **Exhibit A**

UNITED STATES OF AMERICA )  
 )  
CHICAGO, ILLINOIS )  
 )  
In the Matter of the Revocation )  
of the Naturalization of )  
 )  
ENAAM MAHMOUD ARNAOUT )  
[REDACTED] )

**AFFIDAVIT OF GOOD CAUSE**

I, Susan K. Vasquez, declare under penalty of perjury as follows:

- I. I am a Special Agent of U.S. Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security (DHS). In this capacity, I have access to the official records maintained by DHS, including the immigration file of Enaam Mahmoud Arnaout, [REDACTED] (Mr. Arnaout).
- II. I have examined the records relating to Mr. Arnaout's case. Based upon my review of these records, I state, on information and belief, that the information set forth in this Affidavit of Good Cause is true and correct.
- III. On or about April 8, 1993, Mr. Arnaout filed an Application for Naturalization, Form N-400, with the Miami, Florida, District Office of the Immigration Naturalization Service (INS).<sup>1</sup> The application was transferred to the INS Orlando Sub-Office and on September 8, 1993, INS Officer Michael Pittman interviewed Mr. Arnaout, under oath, concerning the information he provided on his Application for Naturalization. Based on his written application and naturalization interview, INS approved Mr. Arnaout's Application for Naturalization on November 1, 1993. Mr. Arnaout took the oath of

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<sup>1</sup> As of March 1, 2003, the INS ceased to exist and its functions were transferred to various bureaus within DHS. See Homeland Security Act of 2002, §§ 441, 451, 471, Pub. L. No. 107-296, 116 Stat. 2135 (2002) (codified at 6 U.S.C. §§ 251, 271, 291). This transfer does not affect the issues in this case. Because Mr. Arnaout's naturalization case was adjudicated before the transfer, this Affidavit of Good Cause will reference the INS as necessary.

allegiance on March 10, 1994, and on that date was admitted as a citizen of the United States. He was issued Certificate of Naturalization number 20910984.

IV. Mr. Arnaout illegally procured his naturalization because he could not have established that he was a person of good moral character.

A. Mr. Arnaout could not have established that he was a person of good moral character during the statutory period because he was convicted of a crime involving moral turpitude that was committed during the statutory period.

1. As an applicant for naturalization pursuant to section 319(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1430(a), Mr. Arnaout was required to prove that he was a person of good moral character from April 8, 1990, three years before he filed his application, up to the time he was admitted to United States citizenship on March 10, 1994 (the statutory period). *See also* 8 C.F.R. § 319.1(a)(7).
2. An applicant for naturalization is precluded from establishing good moral character if he was convicted of a crime involving moral turpitude that was committed during the statutory period. *See* INA § 101(f)(3), 8 U.S.C. § 1101(f)(3); INA § 212(a)(2)(A)(i), 8 U.S.C. § 1182(a)(2)(A)(i).
3. Beginning in or about May 1993 through in or about May 2002, Mr. Arnaout engaged in a conspiracy to commit racketeering in violation of 18 U.S.C. § 1962(d), which involved multiple acts indictable under 18 U.S.C. § 1341 (mail fraud) and 18 U.S.C. § 1343 (wire fraud).
4. On or about October 9, 2002, after he had naturalized, Mr. Arnaout was indicted in the United States District Court for the Northern District of



Illinois, Eastern District, for numerous criminal offenses, including conspiracy to commit racketeering, under criminal case number 02 CR 892. On January 22, 2003, a (second) superseding indictment was filed, charging, among other offenses, that between 1992 and May 2002, Mr. Arnaout engaged in conspiracy to commit racketeering, in violation of 18 U.S.C. § 1962(d), which involved multiple acts indictable under 18 U.S.C. § 1341(mail fraud), 18 U.S.C. § 1343 (wire fraud), 18 U.S.C. § 1503 (obstruction of justice), and 18 U.S.C. § 1956 (money laundering).

5. On or about February 10, 2003, Mr. Arnaout pleaded guilty to the (second) superseding count of conspiracy to commit racketeering and corrupt organizations in violation of 18. U.S.C. § 1962(d). In his plea, Mr. Arnaout admitted that, beginning in or about May 1993 and continuing until in or about May 2002, he engaged in a conspiracy to commit racketeering in violation of 18 U.S.C. § 1962(d), which involved multiple acts indictable under 18 U.S.C. § 1341 (mail fraud) and 18 U.S.C. § 1343 (wire fraud). On that same day, a judgment of conviction entered.
6. On or about August 18, 2003, Mr. Arnaout was sentenced to 136 months' imprisonment. Subsequently, on or about February 17, 2006, Mr. Arnaout was re-sentenced to 120 months' imprisonment.
7. Mr. Arnaout's violation of 18 U.S.C. § 1962(d), which involved multiple acts indictable under 18 U.S.C. § 1341 (mail fraud) and 18 U.S.C. § 1343 (wire fraud), is a crime involving moral turpitude.

8. Because Mr. Arnaout committed a crime involving moral turpitude within the period of time in which he was required to establish good moral character, he was precluded from establishing good moral character, and was therefore ineligible for naturalization.
- B. Mr. Arnaout could not have established that he was a person of good moral character during the statutory period because he committed unlawful acts that adversely reflect upon his moral character.
1. Unless there are extenuating circumstances, an applicant for naturalization is precluded from establishing good moral character if, during the statutory period, he commits unlawful acts that adversely reflected upon his moral character. *See* 8 C.F.R. § 316.10(b)(3)(iii).
  2. As mentioned above, beginning in or about May 1993 through in or about May 2002, Mr. Arnaout engaged in a conspiracy to commit racketeering in violation of 18 U.S.C. § 1962(d), which involved multiple acts indictable under 18 U.S.C. § 1341 (mail fraud) and 18 U.S.C. § 1343 (wire fraud).
  3. On or about February 10, 2003, Mr. Arnaout pleaded guilty to the offense of conspiracy to commit racketeering in violation of 18 U.S.C. § 1962(d). In his plea, Mr. Arnaout admitted that, beginning in or about May 1993 and continuing until in or about May 2002, he engaged in a conspiracy to commit racketeering in violation of 18 U.S.C. § 1962(d), which involved multiple acts indictable under 18 U.S.C. § 1341 (mail fraud) and 18 U.S.C. § 1343 (wire fraud).

4. On or about August 18, 2003, Mr. Arnaout was sentenced to 136 months' imprisonment. Subsequently, on or about February 17, 2006, Mr. Arnaout was re-sentenced to 120 months' imprisonment.
  5. Conspiracy to commit in violation of 18. U.S.C. § 1962(d), involving multiple acts indictable under 18 U.S.C. § 1341 (mail fraud) and 18 U.S.C. § 1343 (wire fraud), involves unlawful acts that adversely reflect upon an individual's moral character.
  6. As evidenced by his post-naturalization conviction, there were no extenuating circumstances that could have mitigated the effect of Mr. Arnaout's actions on his ability to establish good moral character.
  7. Because Mr. Arnaout committed unlawful acts that adversely reflect upon his moral character within the period of time in which he was required to establish good moral character, he was precluded from establishing good moral character, and was therefore ineligible for naturalization.
- V. Mr. Arnaout procured his naturalization by willful misrepresentation and concealment of material facts.
- A. Mr. Arnaout willfully misrepresented and concealed his criminal history during his naturalization process.
1. On his Application for Naturalization, Form N-400, in response to Part 7, question 15(a), Mr. Arnaout represented that he had never knowingly committed any crime for which he had not been arrested.
  2. Mr. Arnaout signed and dated this Application for Naturalization on March 30, 1993, thereby certifying, under penalty of perjury, that the



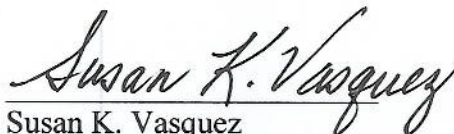
information in the application was true and correct. Mr. Arnaout filed his application with the INS on April 8, 1993.

3. At the conclusion of his naturalization interview of September 8, 1993, Mr. Arnaout signed the application a second time, again swearing that the contents of his naturalization application were true.
  4. Contrary to his September 8, 1993 representation, Mr. Arnaout had knowingly committed a crime for which he had not been arrested. Beginning in or about May 1993 continuing to in or about May 2002, Mr. Arnaout engaged in a conspiracy to commit racketeering in violation of 18 U.S.C. § 1962(d). After naturalization, he pleaded guilty to this crime and was sentenced to 120 months' imprisonment.
  5. Mr. Arnaout misrepresented and concealed his criminal acts knowing his representations were false and misleading.
- B. Mr. Arnaout's misrepresentation and concealment of his criminal acts were material to determining his eligibility for naturalization because they would have had the natural tendency to influence the INS' decision whether to approve his naturalization application. In fact, Mr. Arnaout's unlawful criminal acts would have precluded him from establishing the requisite good moral character for naturalization. The INS would not have approved Mr. Arnaout's application had they known he was involved in a racketeering conspiracy.
- C. By concealing and misrepresenting material facts regarding his criminal history, Mr. Arnaout was able to procure his naturalization.

- VI. Based on the facts outlined in the foregoing paragraphs, good cause exists to institute proceedings pursuant to INA § 340(a), 8 U.S.C. § 1451(a), to revoke Mr. Arnaout's citizenship and to cancel his certificate of naturalization.
- VII. Mr. Arnaout's last known residence is 11356 Moraine Drive #A, Palos Hills, Illinois 60465.

Declaration in Lieu of Jurat  
(28 U.S.C. § 1746)

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 23, 2014.



Susan K. Vasquez  
Special Agent  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Anthony D. Bianco; U.S. Department of Justice, Civil Division;  
P.O. Box 868, Ben Franklin Station; Washington, DC 20044;  
(202) 305-8014

**DEFENDANTS**

Enaam Mahmoud Arnaout

County of Residence of First Listed Defendant **Cook**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         | PTF                        | DEF                        |                                                               | PTF                        | DEF                        |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input checked="" type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

8 U.S.C. § 1451(a)

Brief description of cause:

Action to Revoke Naturalization

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

07/23/2014

SIGNATURE OF ATTORNEY OF RECORD

s/ Anthony D. Bianco

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.