

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

NABIL MUHAMMAD RIDA SADOUN, §  
and §  
HANA NABIL SADOUN §

Plaintiffs, §

v. §

CIVIL NO. 3:09-CV-1814-B

TRACY TARANGO, §  
Field Office Director, Dallas Field Office, §  
United States Citizenship and Immigration §  
Services, United States Department of §  
Homeland Security, *et al.* §

Defendants. §

APPENDIX TO MOTION TO DISMISS COMPLAINT FOR  
WRIT OF MANDAMUS

	Pages
1) Notice to Appear, dated October 21, 2009	00001-00005
2) Declaration of Clayton Booth, dated December 17, 2009	00006-00007
3) Declaration of Alma L. Montellano Pertaining to Nabil Muhammad Rida Sadoun, dated December 16, 2009	00008-00009
4) Notice to Appear, dated December 17, 2009	00010-00012
5) Decision, dated December 18, 2009	00013-00016

Respectfully submitted,

JAMES T. JACKS  
UNITED STATES ATTORNEY

/s/ Angie L. Henson

ANGIE L. HENSON  
Assistant United States Attorney  
1100 Commerce, Suite 300  
Dallas, Texas 75242-1027  
Texas Bar No. 09492900  
Telephone: 214.659.8600  
Fax: 214.767.2916

**CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 2009, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I also certify that a copy of this document was served upon all opposing parties, or their attorneys of record, by electronic delivery on this 21st day of December, 2009.

/s/ Angie L. Henson

ANGIE L. HENSON  
Assistant United States Attorney

U.S. Department of Homeland Security

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID : 260915750

DOB: 06/28/1959

File No: A044 173 037

Event No: XDA0908000011

In the Matter of:

Nabil Mohammad SADOON

Respondent:

currently residing at:

1708 HONNING STAR TRAIL , RICHARDSON TEXAS 75081

(Number, street, city and ZIP code)

(Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

See Continuation Page Made a Part Hereof

RECEIVED  
 DEPARTMENT OF JUSTICE  
 2009 OCT 21 PM 2:24  
 EXECUTIVE OFFICE FOR  
 IMMIGRATION REVIEW  
 IMMIGRATION COURT  
 DALLAS, TEXAS

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30(f)(2)  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:  
1100 Commerce Street, Suite 404 Dallas TEXAS US 75242

(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set                      at a time to be set                      to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

SEAN CARSON

ASSISTANT SPECIAL AGENT IN CHARGE

(Signature and Title of Issuing Officer)

Date: October 21, 2009

Irving, Texas

(City and State)

See reverse for important information

Form I-863 (Rev 08/01/07)

**Notice to Respondent**

**Warning:** Any statement you make may be used against you in removal proceedings.

**Alien Registration:** This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

**Representation:** If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

**Conduct of the hearing:** At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

**Failure to appear:** You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

**Mandatory Duty to Surrender for Removal:** If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at <http://www.ice.gov/about/dro/contact.htm>. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

**Request for Prompt Hearing**

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before:

\_\_\_\_\_  
(Signature of Respondent)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature and Title of Immigration Officer)


**Certificate of Service**

This Notice To Appear was served on the respondent by me on October 21, 2009, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

in person       by certified mail, returned receipt requested       by regular mail

- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the \_\_\_\_\_ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

  
(Signature of Respondent if Personally Served)

CLAYTON BOOTH  SPECIAL AGENT  
(Signature and Title of officer)

U.S. Department of Homeland Security

Continuation Page for Form 1862

Alien's Name Nabil Mohammad SADOON	File Number A044 173 037 Event No: XDA0908000011	Date October 21, 2009
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THE SERVICE ALLEGES THAT YOU:

1. You are not a citizen or national of the United States;
  2. You are a native of JORDAN and a citizen of JORDAN;
  3. On or before July 19, 1993, you were a member of or affiliated with the Muslim Brotherhood;
  4. On or before July 19, 1993, the Muslim Brotherhood was affiliated with the "Islamic Resistance Movement" (also known as HAMAS);
  5. On or before July 19, 1993, you were a member of or affiliated with the Palestine Committee;
  6. On or before July 19, 1993, the Palestine Committee was affiliated with the "Islamic Resistance Movement" (also known as HAMAS);
  7. On or before July 19, 1993, you were a member of or affiliated with the Muslim Arab Youth Association (MAYA);
  8. On or about 1989, you were a member of the Muslim Arab Youth Association's (MAYA) Founding Board of Directors;
  9. From on or about 1989 until on or about 1992, you were a leader of the Muslim Arab Youth Association (MAYA);
  10. On or before July 19, 1993, the Muslim Arab Youth Association (MAYA) was affiliated with the "Islamic Resistance Movement" (also known as HAMAS);
  11. On or before July 19, 1993, you were a member of or affiliated with the United Association for Studies and Research (UASR);
  12. On or about 1989, you were a member of the United Association for Studies and Research's (UASR) founding Board of Directors;
  13. On or before July 19, 1993, the United Association for Studies and Research (UASR) was affiliated with the "Islamic Resistance Movement" (also known as HAMAS);
  14. In response to question 22 of Optional Form 230, Application for Immigrant Visa and Alien Registration, subscribed and sworn to July 19, 1993, you by fraud or willfully misrepresenting a material fact failed to list your membership in or affiliation with any political, professional, or social organizations affiliated with Communist, totalitarian, terrorist or Nazi organizations;
  15. In response to question 22 of Optional Form 230, Application for Immigrant Visa and Alien Registration, subscribed and sworn to July 19, 1993, you by fraud or willfully misrepresenting a material fact failed to list your membership in or affiliation with the Muslim Brotherhood;
  16. In response to question 22 of Optional Form 230, Application for Immigrant Visa and Alien Registration, subscribed and sworn to July 19, 1993, you by fraud or willfully misrepresenting a material fact failed to list your membership in or affiliation with the Palestine Committee;
  17. In response to question 22 of Optional Form 230, Application for Immigrant Visa and Alien Registration, subscribed and sworn to July 19, 1993, you by fraud or willfully misrepresenting a material fact failed to list your membership in or affiliation with the Muslim Arab Youth Association (MAYA);
  18. In response to question 22 of the Optional Form 230, Application for Immigrant Visa and Alien Registration, subscribed and sworn to July 19, 1993, you by fraud or willfully misrepresenting a material fact failed to list your membership in or affiliation with the United Association for Studies and Research (UASR);
  19. You were admitted to the United States at Chicago, Illinois on or about August 12, 1993 as an immigrant;
- ... (CONTINUED ON NEXT PAGE)

Signature 	Title ASSISTANT SPECIAL AGENT IN CHARGE
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U.S. Department of Homeland Security

Continuation Page for Form I862

Alien's Name Nabil Mohammad SADOON	File Number A044 173 037 Event No: XDA0908000011	Date October 21, 2009
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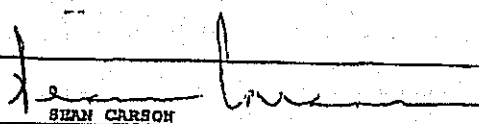
20. You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document, and you were not exempt therefrom.

21. You procured your admission, visa, adjustment, or other documentation or benefit by fraud or by willfully misrepresenting a material fact;

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

Section 237(a)(1)(A) of the Immigration and Nationality Act (Act), as amended, in that you are an alien who at the time of entry or of adjustment of status was within one or more of the classes of aliens inadmissible by the law existing at such time, to wit: an alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act, pursuant to section 212(a)(6)(C)(i) of the Act.

Section 237(a)(1)(A) of the Immigration and Nationality Act (Act), as amended, in that you are an alien who at the time of entry or of adjustment of status was within one or more of the classes of aliens inadmissible by the law existing at such time, to wit: an immigrant who at the time of application for admission was not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by this Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality if such document is required under the regulations issued by the Attorney General, pursuant to Section 212(a)(7)(A)(i)(I) of the Act.

Signature  SEAN CARSON	Title ASSISTANT SPECIAL AGENT IN CHARGE
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NOTICE OF HEARING IN REMOVAL PROCEEDINGS  
IMMIGRATION COURT  
1100 COMMERCE ST., ROOM 404  
DALLAS, TX 75242

RE: SADOON, NABIL MOHAMMAD  
FILE: A044-173-037

DATE: Oct 27, 2009

TO:

SADOON, NABIL MOHAMMAD  
1708 MORNING STAR TRAIL  
RICHARDSON, TX 75081

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Feb 17, 2010 at 08:30 A.M. at:

1100 COMMERCE ST., ROOM 404  
DALLAS, TX 75242

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT DALLAS, TX THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 703-305-1662.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL  PERSONAL SERVICE (P)  
TO:  ALIEN  ALIEN c/o Custodial Officer  ALIEN'S ATT/REP  DHS  
DATE: 10/27/09 BY: COURT STAFF  V3  
Attachments:  EOIR-33  EOIR-28  Legal Services List  Other

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

NABIL MUHAMMAD RIDA SADOUN,  
and  
HANA NABIL SADOUN  
Plaintiffs,

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

v.

CASE NO. 3:09-CV-1814-B

TRACY TARANGO,  
Field Office Director, Dallas Field Office,  
United States Citizenship and Immigration  
Services, United States Department of  
Homeland Security, *et al.*  
Defendants.

DECLARATION OF CLAYTON BOOTH

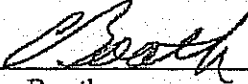
In accordance with 28 U.S.C. § 1746, I, Clayton Booth, in my official capacity, and under my authority to make representations about this case, do hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am presently employed as a Senior Special Agent with U.S. Immigration and Customs Enforcement (ICE). I am currently assigned to the Identity and Benefit Fraud Unit of the Dallas Office of Investigations, U.S. Immigration and Customs Enforcement, U.S. Department Homeland Security. I am also the lead ICE case agent who was responsible for the investigation of immigration-related issues concerning Nabil Sadoun, A44 173 037.
2. On October 21, 2009, I personally served Nabil Sadoun a Notice to Appear (NTA) in the presence of his attorney. On that same date, I understand that Mr. Sadoun's NTA was filed with the Executive Office of Immigration Review (EOIR), Dallas, Texas.
3. Upon information and belief, I discovered that upon ICE filing Nabil Sadoun's NTA, EOIR generated a master calendar hearing date for Mr. Sadoun to appear in immigration court on February 17, 2010.



4. U.S. Department of Homeland Security records show that Nabil Sadoun departed the United States on October 29, 2009 and, to date, there is no indication he has reentered the United States.
5. On December 17, 2009, I served Hana Sadoun, A44 173 038, and her attorney Kimberly Kinser a NTA via certified mail.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 17th day of December, 2009, at Dallas, Texas.

  
\_\_\_\_\_  
Clayton Booth

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

Nabil Muhammad Rida Sadoun,

Plaintiff,

v.

Department of Homeland Security, et al.

Defendants.

Civ. Act. Number: 3:09-cv-1814

DECLARATION OF ALMA L. MONTELLANO  
PERTAINING TO NABIL MUHAMMAD RIDA SADOUN

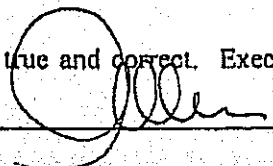
In accordance with 28 U.S.C. 1746, I, Alma L. Montellano, Immigration Service Officer, District 16, Dallas Field Office, United States Citizenship and Immigration Service in my official capacity, and under my delegated authority to make representations about this case, do hereby declare under penalty of perjury that the following is true and correct to the best of my understanding and belief:

I, Alma L. Montellano, am presently employed as an Immigration Service Officer in District 16, Dallas Field Office, United States Citizenship and Immigration Services (USCIS). In my capacity as an Immigration Service Officer, I adjudicate and process applications submitted by immigrants applying for naturalization (N-400).

USCIS maintains records on immigrant applicants applying for naturalization. All records, documents, or data compilations of acts or events made at or near the time by, or from information transmitted by, a person with knowledge is kept in the course of a regularly conducted business activity. I have reviewed the record and file of Nabil Muhammad Rida Sadoun, and other information that has become known to or supplied to me in the course of my official and delegated responsibilities concerning the processing of this application and find the following:

1. Plaintiff, Nabil Muhammad Rida Sadoun, is native and citizen of Jordan whose status was adjusted to that of a Lawful Permanent Resident (LPR) of the United States on August 12, 1993. On or about August 12, 1998, the Plaintiff filed an N-400 (Application for Naturalization).
2. On October 21, 2009, Immigration and Custom Enforcement (ICE) executed a Notice to Appear (NTA.) (NTA dated October 21, 2009 attached)
3. On October 22, 2009, the USCIS denied the Plaintiff's N-400 because ICE agents executed a Notice to Appear (NTA) which was served to the plaintiff in person by Senior Special Agent Clay Booth. Pursuant to Section 318 of the Immigration and Nationality Act (INA), "*no application should be considered by the Attorney General if there is pending against the applicant a removal proceeding pursuant to a warrant of arrest issued under the provision of this or any other Act.*" Therefore, the Service denied the N-400 based on the grounds that ICE issued an NTA.
4. According to Section 318.1 of the 8 C.F.R., "*For purposes of INA 318, A Notice to Appear issued in deportation proceedings is regarded as a warrant for arrest.*"
5. I called the Immigration Judge case status hotline, 800 898 7180, which reflects that the NTA was filed and that the next master hearing date is February 17, 2010 at 8:30 a.m. before Immigration Judge D. Anthony Rogers, 1100 Commerce Street, Dallas, Texas.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16<sup>th</sup> day of December, 2009 at Dallas, Texas.

  
Alma L. Montellano  
Immigration Service Officer  
Dallas Field Office, District 16  
U.S. Citizenship and Immigration  
Service

U.S. Department of Homeland Security

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID : 282263223

File No: A044 173 038

DOB: 06/11/1964

Event No: XDA1012000026

In the Matter of:

Hana Nabil SADOUN

Respondent:

currently residing at:

1708 MORNINGSTAR TRAIL, RICHARDSON TEXAS 75081

(Number, street, city and ZIP code)

(Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- 1. You are not a citizen or national of the United States;
- 2. You are a native of JORDAN and a citizen of JORDAN;
- 3. You were admitted to the United States at Chicago, Illinois on or about August 12, 1993 as an SD-2 immigrant, the spouse of an SD-1 immigrant accompanying such immigrant;
- 4. You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document, and you were not exempt therefrom; to wit, you were not entitled to the status upon which your admission was predicated in that your spouse, Nabil Sadoun, A44 173 037, procured his admission, visa, adjustment, or other documentation or benefit by fraud or by willfully misrepresenting a material fact.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

RECEIVED  
 DEPT. OF HOMELAND SECURITY  
 2009 DEC 17 PM 2:00  
 EXHIBIT  
 IMMIGRATION AND NATURALIZATION COURT  
 DALLAS, TEXAS

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30(d)(2)  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

1100 COMMERCE STREET, SUITE # 404, DALLAS, TX 75242

(Complete Address of Immigration Court, including Room Number, if any)

on                      at                      to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

DANIELE RUIZ

SUPERVISORY SPECIAL AGENT

(Signature and Title of Issuing Officer)

Date: December 17, 2009

Dallas, Texas

(City and State)

See reverse for important information

Notice to Respondent

**Warning:** Any statement you make may be used against you in removal proceedings.

**Alien Registration:** This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

**Representation:** If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

**Conduct of the hearing:** At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

**Failure to appear:** You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

**Mandatory Duty to Surrender for Removal:** If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at <http://www.ice.gov/about/dro/contact.htm>. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an Immigration judge.

Before:

\_\_\_\_\_  
(Signature of Respondent)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on December 17, 2009, in the following manner and in compliance with section 239(a)(1)(F) of the Act. NTA also served via certified mail on respondents counsel.

- in person
- by certified mail, returned receipt requested
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

by regular mail  
Kimberly Kinser Esq.  
2425 N. Central Expressway, Ste. 200  
Richardson, TX, 75080

The alien was provided oral notice in the \_\_\_\_\_ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

CLAYTON BOOTH  SENIOR SPECIAL AGENT

\_\_\_\_\_  
(Signature of Respondent (if Personally Served))

\_\_\_\_\_  
(Signature and Title of officer)

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name Hana Nabil SADOON	File Number A044 173 038 Event No: XDA1012000026	Date December 17, 2009
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ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

Section 237(a)(1)(A) of the Immigration and Nationality Act (Act), as amended, in that at the time of entry or of adjustment of status, you were within one or more of the classes of aliens inadmissible by the law existing at such time, to wit: alien immigrants who are not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by the Act, or who are not in possession of a valid unexpired passport, or other suitable travel document, or identity and nationality document if such document is required by regulations issued by the Attorney General pursuant to Section 212(a)(7)(A)(i)(I) of the Act.

Signature  DANIEL RUIZ	Title SUPERVISORY SPECIAL AGENT
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U.S. Department of Homeland Security  
6500 Campus Circle Drive East  
Irving, TX 75063



U.S. Citizenship  
and Immigration  
Services

Date: December 18, 2009

File: A44 173 038

Hana Nabil Sadoun  
1708 Morning Star Trail  
Richardson, TX 75081

### DECISION

On August 21, 1998, you filed an Application for Naturalization, Form N-400, in accordance with Section 316 of the Immigration and Nationality Act, as amended.

Section 318 of the Immigration and Nationality Act, as amended, states in pertinent part:

Except as otherwise provided in this title, no person shall be naturalized unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of this Act... Notwithstanding the provisions of section 405(b), and except as provided in Sections 328 and 329, no person shall be naturalized against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest issued under the provisions of this or any other Act; and no application for naturalization shall be considered by the Attorney General if there is pending against the applicant a removal proceeding pursuant to a warrant of arrest issued under the provisions of this or any other Act...

Section 318.1 of the 8 C.F.R, states in pertinent part:

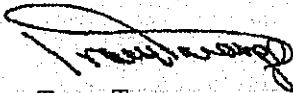
For purposes of INA 318, a Notice to Appear issued in deportation proceedings is regarded as a warrant for arrest.

On December 17, 2009, a Notice to Appear (NTA attached) was served upon based on you being ineligible at the time of admission under Section 237(a) (1)(A).

Therefore, in accordance with Section 318 of the Immigration and Nationality Act you are ineligible for naturalization.

If you desire to request a review hearing on this decision pursuant to Section 336(a) of the Act, you must file a request for hearing. You must file the request within 30 days of the date of this notice. If no request for hearing is filed within the time allowed, this decision is final. A request for hearing may be made to the District Director with the United States Citizenship and Immigration Service office that made the decision. You should file the request with a fee of \$605.00 on Form N-336, Request for Hearing on a Decision in Naturalization Proceedings, under Section 336 of the Act. A brief or other written statement in support of your request may be submitted with the N-336.

Sincerely,



Tracy Tarango  
Field Office Director



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

Hana Nabil Sadoun,

Plaintiff,

v.

Department of Homeland Security, et al.

Defendants.

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Civ. Act. Number: 3:09-cv-1814

DECLARATION OF ALMA L. MONTELLANO  
PERTAINING TO HANA NABIL SADOUN

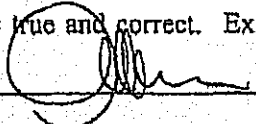
In accordance with 28 U.S.C. 1746, I, Alma L. Montellano, Immigration Service Officer, District 16, Dallas Field Office, United States Citizenship and Immigration Service in my official capacity, and under my delegated authority to make representations about this case, do hereby declare under penalty of perjury that the following is true and correct to the best of my understanding and belief:

I, Alma L. Montellano, am presently employed as an Immigration Service Officer in District 16, Dallas Field Office, United States Citizenship and Immigration Services (USCIS). In my capacity as an Immigration Service Officer, I adjudicate and process applications submitted by immigrants applying for naturalization (N-400).

USCIS maintains records on immigrant applicants applying for naturalization. All records, documents, or data compilations of acts or events made at or near the time by, or from information transmitted by, a person with knowledge is kept in the course of a regularly conducted business activity. I have reviewed the record and file of Hana Nabil Sadoun, and other information that has become known to or supplied to me in the course of my official and delegated responsibilities concerning the processing of this application and find the following:

1. Plaintiff, Hana Nabil Sadoun, is native and citizen of Jordan whose status was adjusted to that of a Lawful Permanent Resident (LPR) of the United States on August 12, 1993. On or about August 21, 1998, the Plaintiff filed an N-400 (Application for Naturalization).
2. On December 17, 2009, Immigration and Custom Enforcement (ICE) executed a Notice to Appear (NTA.) (NTA dated December 17, 2009 attached)
3. On December 18, 2009, the USCIS denied the Plaintiff's N-400 because ICE agents executed a Notice to Appear (NTA) which was served via certified mail. Pursuant to Section 318 of the Immigration and Nationality Act (INA), "*no application should be considered by the Attorney General if there is pending against the applicant a removal proceeding pursuant to a warrant of arrest issued under the provision of this or any other Act.*" Therefore, the Service denied the N-400 based on the grounds that ICE issued an NTA.
4. According to Section 318.1 of the 8 C.F.R, "*For purposes of INA 318, A Notice to Appear issued in deportation proceedings is regarded as a warrant for arrest.*"
5. On December 17, 2009, ICE filed the NTA with the United States Department of Justice Immigration Court. Contact the Immigration Judge case status hotline, 800 898 7180, which will reflect the date and time of the first master hearing before an Immigration Judge at, 1100 Commerce Street, Dallas, Texas.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 18<sup>th</sup> day of December, 2009 at Dallas, Texas.



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Alma L. Montellano  
Immigration Service Officer  
Dallas Field Office, District 16  
U.S. Citizenship and Immigration  
Service

## **SUBMITTING THE FORM**

Although you may complete most of this fillable form on our website, the authorized credit card user must sign the form immediately above. You may either scan and email the form, or fax it to the clerk's office in the appropriate division.

### **Abilene**

Fax: 325-677-6334

Email: [abilene\\_intake@txnd.uscourts.gov](mailto:abilene_intake@txnd.uscourts.gov)

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### **San Angelo**

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### **Wichita Falls**

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