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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAMOSED SHAYE OMAR,
Plaintiff,
v.
JOHN KERRY, et al.,
Defendants.

Case No.15-cv-01760-JSC

**ORDER RE CROSS-MOTIONS FOR
SUMMARY JUDGMENT**

Re: Dkt. Nos. 80, &, 81

This lawsuit asks whether the United States government may revoke a United States citizen's passport issued in the name the citizen was naturalized under based on the allegation that the citizen's "true identity" is a different name. That is, has the government met its burden to show fraud in obtaining a passport when the citizen applied for the passport in the name he has lived under since 1978 and that same allegedly fraudulently name is the name on his certificate of naturalization (which has not been cancelled), driver's license, social security card, and tax returns, among other documents identifying the citizen's name. Because the answer is no, the government's revocation of Plaintiff Mosed Shaye Omar's passport was arbitrary and capricious. The Court therefore GRANTS Plaintiff's cross-motion for summary judgment, reverses the passport revocation, and DENIES Defendant's cross-motion for summary judgment. The Court will not remand this action to the State Department for yet another revocation hearing as the revocation was improper as a legal matter. A reasoned order will follow.

IT IS SO ORDERED.

Dated: November 13, 2017



JACQUELINE SCOTT CORLEY
United States Magistrate Judge