

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Civil No. 10-525-ST

v.

O R D E R

JOSE R. GUERRERO, aka JUAN  
RAMIREZ GUERRERO, aka JOSE  
GUERRERO-RAMIREZ,

Defendant.

HAGGERTY, District Judge:

Magistrate Judge Stewart issued a Findings and Recommendation [22] in this action recommending that defendant's Motion for Summary Judgment [11] be DENIED, plaintiff government's Motion for Summary Judgment [7] be GRANTED as to Count II and denied as moot as to Counts I and III, and that Judgment be entered in favor of plaintiff.

Defendant has filed objections. When a party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Defendant filed objections

in a timely manner. The court has given the file of this case a *de novo* review, and has also carefully evaluated the Magistrate Judge's Findings and Recommendations, plaintiff's objections, and the record of the case. The Findings and Recommendation is adopted in its entirety.

### ANALYSIS

The facts of the case, and the legal standards that are applicable to the issues advanced, are presented thoroughly in the Findings and Recommendation. After conducting a careful review of the entire record, this court concludes that the Magistrate Judge appropriately recommended granting summary judgment to plaintiff as to Count II. After carefully examining defendant's Objections, and his reiteration of arguments presented and rejected several times already, this court concludes that defendant remains statutorily ineligible for naturalization pursuant to 8 U.S.C. § 1101(f)(8) (the "catch-all") and 8 C.F.R. § 316.10 (b)(3)(iii), because he committed multiple acts of child sexual abuse that preclude him from establishing the requisite good moral character. It cannot be rationally disputed that pursuant to 8 U.S.C. § 1101(f), a person is precluded from establishing "good moral character" (which is a prerequisite to naturalization), if that person falls into one of the enumerated categories or the catch-all provision. *See* 8 U.S.C. §§ 1101(f); 1427(a); 1430(a). Defendant's Answer admits that he pled guilty to four counts of child sexual abuse between August 5, 1991, and June 30, 1994. His Answer also admits that he pled no contest to a count of child sodomy, committed between June 30, 1990, and August 1, 1991. Defendant also specifically admitted in his guilty pleas that his pattern of sexual abuse overlapped with both of the applicable five-year and three-year statutory periods.

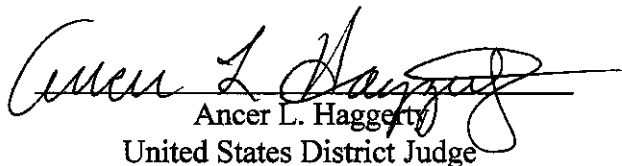
Defendant's broad objections fail to preclude adoption of the sound, well-reasoned Findings and Recommendation. Each of defendant's objections has been considered and each is rejected. The Findings and Recommendation is adopted in its entirety.

**CONCLUSION**

The Magistrate Judge's Findings and Recommendation [22] in this action is adopted. Defendant's Motion for Summary Judgment [11] is DENIED. The government's Motion for Summary Judgment [7] is GRANTED as to Count II and denied as moot as to Counts I and III. Judgment is entered in favor of plaintiff by separate Order. This case is dismissed.

IT IS SO ORDERED.

Dated this 31 day of March, 2011.

  
Ancer L. Haggerty  
United States District Judge