

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANGE SAMMA *et al.*, on behalf of
themselves and others similarly situated,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
DEFENSE, *et al.*,

Defendants.

No. 20-cv-01104-PLF

**NOTICE OF FILING CORRESPONDENCE REGARDING
CONTINUED NON-COMPLIANCE**

Plaintiffs respectfully submit this Notice of Filing to notify the Court of the attached letter, dated December 23, 2021, from Plaintiffs' counsel to Defendants' counsel, describing a case of non-compliance.

Dated: December 23, 2021

Jennifer Pasquarella
American Civil Liberties Union Foundation
of Southern California
1313 West 8th Street
Los Angeles, CA 90017
(213) 977-5236
jpasquarella@aclusocal.org

Respectfully submitted,

/s/ Sana Mayat
Sana Mayat*
Scarlet Kim (D.D.C. Bar No. NY0329)
Brett Max Kaufman (D.D.C. Bar. No. NY0224)
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2500
smayat@aclu.org
scarletk@aclu.org
bkaufman@aclu.org

Arthur B. Spitzer (D.D.C. Bar No. 235960)
American Civil Liberties Union Foundation
of the District of Columbia
915 15th Street, NW, 2nd Floor
Washington, DC 20005
(202) 601-4266
aspitzer@acludc.org

*Admitted *pro hac vice*

Counsel for Plaintiffs

December 23, 2021

DELIVERED VIA EMAIL

Liam C. Holland
Trial Attorney
U.S. Department of Justice
Washington, D.C. 20530

Re: *Samma, et al. v. United States Department of Defense, et al.*, No. 20-CV-1104 (D.D.C.)

Dear Liam,

We are writing to raise a new case of non-compliance. Class counsel recently spoke with counsel representing class member Fabrice Nsabimana, who is currently at basic combat training at Fort Sill, Oklahoma. Mr. Nsabimana first obtained his N-426 certification through his chain of command in October 2021 and applied for naturalization with United States Citizenship and Immigration Services (“USCIS”) shortly thereafter. On December 10, 2021, USCIS rejected Mr. Nsabimana’s naturalization application because the certifying officer left box 4 of Part 8 of his N-426 form blank. Last week, Mr. Nsabimana requested a new, properly certified N-426 form from his drill sergeant, who told him that he will move it up the chain of command after the holidays. However, USCIS has only given Mr. Nsabimana until January 9, 2022 to submit a new N-426 certification.

Class counsel request that Defendants assist with certification of Mr. Nsabimana’s N-426 form, which is attached to this letter. Mr. Nsabimana’s current unit is [REDACTED]

Last week, class counsel also spoke with counsel representing class member Yiyi Yu. Class counsel wrote to Defendants on December 9, 2021 about Ms. Yu’s situation, explaining that Ms. Yu had received an N-426 certification on November 22, 2021, but that the certifying officer left box 4 of Part 8 of her N-426 form blank. On December 13, 2021, Ms. Yu obtained a completed N-426 form through her chain of command and submitted that form to USCIS shortly thereafter. However, USCIS has rejected this N-426 form because the footer of the form, which indicates the form’s expiration date, is not visible. Last week, Ms. Yu submitted another N-426 form to her chain of command for certification. However, she was informed that she should not expect the certification back for a while because of vacation schedules. Class counsel would be grateful if Defendants could assist with expediting the certification of Ms. Yu’s new N-426 form. Class counsel will send this N-426 form once we have it.



Sincerely,
Sana Mayat

Counsel to Plaintiffs

Encl.

