

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

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**JULIA GREENBERG,**

*Petitioner,*

v.

**UNITED STATES OF AMERICA,**

*Respondent.*

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On Petition for Writ of Certiorari to the United  
States Court of Appeals for the Second Circuit

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**PETITION FOR WRIT OF CERTIORARI**

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## **QUESTION PRESENTED**

Petitioner presents this Court with a straightforward question of statutory interpretation: Whether the first paragraph of 18 U.S.C.A. §1546(a) reaches “authentic” immigration documents that are generated following a false statement (as opposed to documents that are “forg[ed], counterfeit[ed], alter[ed], or falsely ma[de]”).

## **LIST OF ALL PARTIES**

Petitioner, defendant-appellant below, is Ms. Julia Greenberg.

Respondent is the United States of America, appellee below. Under this Court’s Rule 12.6, Mr. Uladzimir Danskoi, defendant-appellant below, is also considered a respondent.

## **RELATED PROCEEDINGS**

*United States of America v. Mosha (Greenberg)*, No. 23-7168, United States Court of Appeals for the Second Circuit. Judgment entered February 3, 2025.

*United States of America v. Mosha (Danskoi)* No. 23-7249, United States Court of Appeals for the Second Circuit. Judgment entered February 3, 2025.

*United States v. Mosha*, No. 21 CR 00092, United States District Court For the Southern District of New York. Judgment entered September 08, 2023.

## TABLE OF CONTENTS

Question Presented.....	2
Parties to the Proceedings.....	2
Related Proceedings .....	2
Table of Contents.....	3
Table of Authorities .....	4
Opinions and Rulings Below .....	5
Jurisdiction .....	5
Text of Federal Statutes and Constitutional Provisions Involved .....	5
Statement of the Case .....	7
Reasons for Granting Review.....	15
Conclusion.....	20

## INDEX TO APPENDICES

APPENDIX A – Opinion of the United States Court of Appeals for the Second Circuit .....	1a
APPENDIX B - Unpublished Summary Order of the Second Circuit Court of Appeals Denying Petitioner's remaining issues .....	10a
APPENDIX C - Superseding Indictment.....	25a
APPENDIX D - District Court Order Denying Motion to Dismiss.....	41a
APPENDIX E – Excerpt of Jury Instruction.....	97a

## TABLE OF AUTHORITIES

### Cases

<i>Bittner v. United States</i> , 598 U.S. 85 (2023).....	20, 21
<i>Comm'r v. Acker</i> , 361 U.S. 87 (1959) .....	20
<i>Keppel v. Tiffin Savings Bank</i> , 197 U.S. 356, 362 (1905).....	20
<i>Loughrin v. United States</i> , 573 U. S. 351 (2014) .....	17
<i>McBoyle v. United States</i> , 283 U.S. 25 (1931).....	21
<i>United States v. Campos-Serrano</i> , 404 U.S. 293 (1971).....	14, 15, 18, 19, 20
<i>United States v. Bass</i> , 404 U.S. 336 (1971).....	21
<i>United States v. Davis</i> , 588 U.S. 445, 451 (2019) .....	15
<i>United States v. Hudson</i> , 11 U.S. 32 (1812).....	15
<i>United States v. Krstic</i> , 558 F.3d 1010 (9th Cir. 2009).....	15, 16
<i>United States v. Shabani</i> , 513 U.S. 10 (1994) .....	20
<i>United States v. Tamayo</i> , 427 F.2d 1072 (9th Cir.1970).....	21
<i>United States v. Thompson/Ctr. Arms Co.</i> , 504 U.S. 505 (1992) .....	20
<i>United States v. Universal C.I.T. Credit Corp.</i> , 344 U.S. 218 (1952).....	20

### Statutes

18 USC §1546.....	16, 17, 18, 19
Title IV, 62 Stat. 771 .....	18
Title IV, 66 Stat. 275 .....	18

## OPINIONS AND RULINGS BELOW

The opinion of the court of appeals on Case No 23-7249 is reported at *United States v. Greenberg*, 127 F.4th 410, 413 (2d Cir. 2025). See Petitioner's Appendix (“App.”), *infra*, 1a. The Decision of the court of appeals on Case No. 23-7168 was not reported, but is included in Petitioners appendix, 10a.

## JURISDICTION

On February 3, 2025, the United States Court of Appeals for the Second Circuit filed its opinion and judgment affirming petitioner's convictions and sentence. Appx. A. As a result, pursuant to Rules 13.1 and 13.3, this petition for certiorari is due not later than May 5, 2025. This petition is timely filed on or before that date. Petitioner invokes this Court's jurisdiction under 28 U.S.C. § 1254(1).

## TEXT OF FEDERAL STATUTES AND CONSTITUTIONAL PROVISIONS INVOLVED

18 U.S.C.A. § 1546 states:

“(a) Whoever knowingly forges, counterfeits, alters, or falsely makes any immigrant or nonimmigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured

by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or

Whoever, except under direction of the Attorney General or the Commissioner of the Immigration and Naturalization Service, or other proper officer, knowingly possesses any blank permit, or engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of permits, or makes any print, photograph, or impression in the likeness of any immigrant or nonimmigrant visa, permit or other document required for entry into the United States, or has in his possession a distinctive paper which has been adopted by the Attorney General or the Commissioner of the Immigration and Naturalization Service for the printing of such visas, permits, or documents; or

Whoever, when applying for an immigrant or nonimmigrant visa, permit, or other document required for entry into the United States, or for admission to the United States personates another, or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name without disclosing his true identity, or sells or otherwise disposes of, or offers to sell or otherwise dispose of, or utters, such visa, permit, or other document, to any person not authorized by law to receive such document; or

Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact--

Shall be fined under this title or imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facilitate such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both."

## STATEMENT OF THE CASE

### A. Facts And Jury Instructions Presented At Trial.

At the time of her arrest petitioner, Ms. Greenberg, was a practicing immigration attorney. She worked with clients seeking to obtain green cards, extend their immigration visas, and obtain asylum in the United States. She was charged, along with six co-defendants with one count of conspiracy to defraud the United States and to commit immigration fraud under §371 and §1546(a). R.12 at 9-11.

As charged, the indictment alleged a single conspiracy with two objects: First, a *Klein* conspiracy to defraud a government agency (specifically the United States Citizenship and Immigration Services (USCIS)), “for the purpose of impeding, impairing, obstructing, and defeating the lawful governmental functions of USCIS in processing, reviewing, and deciding upon applications for asylum. (“The Klein conspiracy”). R.12 at 9-11. Second, with conspiracy to unlawfully obtain a false or fraudulent immigration document in violation of §1546(a). *Id.*

Applicants seeking asylum are required to complete and file an I-589 form with USCIS. Tr.58. A completed I-589 form will include biographic information, as well as a brief statement regarding the basis for the asylum claim. Tr.59. In addition, an applicant may submit an “Asylum Affidavit” that includes a narrative further detailing the basis of their asylum claim. The Asylum Affidavit is something

like a personal history statement that describes an applicant's life "story" as it relates to the basis of his or her asylum claim. Tr.59-61.

After the Form I-589 is submitted, the applicant is scheduled for an asylum interview with an asylum officer. Tr.64. The interview is conducted under oath. Tr.68. An applicant is permitted to have an immigration attorney present for that interview. The attorney's role is limited. She cannot object to questions or interject during the interview process to add additional detail on her client's behalf. "The attorney's role is to observe and to provide a closing statement at the end of the interview if they wish." Tr.66.

Following that interview, the asylum officer will either grant or deny asylum. If the applicant is granted asylum, he receives a completed Form I-94 which grants him asylum status in the United States. Tr.70-71.

Ms. Greenberg's codefendants were all employees of, or independent contractors, working with a company by the name Russian America. Russian America advertised services assisting immigrants (primarily from Russia or former Soviet bloc states) in translating and filing various immigration documents. Russian America had two offices: one in Manhattan run by co-defendant Mosha, and the other in Brooklyn run by co-defendant Danskoi.

Petitioner was not an employee of Russian America. The vast majority of her clients were not referred by Russian America. She had no profit sharing or referral agreement with Russian America.

The case began when law enforcement received an anonymous tip that Russian America was committing immigration fraud. R.115, Ex.A. In response, the FBI instructed two confidential informants to seek assistance from Russian America in obtaining asylum. Tr.402-03 (CS-1); Tr.146 (CS-3).

At the direction of the FBI, CS-3 approached co-defendant Danskoi at Russian America's Brooklyn office, asking for help in staying in the United States despite the fact that his visa had expired. Mr. Danskoi originally brought up the possibility that CS-3 might be able to seek political asylum. Tr.199. Subsequently, the FBI directed CS-3 to inform Mr. Danskoi that he wished to seek asylum on the basis of sexual orientation. Tr.324. Over the next five months, CS-3 worked with co-defendant Lysyuchenko, a contractor with Russian America, creating repeated drafts of his asylum documents and affidavit. Tr.179-80, 202. There were several changes from the first draft authored by the FBI, Tr.179, to the final which was largely drafted by co-defendant Lysyuchenko. Tr.179. The I-589 and accompanying affidavit (Gov. Exhibit 305) was received by USCIS on February 20, 2020. Tr.82. Ms. Greenberg had no prior interaction with CS-3 nor discussed CS-3's case with anyone at Russia American prior to the submission of this form.

In August 2018, CS-1 met with Mosha and stated that he was a Ukrainian national who wished to remain in the United States. Tr.402-03, 432, Gov.Ex.208-T. Mosha advised him that political asylum was his best option for staying in the country. He told CS-1 that if he started a political blog discussing corruption in Ukraine, it might help establish a fear of persecution in Ukraine. Tr.431. Over the

course of several conversations, CS-1 indicated that he was having difficulty getting the blog started. Tr.431. Eventually, Mosha put him in contact with a man who goes by the name Tymur, ostensibly for “purely technical” assistance. Tr.501. In fact, what actually occurred is that Tymur wrote the blog himself and published it under CS-1’s name. Tr.520. As was the case with CS-3, CS-1 spent months working with Lysyuchenko to craft an asylum affidavit. Tr.527. The process involved myriad conversations and multiple drafts honing the facts and the language. Tr.527-67. The affidavit was signed under penalty of perjury and submitted long before Ms. Greenberg had any knowledge of CS-1’s existence. Tr.101. CS-1’s asylum affidavit was submitted on May 3, 2019. Tr.98. Gov. Ex. 371. CS-1 petitioned for asylum based on an imputed political opinion, being a Russian-speaking Ukrainian native. Tr.705; Tr.849-50. He also claimed a fear of future persecution based on a political blog discussing corruption in Ukraine. Tr.705.

It was only *after* those documents were signed, notarized, and submitted to the USCIS that either CS, at the direction of the FBI, requested to be represented by an attorney. Tr.704-05 (CS-1); Tr.309 (CS-3); Tr.588-89 (CS-1); 320-22 (CS-3). Eventually, both were referred to Ms. Greenberg. *Id.* Petitioner had no communication with anyone at Russian America regarding the Cis’ I-589 forms or Asylum Affidavits prior to their submission. There was no evidence presented at trial that petitioner was even aware that the CIs existed prior to the filing of the I-589 form or Asylum Affidavit.

Ms. Greenberg had a total of three meetings with CS-3. Ms. Greenberg admitted in her testimony that she was originally surprised because CS-3 did not "look gay." Tr.869-70. Ms. Greenberg had not read his asylum application prior to CS-3's first meeting. Upon opening it she stated "Oh. You are going in as a gay." Tr.231. When asked by CS-3 if he should dress differently for his interview, Ms. Greenberg suggested that he dress in what she evidently believed to be a more stereotypically gay fashion. Tr.234. In the second meeting, Ms. Greenberg conducted a mock interview with CS-3. Tr.245. Gov.Ex.140-T. To be sure, Ms. Greenberg helped him hone his answers. Ms. Greenberg warned the CS away from lying: "I want to tell you that both I and the [asylum] officer, we roughly imagine when a person is lying." Tr.254. She told him that he cannot be shy talking about his sexual orientation and that "[y]ou should have the feeling that there is nothing wrong with it." Tr.257.

During Ms. Greenberg's final meeting with CS-3 he once again gave answers affirming his sexual orientation and even added details not contained in the affidavit. *See, e.g.*, Gov.Ex.142-T ("JG: And after that relationship. What did you feel? CS-3: I felt that I was drawn to boys. But mostly I wanted to hide it all because it wasn't normal.").

CS-1 first met with Ms. Greenberg at USCIS offices less than an hour before his asylum interview. Tr.573-79, 706; Gov.Ex.228-T. Other than texting the previous evening to arrange when and where to meet, CS-1 had no interactions with Ms. Greenberg prior to that day. *Id.*

In that meeting, less than an hour before the interview, CS-1 informed Ms. Greenberg that he did not actually write the blog, and that it was instead ghost-written for him and published under his name. Tr.592. CS-1 did not tell Ms. Greenberg that any of the other information, or specific instances of violence contained in the affidavit were false. Tr.599; 709-10. Nor did he deny that the two assaults detailed in the affidavit had occurred. *Id.* Ms. Greenberg called the interpreter over. Tr.600. At that point she conducted a very brief mock interview where CS-1 reiterated the facts contained in his affidavit. Tr.600, 621. When asked, Ms. Greenberg informed CS-1 that he could be asked about the contents of the blog and that he should be familiar with it. Tr.609. She told him he should read at least the past week or so of posts and be familiar with them. *Id.*

Petitioner represented the confidential informants at both asylum interviews. Both asylum interviews were denied.

As instructed by the district court, the conspiracy in this case had three potential criminal objectives:

“(1) to defraud the United States and one of its agencies, United States Citizenship and Immigration Services (USCIS), in violation of 18 U.S.C. §371;

“(2) to commit immigration fraud by obtaining an immigrant or nonimmigrant visa, such as an L-1 visa, or a Form I-94, which is a document prescribed by statute or regulation which provides evidence of authorized stay and employment in the United States, in violation of 18 U.S.C. §1546(a), paragraph 1; and

“(3) to commit immigration fraud by swearing to material false statements in applications, affidavits, and other documents required by the immigration laws and regulations prescribed thereunder, and knowingly presenting any such application, affidavit, or other document which contains any such false statement, in violation of 18 U.S.C. §1546(a), paragraph 4.”

R.187 at 29 (Jury Instructions). The first objective outlines a “Klein” conspiracy. The second alleged object of the conspiracy was to fraudulently obtain I-94 documents on behalf of CS-1 and CS-3. The third alleged object was to file false documents (*i.e.*, I- 589 forms submitted by CS-1 and CS-3).

Prior to trial, Greenberg filed a motion to dismiss, arguing, among other issues, that the indictment against her fails to state an offense. R.115. In pretrial briefing, the government acknowledged that “that the fourth paragraph of §1546(a) does not cover Greenberg’s allegedly false statements that she made orally to USCIS.” R.139. The district Court assumed “without deciding that §1546(a) covers Greenberg’s conduct only if the object of her conspiracy was to obtain a completed Form I-94. Ms. Greenberg played absolutely no role in the submission of false documents to the USCIS. The defendant was convicted and sentenced to 3 months in custody and a \$7,500.00 fine. R. 287.

## **B. The Second Circuit’s Decision Below**

The first paragraph of Section § 1546(a) states:

“Whoever knowingly forges, counterfeits, alters, or falsely makes any immigrant or nonimmigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained … [shall be punished]”.

18 U.S.C.A. § 1546(a) (West). At the district court and again on appeal petitioner argued that this paragraph criminalizes the possession of *counterfeit* documents. The third paragraph is the one that criminalizes acquisition of documents produced through fraud. *United States v. Campos-Serrano*, 404 U.S. 293, 301 n. 13 (1971) (“The prohibition of counterfeiting in s 1546 is contained in the first paragraph of that section. ... The prohibition of fraud in the acquisition of documents is contained in the third paragraph of s 1546,...”). Specifically, petitioner argued that the words “any such” in paragraph one limits the second clause to documents that are “forge[d], counterfeit[ed], alter[ed], or falsely [made].” 18 U.S.C.A. § 1546 (West). The I-94 sought by CI-1 and CI-3 would not have been “falsely made.”

The second circuit disagreed. The Second Circuit found that Paragraph 1 of 18 U.S.C.A. § 1546, applies not only to the counterfeiting of immigration documents but also the attempt to obtain an authentic immigration document by submitting a false statement. *United States v. Greenberg*, 127 F.4th 410, 413 (2d Cir. 2025).

The Second Circuit reasoned that were it to accept petitioner’s interpretation of the statute, it would effectively render the provision stating “or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained” without effect. *United States v. Greenberg*, 127 F.4th 410, 413 (2d Cir. 2025) (citing, *Liu v. Sec. & Exch. Comm’n*, 591 U.S. 71, 89 (2020)).

As the Second Circuit noted, the Third Circuit and the Ninth Circuit have reached the same conclusion. *United States v. Greenberg*, 127 F.4th 410, 413 (2d

Cir. 2025) (citing, *United States v. Kouevi*, 698 F.3d 126, 134 (3d Cir. 2012), *United States v. Krstic*, 558 F.3d 1010, 1017 (9th Cir. 2009)). The Second Circuit concluded that because the plain text of the statute applies to petitioner’s case, the rule of lenity does not apply. *United States v. Greenberg*, 127 F.4th 410, 414 (2d Cir. 2025).

## REASONS FOR GRANTING REVIEW

### I. THE SECOND CIRCUIT’S INTERPRETATION IS INCONSISTENT WITH THE PLAIN TEXT AND HISTORY OF THE STATUTE AS WELL AS THIS COURT’S DECISION IN *CAMPOS-SERRANO*.

“Only the people’s elected representatives in the legislature are authorized to ‘make an act a crime.’” *United States v. Davis*, 588 U.S. 445, 451 (2019) (quoting *United States v. Hudson*, 7 Cranch 32, 34, 11 U.S. 32 (1812)). The provision of statute under which petitioner was convicted reads:

“Whoever knowingly forges, counterfeits, alters, or falsely makes any immigrant or nonimmigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives *any such* visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained;”

18 USC §1546(a) (emphasis added).

“[W]ith this section, Congress has achieved in a single 124-word sentence a level of confusion it usually takes pages to create.” *United States v. Krstic*, 558 F.3d 1010, 1013 (9th Cir. 2009).

The Second Circuit reads this provision as criminalizing obtaining an immigration document based on any false statement. The difficulty with that argument is that it renders “any such” entirely meaningless. The first clause states:

“Whoever knowingly forges, counterfeits, alters, or falsely makes any immigrant or nonimmigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States...

18 USC §1546(a). The second clause states:

“or utters, uses, attempts to use, possesses, obtains, accepts, or receives *any such* visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States,”

18 USC §1546(a). All of the documents listed in the first clause appear in the second.

Therefore, in order to give “any such” meaning, those words must refer, not to the type of documents, but specifically to documents that are forged, counterfeited, altered or falsely made. Under the Second Circuit’s interpretation of the statute, the meaning would be the same even if the words “any such” were deleted from the statute. It is a “cardinal principle” of interpretation that courts ‘must give effect, if possible, to every clause and word of a statute.” *Loughrin v. United States*, 573 U. S. 351, 358 (2014) (citations omitted).

Petitioner’s reading of the statute does not render the words “or statement, or to have been otherwise procured by fraud or unlawfully obtained” out of the statute.

As petitioner interprets paragraph 1, it prohibits creating or obtaining documents that are forged, counterfeited, altered or falsely made. The government must prove that the defendant knew that the forged, counterfeited, altered or falsely made document was procured knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement...”. Id. In other words, “or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained” does not extend the scope of paragraph 1 beyond forged, counterfeited, altered, or falsely made” documents. Rather it defines the mental state the government is required to prove in order convict the defendant of illegal receipt.

This interpretation of the statute is consistent with the history and structure of 18 USC §1546(a). Section 1546(a) contains four separate paragraphs, the text of which can be traced back to § 22 of the Immigration Act of 1924, Ch. 190, 43 Stat. 165.

Since that time, the statutory provision has been amended several times, primarily to expand the scope of documents to which it applies. See, Ch. 645, 62 Stat. 771; Immigration and Nationality Act of 1952, ch. 477, Title IV, 66 Stat. 275 (expanding to include immigration and nonimmigration documents); Immigration Reform and Control Act, Pub.L.No. 99-6-3, § 103(a)(2)-(3), 100 Stat. 3359 (1986) (amended to include additional immigration documents in response to this Court’s decision in *United States v. Campos-Serrano*, 404 U.S. 293 (1971).

Over the course of its history, the primary structure of this statutory provision has remained constant. Paragraph 4 prohibits making of false statements to obtain authentic immigration documents. Paragraph 1 prohibits the counterfeiting of immigration documents and the knowing receipt of counterfeited immigration documents. Paragraph 2 prohibits possessing implements (such as papers or engraving) that could be used for the printing of fraudulent documents. Paragraph 3 Prohibits impersonating another person to obtain immigration documents. It is paragraph 4 that prohibits the use of false statements to obtain authentic immigration documents. That paragraph reads:

“Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact...”

18 U.S.C.A. § 1546(a) (West). Paragraph 4 is the one that concerns false statements in immigration applications. Paragraph 1 is most naturally and plainly read as addressing receipt and generation of counterfeited documents. If Congress intended to prohibit the receipt of immigration documents that were generated by a false statement, it seems that paragraph 4 would have been the natural place to do it.

That was this Court’s understanding of the statute in *United States v. Campos-Serrano*, 404 U.S. 293 (1971). The issue before the Court in *Campos-Serrano*, was whether possession of a counterfeit “alien registration receipt card”

was an act punishable under § 1546(a), paragraph 1 as it existed in 1971. *Id.* at 294. The Court concluded that possession of a counterfeit alien registration receipt card did not fall within the ambit of “other document[s] required for entry into the United States”. *Id.* at 301 (emphasis added). “Alien registration receipt cards may be used for re-entry by certain persons into the United States. They are not required for entry.” *United States v. Campos-Serrano*, 404 U.S. 293, 298 (1971).

In summarizing the structure of 18 USC §1546(a), This Court stated:

“The prohibition of counterfeiting in s 1546 is contained in the first paragraph of that section. See n. 1, *supra*. The prohibition of fraud in the acquisition of documents is contained in the third paragraph of s 1546”.

*United States v. Campos-Serrano*, 404 U.S. 293, 301 n.13 (1971); *Id.* 295 (“The statutory provision in question prohibits, *inter alia*, the counterfeiting or alteration of, or the possession, use, or receipt of an already counterfeited or altered ‘immigrant or nonimmigrant visa, permit, or other document required for entry into the United States.’”).

“Under the rule of lenity, this Court has long held, statutes imposing penalties are to be ‘construed strictly’ against the government and in favor of individuals. *Bittner v. United States*, 598 U.S. 85, 101 (2023). In regards to this specific statute, this Court has stated: “[W]hen choice has to be made between two readings of what conduct Congress has made a crime, it is appropriate, before we choose the harsher alternative, to require that Congress should have spoken in language that is clear and definite.” *United States v. Campos-Serrano*, 404 U.S. 293, 297 (1971) (quoting, *United States v. Universal C.I.T. Credit Corp.*, 344 U.S.

218, 221—222 (1952)). “The law is settled that ‘penal statutes are to be construed strictly … and that one ‘is not to be subjected to a penalty unless the words of the statute plainly impose it’”. *Comm'r v. Acker*, 361 U.S. 87, 91 (1959) (quoting, *Keppel v. Tiffin Savings Bank*, 197 U.S. 356, 362 (1905)). If “ordinary rules of statutory construction,” do not elucidate the meaning of a statute “then, [the Court] is left with an ambiguous statute” and the rule of lenity applies. *United States v. Thompson/Ctr. Arms Co.*, 504 U.S. 505, 517 (1992); *United States v. Shabani*, 513 U.S. 10, 17 (1994).

Here, the rules of construction are, at best a wash. The structure of the statute reveals, at best, two equally plausible interpretations. Even Article III judges acknowledge that the statute “is a masterpiece of obfuscation.” *United States v. Tamayo*, 427 F.2d 1072, 1073 (9th Cir.1970). The rule of lenity is founded in part on the policy that “a fair warning should be given to the world in language that the common world will understand, of what the law intends to do if a certain line is passed. To make the warning fair, so fair as possible the line should be clear.”

*United States v. Bass*, 404 U.S. 336, 348 (1971) (quoting, *McBoyle v. United States*, 283 U.S. 25, 27 (1931) (Holmes, J.). While the rule of lenity only applies after the “ordinary rules of statutory construction” have been exhausted, it is also true that it does not allow Courts of appeal to randomly choose between two equally plausible results. *Bittner v. United States*, 598 U.S. 85, 101 (2023).

## CONCLUSION

Wherefore, Petitioner asks that this court grant the instant petition for writ of certiorari.

Respectfully Submitted,

Julia Greenberg

May 5, 2025

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