

IN THE SUPREME COURT OF THE UNITED STATES

No. 25A268

PAMELA BONDI, APPLICANT

v.

ELFIDO GONZALEZ CASTILLO

APPLICATION FOR A FURTHER EXTENSION OF TIME
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Pursuant to Rules 13.5 and 30.2 of the Rules of this Court, the Solicitor General, on behalf of Attorney General Pamela Bondi, respectfully requests a further 29-day extension of time, to and including Friday, November 14, 2025, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit in this case. The court of appeals entered its judgment on June 18, 2025. By order dated September 8, 2025, Justice Kavanaugh extended the time within which to file a petition for a writ of certiorari to and including October 16, 2025. The jurisdiction of this Court would be invoked under 28 U.S.C. 1254(1). A copy of the opinion of the court of appeals, which is reported at 140 F.4th 777, is attached. App., infra, 1a-15a.

1. a. The Immigration and Nationality Act, 8 U.S.C. 1101 et seq. (INA), provides that where an alien procures a certificate of naturalization by fraud, and that certificate is later revoked, the revocation “shall” be treated as “effective as of the original date” of the naturalization order. 8 U.S.C. 1451(a). That is called the “relation-back” provision. The INA also renders removable “[a]ny alien who at any time after admission is convicted of a crime of * * * child abuse.” 8 U.S.C. 1227(a)(2)(E)(i). This case is about the interaction of those two provisions and presents the question whether an alien denaturalized under Section 1451 may be removed under Section 1227’s child-abuse provision, even though he was a United States citizen at the time of his conviction.

In Costello v. Immigration & Naturalization Service, 376 U.S. 120 (1964), this Court answered a close variant of that question in the context of a similar removal provision. That case involved a provision that called for the removal of “[a]ny alien” who “at any time after entry is convicted of two crimes involving moral turpitude.” Id. at 121 (quoting 8 U.S.C. 1251(a)(4) (1958)). And that case concerned an alien later denaturalized for fraud, who had been convicted of such offenses while he was still a naturalized citizen. Ibid. The Court held that the relation-back provision did not extend to the “deportation context,” id. at 130, and instead applied only to “rights of derivative citizenship” (e.g., whether one’s child became a citizen), id. at 129-130.

Thus, the petitioner, who was again an alien, was not removable, because his convictions had occurred while still cloaked in the citizenship that he was later found to have fraudulently obtained. Id. at 130.

b. In this case, respondent illegally entered the United States in 1981. App., infra, 2a. He became a lawful permanent resident in 1989. Ibid. While in this country, he “proceeded to commit horrifying sexual crimes against his niece, who was just six years old when he began abusing her.” Id. at 9a (Thapar, J., concurring). That campaign of abuse lasted for seven years. Ibid. In June 2009, Maryland prosecutors charged respondent with seven counts of sexual abuse. Id. at 2a-3a.

Respondent became a naturalized citizen a few months later, in October 2009. App., infra, 3a. During interviews with immigration officers, respondent was asked whether he had ever been arrested or charged with a crime, but he did not disclose that he had recently been arrested and charged with sexual abuse. Ibid. Two months after obtaining his citizenship, respondent pleaded guilty to one count of sexual abuse. Ibid. He was sentenced to three years in prison, eighteen months of which were suspended. Ibid.

After learning about respondent’s conviction in 2019, the federal government sought to revoke his citizenship. App., infra, 3a. In May 2022, a federal district court ordered its cancellation under Section 1451(a). Ibid.; id. at 9a (Thapar, J., concurring).

That August, the Department of Homeland Security initiated removal proceedings against respondent under Section 1227's child-abuse provision. Id. at 3a. An immigration judge found respondent removable; and the Board of Immigration Appeals rejected respondent's appeal. See ibid. Respondent then filed a petition for review in the Third Circuit, which transferred his petition to the Sixth Circuit. Ibid.

2. a. The court of appeals granted the petition for review and vacated respondent's order of removal. App., infra, 2a-9a. The court held that there is "no principled way" to distinguish respondent from the criminal former citizen in Costello. Id. at 7a. Applying Costello, the court rejected the argument that under the relation-back provision, it could "treat [respondent] as though he has always been an alien and thus may deem him an alien at the time of the child-abuse conviction." Ibid. As a result, the court held that respondent is not removable under Section 1227's child-abuse provision, because he was a citizen "at the time" of his conviction. Ibid.

b. Judge Thapar "reluctantly concur[red]," observing that "Costello is ripe for reconsideration by the Supreme Court." App., infra, 9a. Among other things, Judge Thapar observed that Costello is out of step with this Court's current approach to statutory interpretation, in that it elevated a silence in Section 1451's "legislative history" well above its "plain text." Id. at 12a; see Costello, 376 U.S. at 140 (White, J., dissenting). And the

decision in Costello, Judge Thapar continued, has proved to be “unworkable in practice,” bringing about consequences that no “rational Congress” would have approved. App., infra, 13a. For instance, Costello treats an alien who lies to the government about a heinous crime (in order to obtain citizenship) better than one who is truthful from the start (and is therefore denied citizenship). Id. at 15a. Judge Thapar nevertheless recognized that he was bound to follow Costello, notwithstanding his “misgivings” and those that have been expressed by other jurists. Ibid. (collecting opinions).

3. The Solicitor General has not yet determined whether to file a petition for a writ of certiorari in this case. The additional time sought in this application is needed to continue consultation with components of the federal government, and to assess further the legal and practical impact of the court’s ruling. Additional time is also needed, if a petition is authorized, to permit its preparation and printing.

Respectfully submitted.

D. JOHN SAUER
Solicitor General

OCTOBER 2025

APPENDIX

Court of appeals opinion.....	1a
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