

No.

In the Supreme Court of the United States

KARNAIL SINGH,
PETITIONER,

v.

UNITED STATES OF AMERICA,
RESPONDENT.

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT*

PETITION FOR A WRIT OF CERTIORARI

FIROOZ T. NAMEI
NAMEI & DALENCE LLC
15 East 8th Street
Cincinnati, OH 45202
(513) 721-0200

LISA S. BLATT
Counsel of Record
CHARLES L. MCCLOUD
ERIN M. SIELAFF
RHOCHELLE T. KRAWETZ
WILLIAMS & CONNOLLY LLP
680 Maine Avenue S.W.
Washington, DC 20024
(202) 434-5000
lblatt@wc.com

QUESTION PRESENTED

Whether the Sixth Amendment requires attorneys to inform clients who are naturalized citizens that pleading guilty carries a risk of denaturalization.

II

PARTIES TO THE PROCEEDING

Petitioner Karnail Singh was defendant in the United States District Court for the Eastern District of Michigan and appellant in the U.S. Court of Appeals for the Sixth Circuit.

Respondent United States of America was plaintiff in the district court and appellee in the Sixth Circuit.

III

STATEMENT OF RELATED PROCEEDINGS

This case arises from the following proceedings:

- *United States v. Singh*, No. 25-1523 (6th Cir. July 27, 2026) (denying petition for rehearing en banc)
- *United States v. Singh*, No. 25-1523 (6th Cir. May 5, 2026) (affirming district court)
- *United States v. Singh*, No. 2:13-cr-20551 (E.D. Mich. May 7, 2025) (denying second motion for reconsideration)
- *United States v. Singh*, No. 23-1309 (U.S. Oct. 7, 2024) (denying petition for a writ of certiorari)
- *United States v. Singh*, No. 23-1474 (6th Cir. Mar. 15, 2024) (affirming district court)
- *United States v. Singh*, No. 2:13-cr-20551 (E.D. Mich. Apr. 28, 2023) (denying motion for reconsideration)
- *United States v. Singh*, No. 2:13-cr-20551 (E.D. Mich. June 19, 2022) (denying petition for writ of coram nobis)
- *United States v. Singh*, No. 2:18-cv-85 (E.D. Ky. May 18, 2018) (initiating denaturalization proceeding, which is currently stayed)

There are no other proceedings in state or federal trial or appellate courts, or in this Court, directly related to this case within the meaning of this Court's Rule 14.1(b)(iii).

IV

TABLE OF CONTENTS

	Page
OPINIONS BELOW	1
JURISDICTION.....	1
CONSTITUTIONAL PROVISION INVOLVED.....	2
STATEMENT	2
A. Factual Background	4
B. Procedural History	6
REASONS FOR GRANTING THE PETITION.....	8
I. The Decision Below Creates a Clear Circuit Split	9
II. The Question Presented is Exceptionally Important, Recurring, and Squarely Presented	13
III. The Decision Below is Incorrect	16
CONCLUSION	21

TABLE OF AUTHORITIES

	Page
Cases:	
<i>Chima v. United States</i> , 2019 WL 2304072 (N.D. Tex. Apr. 15, 2019).....	16
<i>Farhane v. United States</i> , 121 F.4th 353 (2d Cir. 2024) (en banc).....	2, 4, 7, 8, 10-12, 16, 17, 19, 20
<i>Fedorenko v. United States</i> , 449 U.S. 490 (1981).....	13, 17
<i>Fong Yue Ting v. United States</i> , 149 U.S. 698 (1893)	18
<i>Galette v. N.J. Transit Corp.</i> , 607 U.S. 509 (2026).....	12
<i>Klapprott v. United States</i> , 335 U.S. 601 (1949)	3, 13
<i>Knauer v. United States</i> , 328 U.S. 654 (1946)	13
<i>M&K Emp. Sols., LLC v. Trs. of IAM Nat’l Pension Fund</i> , 608 U.S. 264 (2026)	12
<i>Padilla v. Kentucky</i> , 559 U.S. 356 (2010)..	2, 4, 7-12, 15-20
<i>Schneiderman v. United States</i> , 320 U.S. 118 (1943)	13
<i>Strickland v. Washington</i> , 466 U.S. 668 (1984).....	8, 10, 16
<i>Trump v. Barbara</i> , 146 S. Ct. 2438 (2026)	3
<i>United States v. Singh</i> , 2022 WL 2209369 (E.D. Mich. June 19, 2022)	7
<i>United States v. Singh</i> , 95 F.4th 1028 (6th Cir. 2024).....	7
<i>United States v. Vongphakdy</i> , 2022 WL 1282554 (W.D.N.C. Apr. 28, 2022).....	16
<i>Vincent v. Terra</i> , 2024 WL 5008499 (E.D. Pa. Dec. 6, 2024)	15, 16
Constitution and Statutes:	
U.S. Const. amend. VI	2-4, 7-12, 15, 16, 18, 20

VI

	Page
Constitution and Statutes—continued:	
8 U.S.C.	
§ 1227.....	7, 17, 20
§ 1229a.....	19
§ 1451.....	13
28 U.S.C. § 1254.....	1
Other Authorities:	
Hamed Aleaziz, <i>Trump Administration Aims to Strip More Foreign-Born Americans of Citizenship</i> , N.Y. Times (Dec. 17, 2025), https://tinyurl.com/3w9e497e	14
Anthony D. Bianco et al., <i>Civil Denaturalization: Safeguarding the Integrity of U.S. Citizenship</i> , 65 U.S. Att’ys’ Bull. 5 (July 2017), https://tinyurl.com/4w34e3uv	17
Cert. Pet., <i>Bittner v. United States</i> , 598 U.S. 85 (2023) (No. 21-1195).....	12
Cert. Pet., <i>Cantero v. Bank of Am.</i> , 602 U.S. 205 (2024) (No. 22-529).....	12
Cert. Pet., <i>U.S. Postal Serv. v. Konan</i> , 607 U.S. 391 (2026)	3, 12
Compl. & Ex. C, <i>United States v. Khan</i> , No. 7:26-cv-3340 (S.D.N.Y. Apr. 23, 2026), D. Ct. Dkt. 1 & 1-3.....	15
Compl. & Ex. J, <i>United States v. Bartolini</i> , No. 6:25-cv-1737 (M.D. Fla. Sept. 9, 2025), D. Ct. Dkt. 1 & 1-10.....	15
<i>Denaturalization Lawsuits Jump in May and June 2026</i> , TRAC Immigration (June 17, 2026), https://tinyurl.com/y64erhb3	14, 15

VII

Page

Other Authorities—continued:

Exs. C & D, *United States v. Cabrera Diaz*,
No. 1:25-cv-24512 (S.D. Fla. Sept. 30, 2025),
D. Ct. Dkt. 1-5 & 1-6 15

Exs. G & H, *United States v. Kassir*,
No. 26-cv-21744 (S.D. Fla. Mar. 17, 2026),
D. Ct. Dkt. 1-9 & 1-10 15

Justice Department Files Record 25
Denaturalization Cases Against Naturalized
Criminals Including Attempted Murderers,
Spousal Abusers, and Child Sex Offenders,
U.S. Dep’t of Just. (Aug. 3, 2026),
<https://tinyurl.com/4yznwm34> 3, 14, 15

Justice Department Moves to Revoke U.S.
Citizenship from 10 Naturalized Criminals
Including Child Molesters, Scammers, and
Drug Dealers, U.S. Dep’t of Just. (July 20,
2026), <https://tinyurl.com/3satambn> 14

Justice Department Secures the
Denaturalization of Convicted Gun
Trafficker and Health Care Fraudster, and
Files Complaint Against Marriage Scammer,
U.S. Dep’t of Just. (Mar. 26, 2026),
<https://tinyurl.com/2p9kassz> 15

Justice Department Secures Denaturalization of
Health Care Fraudster, U.S. Dep’t of Just.
(Nov. 19, 2025),
<https://tinyurl.com/mwemmyv2> 15

Mem. from Brett A. Shumate, Assistant Att’y
Gen., *Civil Division Enforcement Priorities*,
U.S. Dep’t of Just. (June 11, 2025),
<https://tinyurl.com/4kbwpuc8> 14

VIII

	Page
Other Authorities—continued:	
Billal Rahman, <i>Denaturalization Cases Surge as Record Numbers Face Losing US Citizenship</i> , Newsweek (Sept. 10, 2026), https://tinyurl.com/49djj767	3, 14
<i>State Immigration Data Profiles 2024: Kentucky</i> , Migration Pol’y Inst., https://tinyurl.com/59ddy4x3	13
<i>State Immigration Data Profiles 2024: Michigan</i> , Migration Pol’y Inst., https://tinyurl.com/yc7m6a4d	13
<i>State Immigration Data Profiles 2024: Ohio</i> , Migration Pol’y Inst., https://tinyurl.com/4v632w3t	13
<i>State Immigration Data Profiles 2024: Tennessee</i> , Migration Pol’y Inst., https://tinyurl.com/m3xkxtdz	13
Holly Straut, <i>Naturalization: Policy Overview and Selected Trends</i> , Cong. Rsch. Serv. (Sept. 16, 2025), https://tinyurl.com/4m8h284z	13

In the Supreme Court of the United States

KARNAIL SINGH,
PETITIONER,

v.

UNITED STATES OF AMERICA,
RESPONDENT.

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT*

PETITION FOR A WRIT OF CERTIORARI

Petitioner Karnail Singh respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit in this case.

OPINIONS BELOW

The opinion of the court of appeals is available at 174 F.4th 998. Pet.App.2a-17a. The opinion of the district court is available at 2025 WL 1324138. Pet.App.18a-31a.

JURISDICTION

The judgment of the court of appeals was entered on May 5, 2026. A timely petition for rehearing en banc was denied on July 27, 2026. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISION INVOLVED

U.S. Const. amend. VI provides:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

STATEMENT

This case presents the Court with an opportunity to resolve a cleanly presented circuit split on a recurring issue of exceptional importance: whether the Sixth Amendment's guarantee of effective assistance of counsel requires counsel to inform naturalized-citizen clients that pleading guilty poses a risk of denaturalization.

In *Padilla v. Kentucky*, the Court “h[eld] that counsel must inform her client whether his plea carries a risk of deportation.” 559 U.S. 356, 374 (2010). Following *Padilla*, the circuits have split 1-1 over that decision's application to denaturalization. In the decision below, the Sixth Circuit held that “neither the Sixth Amendment” nor *Padilla* “requires attorneys to advise naturalized citizens that a guilty plea may carry the risk of denaturalization and eventual deportation.” Pet.App.6a. In so doing, the Sixth Circuit expressly “disagree[d]” with the en banc Second Circuit, Pet.App.14a, which held that the Sixth Amendment requires counsel to warn clients of the denaturalization risks flowing from pleading guilty, *Farhane v. United States*, 121 F.4th 353, 374 (2d Cir. 2024) (en banc). And although the government conceded that *Farhane* employed “contrary reasoning,” CA6 En Banc Resp. 1, 8, the

en banc Sixth Circuit refused to revisit the panel’s decision, Pet.App.1.

As the United States recently advised this Court on an issue with a 1-1 circuit split, “[t]his Court has recently and repeatedly granted certiorari in cases arising from 1-1 or 2-1 circuit conflicts.” Cert. Pet. 19, *U.S. Postal Serv. v. Konan*, 607 U.S. 391 (2026) (No. 24-351) (citing three cases). The Court should do the same here.

Indeed, the 1-1 split is nascent and shallow only because, for decades, the government has rarely pursued denaturalization. But now the government is undertaking the largest denaturalization effort in the Nation’s history. *See Justice Department Files Record 25 Denaturalization Cases Against Naturalized Criminals Including Attempted Murderers, Spousal Abusers, and Child Sex Offenders*, U.S. Dep’t of Just. (Aug. 3, 2026), <https://tinyurl.com/4yznwm34>. In fact, the government filed 50 denaturalization complaints in July 2026 alone. Billal Rahman, *Denaturalization Cases Surge as Record Numbers Face Losing US Citizenship*, Newsweek (Sept. 10, 2026), <https://tinyurl.com/49djj767>. Thus, absent this Court’s intervention, naturalized citizens in the Second and Sixth Circuits will enjoy dramatically different Sixth Amendment protections. That split is intolerable. Citizenship is “the right to have rights—to freely participate in our political community.” *Trump v. Barbara*, 146 S. Ct. 2438, 2458 (2026). And this “Court has long recognized the plain fact that to deprive a person of his American citizenship is an extraordinarily severe penalty.” *Klapprott v. United States*, 335 U.S. 601, 612 (1949) (opinion of Black, J.).

This case provides a clean vehicle to resolve the split. In the decision below, the Sixth Circuit reached and decided only the Sixth Amendment issue, making it outcome-dispositive for petitioner Karnail Singh’s appeal. Singh became a naturalized citizen in 2009. After being

indicted on charges of passport fraud, Singh retained counsel to represent him in the criminal proceedings. Singh's attorney negotiated a plea agreement with the prosecutor and assured Singh that his citizenship would be protected so long as he never committed another crime. Relying on that representation, Singh pled guilty. Now, facing the very denaturalization proceedings he was assured that his guilty plea would prevent, Singh has no Sixth Amendment remedy.

The Sixth Circuit's answer to the question presented is also wrong. The decision below cannot be squared with *Padilla*, which requires counsel to inform clients of a risk of deportation. Denaturalization is the mandatory precursor to the deportation of naturalized citizens. *Padilla* also grounded its holding in the fact that deportation is a "severe" penalty that is "intimately related to the criminal process." 559 U.S. at 365-66. Both of those characteristics apply equally to denaturalization. The Sixth Circuit's decision also produces absurd results. In the Sixth Circuit, aliens receive greater Sixth Amendment protection than naturalized citizens who call this Nation home. *See Farhane*, 121 F.4th at 371. This Court should grant certiorari to correct that egregiously unfair result.

A. Factual Background

Singh hails from India. Pet.App.3a. After former Prime Minister Indira Gandhi's assassination in 1984, anti-Sikh violence and persecution sharply increased in India. D. Ct. Dkt. 36 at 5. Singh, a Sikh, fled to the United States in 1991, intending to apply for asylum. D. Ct. Dkt. 25 at 3. Singh could not speak or read English at that time, so he relied on members of a local Sikh temple to complete his paperwork. *Id.* Temple members assisted Singh in filling out and filing the asylum application and

purchasing a birth certificate. *Id.* Singh's limited English-language skills left him unable to verify the accuracy of the replacement birth certificate or his asylum application. *Id.*

Upon receipt of his work card several months later, Singh discovered errors in his name and birth date. *Id.* Hoping to make things right, Singh retained an attorney to correct his initial asylum application. *Id.* The attorney (who later resigned his license under disciplinary charges and fraud allegations) charged Singh \$16,000 and assured him that his application would be corrected. *Id.* at 3, 4-5 n.1. Instead, the attorney simply filed a new asylum application in 1994 without correcting the old one. *Id.* at 4. In 1995, an immigration judge scheduled a hearing on Singh's first asylum application, and Singh failed to appear, so the immigration judge ordered him removed. *See* D. Ct. Dkt. 34 at 3. Singh never received the deportation order. D. Ct. Dkt. 36 at 6. As far as Singh knew, his original application had been corrected and merged with his new one. *See* D. Ct. Dkt. 25 at 3-4.

While Singh's new asylum application was pending, he married a U.S. citizen. In 1996, Singh's wife filed a petition on his behalf and Singh concurrently "filed an adjustment to his second application" based on his marriage and requested lawful-permanent-resident status. D. Ct. Dkt. 34 at 3-4; *see* D. Ct. Dkt. 36 at 6. Singh also withdrew his pending asylum application. *See* D. Ct. Dkt. 25 at 4. Singh became a permanent resident in 2002 and a citizen in 2009. D. Ct. Dkt. 34 at 4. Singh had been fingerprinted when he filed both asylum applications, when he received his green card, and when he filed his naturalization application. D. Ct. Dkt. 25 at 4. At no point did the 1995 deportation order come up, assuring Singh that all was right with his immigration status. *See id.*

Singh is a truck driver. On a return trip from Canada in June 2013, Singh was flagged at the border; until then, Singh did not know that he had been ordered deported years ago. *Id.* at 5; D. Ct. Dkt. 3 at 1.

B. Procedural History

1. Following the border stop, the government indicted Singh in August 2013 for illegally procuring a passport by failing to disclose his original asylum application in his subsequent applications. D. Ct. Dkt. 3 at 1-2. By then, Singh had lived in America for over twenty years and been a U.S. citizen for nearly five. Maintaining his citizenship was Singh's greatest priority. Accordingly, Singh hired another lawyer to represent him in the criminal proceedings. D. Ct. Dkt. 25-2 at 1. Singh's lawyer negotiated a plea agreement and assured Singh that the agreement would protect his citizenship. *Id.* The prosecutor also promised Singh that he would "not lose [his] citizenship unless [he] commit[ted] another crime." *Id.*

Believing that his citizenship would be protected, Singh pled guilty. *Id.* at 1-2. Before sentencing, Singh wrote to the judge that "losing America is the biggest fear of my life." D. Ct. Dkt. 18 at 3. On May 30, 2014, the district court sentenced Singh to twelve months' probation, D. Ct. Dkt. 19 at 2, which Singh completed without issue.

2. Notwithstanding the prosecutor's promises, the United States initiated denaturalization proceedings against Singh in the Eastern District of Kentucky on May 18, 2018. The denaturalization complaint turned on Singh's passport-fraud conviction, even asserting that Singh was "collaterally estopped from contesting all issues necessarily decided in the criminal matter." Compl. 1-2 & ¶ 85, *United States v. Singh*, No. 2:18-cv-85 (E.D. Ky. May 18, 2018), D. Ct. Dkt. 1 ("Compl."). In fact, the

denaturalization case is so entangled with Singh’s criminal conviction that it has been stayed pending resolution of Singh’s coram nobis petition. Stay Order 1, *Singh*, No. 2:18-cv-85 (E.D. Ky. May 15, 2026), D. Ct. Dkt. 91.

On top of providing the factual predicate for the government’s denaturalization proceedings, Singh’s passport-fraud conviction also made Singh subject to deportation following denaturalization. See 8 U.S.C. § 1227(a)(2)(A)(i).

3. Given the link between his conviction and the denaturalization proceedings, Singh petitioned the court of conviction for a writ of coram nobis setting aside his conviction. D. Ct. Dkt. 25. Singh argued that “he was deprived the effective assistance of counsel because his attorney erroneously told him the plea wouldn’t affect his citizenship unless he committed another crime.” *United States v. Singh*, 95 F.4th 1028, 1033 (6th Cir. 2024). The district court recognized that “the government’s decision to attack Singh’s citizenship appears to be at odds with the representations in the plea agreement” and agreed that Singh’s attorney “[p]robably” should “have warned him that denaturalization proceedings” could be brought without other criminal charges. *United States v. Singh*, 2022 WL 2209369, at *1, *6 (E.D. Mich. June 19, 2022). The district court nevertheless denied his petition and his motion for reconsideration, the Sixth Circuit affirmed on appeal, and this Court denied Singh’s petition for a writ of certiorari. Pet.App.22a.

4. In October 2024, the en banc Second Circuit decided *Farhane*. The Second Circuit held that “under *Pardilla*, a naturalized U.S. citizen has a Sixth Amendment right to be advised by counsel that he may be denaturalized and deported as a result of his entry of a guilty plea.” 121 F.4th at 363. The Second Circuit then remanded to

the district court for an evaluation of the objective reasonableness of counsel’s conduct and the prejudice to the defendant. *Id.* at 362. In light of *Farhane*, Singh sought reconsideration of the district court’s denial of his coram nobis petition, which the district court denied. Pet.App.18a-31a.

5. On appeal, the Sixth Circuit affirmed, holding that counsel need not inform clients that pleading guilty risks denaturalization. The court reasoned that denaturalization is a collateral consequence of a guilty plea, so it falls outside the *Strickland* framework. Pet.App.6a-9a. The Sixth Circuit concluded that this Court’s decision in *Paddilla*—which held that counsel must inform clients that a guilty plea risks deportation—did not control because denaturalization was too far afield from deportation. Pet.App.9a-15a. The Sixth Circuit also expressly recognized that it was splitting with the Second Circuit, noting that it “disagree[d]” with *Farhane*. Pet.App.9a-15a.

Judge Griffin concurred in judgment. He would have rejected Singh’s motion for reconsideration for failure to show prejudice. Pet.App.15a-17a. The majority disagreed with Judge Griffin, explaining that it “must address the constitutional question to resolve th[e] appeal,” because Singh “could be entitled to reconsideration if he identifie[d] ‘a clear error of law.’” Pet.App.6a n.1 (citation omitted).

6. The Sixth Circuit denied Singh’s petition for rehearing en banc. Pet.App.1a.

REASONS FOR GRANTING THE PETITION

The Sixth and Second Circuits are directly at odds over whether the Sixth Amendment’s guarantee of effective assistance of counsel requires counsel to inform naturalized-citizen clients that pleading guilty poses a risk of denaturalization. That question is important, recurring,

and squarely presented. There is no dispute that denaturalization is a severe penalty that can affect not only the denaturalized person but also children whose citizenship depends on that of their naturalized parent. The dramatic increase in denaturalization proceedings over the past year means this issue will recur absent guidance from this Court. And this case provides a clean vehicle to resolve the question presented—Singh’s appeal was decided solely on the constitutional ground.

Naturalized citizens cannot have different Sixth Amendment rights based on the circuit in which they are tried. This Court should grant certiorari to bring the circuits into harmony on a question that directly impacts the most precious of rights, citizenship.

I. The Decision Below Creates a Clear Circuit Split

The Second Circuit held that the Sixth Amendment requires attorneys to inform clients who are naturalized citizens that pleading guilty carries a risk of denaturalization. The Sixth Circuit expressly “disagree[d]” with the Second in the decision below and held that naturalized citizens have no right to be warned that pleading guilty puts their citizenship at risk. Pet.App.14a-15a. Absent this Court’s intervention, this split will continue to grant naturalized citizens different Sixth Amendment protections based solely on geography.

1. The split comes after this Court’s decision in *Padilla*, which held that the Sixth Amendment requires counsel to inform clients whether pleading guilty “carries a risk of deportation.” 559 U.S. at 374. *Padilla* acknowledged that many lower courts have distinguished between the direct and collateral consequences of a guilty plea in resolving Sixth Amendment claims premised on plea bargaining. *Id.* at 364-65. Direct consequences, like a term

of imprisonment, fall within the Sixth Amendment’s ambit, but collateral consequences, like civil commitment, fall outside the Sixth Amendment’s scope. Pet.App.6a-7a. Nevertheless, the Court found the collateral-direct distinction “ill suited” to deportation because of its severity and entanglement with the criminal proceedings. *Padilla*, 559 U.S. at 366. As a result, the Court held that “advice regarding deportation” must be evaluated under *Strickland*’s “constitutionally ‘reasonable professional assistance’” standard. *Id.* at 365-66 (quoting *Strickland v. Washington*, 466 U.S. 668, 689 (1984)). *Padilla* had no occasion to address whether its holding applies to denaturalization. That question has been left to the lower courts, which have diverged.

2. On one side of the split sits the Second Circuit, which held in its en banc *Farhane* decision that “criminal defense attorneys have a Sixth Amendment obligation to inquire into and advise a naturalized citizen client of any risk of deportation following denaturalization proceedings that accompany the client’s guilty plea, just as they do for a deportation risk facing a noncitizen client.” 121 F.4th at 358.

The Second Circuit explained that its holding was a “straightforward application of *Padilla*,” because “[a] risk of denaturalization simply *is* a risk of deportation.” *Id.* at 363-64. The government’s denaturalization proceedings against the defendant, Abderrahmane Farhane, exemplified this risk. The government used Farhane’s “admissions in his 2006 guilty plea as the foundation of its civil [denaturalization] complaint” and “conceded at oral argument” that “the collateral estoppel effect of Farhane’s plea” made it “provably easier” to denaturalize him. *Id.* at 364-65 (citation omitted). “And once his citizenship [wa]s revoked, Farhane w[ould] be subject to removal.”

Id. at 365. Thus, pleading guilty put Farhane at risk of deportation like the defendant in *Padilla*.

The Second Circuit added that, even if *Padilla*'s holding did not control the outcome of Farhane's ineffective-assistance claim, its reasoning demanded the same result. *Id.* at 366. Like deportation, denaturalization "is a 'particularly severe' consequence." *Id.* (quoting *Padilla*, 559 U.S. at 365). And like deportation, a guilty plea and the denaturalization consequence are "enmeshed" because the factual admissions inherent in a guilty plea establish the factual predicate for denaturalization. *Id.* at 367-68 (quoting *Padilla*, 559 U.S. at 365-66). It is because of this causal relationship that the Second Circuit found a guilty plea and the resulting conviction to "create a 'nearly ... automatic' risk of denaturalization." *Id.* at 367 (quoting *Padilla*, 559 U.S. at 366).

The Second Circuit noted still more similarities between deportation and denaturalization. For example, deportation and denaturalization require additional judicial or agency proceedings following a criminal conviction—the sentencing judge imposes neither. *Id.* at 368. Moreover, both deportation and denaturalization are initiated by the government, are subject to prosecutorial discretion, and do not require a conviction to be imposed. *Id.* at 368-69.

3. Singh's case presents strikingly similar facts to Farhane's—the government filed a civil denaturalization case against him and claimed that, because of his plea agreement, Singh "cannot reasonably dispute" the allegations in the denaturalization complaint. Compl. 1-2. Despite the factual similarity, the Sixth Circuit decided that "*Farhane* misapplied longstanding Supreme Court precedent" and held that "neither the Sixth Amendment nor Supreme Court precedent applying it requires attorneys to advise naturalized citizens that a guilty plea may carry

the risk of denaturalization and eventual deportation.” Pet.App.6a.

To start, the Sixth Circuit disagreed with the Second Circuit’s conclusion in *Farhane* that *Padilla*’s holding dictated the outcome. The Sixth Circuit opined that *Padilla* “took pains to limit its holding to advice about deportation,” including by referencing “noncitizens.” Pet.App.9a-10a, 14a (citation omitted). Instead, the Sixth Circuit read *Padilla* as limiting itself to circumstances where the risk of deportation was “virtually inevitable,” as opposed to situations where there is merely a “risk” of deportation. Pet.App.14a (citation omitted).

The Sixth Circuit also disagreed with the Second Circuit that *Padilla*’s reasoning extends to denaturalization. The Sixth Circuit acknowledged that denaturalization, like deportation, is a “severe” penalty. Pet.App.10a (citation omitted). But in the court’s view, denaturalization is unlike deportation because it is not “enmeshed” with a guilty plea and the resulting criminal conviction. Pet.App.13a.

At bottom, the Sixth Circuit flatly disagreed with not only the Second Circuit’s holding but also every facet of its reasoning.

4. There is no way to reconcile the decisions of the Second and Sixth Circuits. This Court frequently grants certiorari in cases involving 1-1 splits and should also do so here. *See, e.g., Konan* Cert. Pet. 19 (collecting cases); *M&K Emp. Sols., LLC v. Trs. of IAM Nat’l Pension Fund*, 608 U.S. 264, 271 (2026); *Galette v. N.J. Transit Corp.*, 607 U.S. 509, 518 (2026); Cert. Pet. 11, *Cantero v. Bank of Am.*, 602 U.S. 205 (2024) (No. 22-529); Cert. Pet. 13, *Bittner v. United States*, 598 U.S. 85 (2023) (No. 21-1195). A defendant’s Sixth Amendment protections

should not vary based on where the defendant happened to be tried.

II. The Question Presented is Exceptionally Important, Recurring, and Squarely Presented

1. The decision below threatens serious consequences for the approximately 26 million naturalized citizens nationwide and particularly for the one million naturalized citizens who live in the Sixth Circuit.¹ Citizenship is “a right no less precious than life or liberty,” *Klapprott*, 335 U.S. at 616 (Rutledge, J., concurring in judgment), and is “the highest hope of civilized men,” *Schneiderman v. United States*, 320 U.S. 118, 122 (1943). Indeed, to lose one’s citizenship “may result in the loss ‘of all that makes life worth living.’” *Knauer v. United States*, 328 U.S. 654, 659 (1946) (citation omitted). As such, this Court has long recognized that denaturalization is an “extraordinarily severe penalty.” *Klapprott*, 335 U.S. at 612 (opinion of Black, J.); accord *Fedorenko v. United States*, 449 U.S. 490, 505 (1981). Denaturalization’s domino effect makes the penalty harsher still: denaturalizing parents strips the citizenship of children whose own citizenship depends on their parent’s naturalization. See *Klapprott*, 335 U.S. at 612 (opinion of Black, J.); 8 U.S.C. § 1451(d).

¹ See Holly Straut, *Naturalization: Policy Overview and Selected Trends*, Cong. Rsch. Serv. (Sept. 16, 2025), <https://tinyurl.com/4m8h284z> (approximately 26 million naturalized citizens total); *State Immigration Data Profiles 2024: Michigan*, Migration Pol’y Inst., <https://tinyurl.com/yc7m6a4d> (441,000 naturalized citizens); *State Immigration Data Profiles 2024: Ohio*, Migration Pol’y Inst., <https://tinyurl.com/4v632w3t> (343,000 naturalized citizens); *State Immigration Data Profiles 2024: Tennessee*, Migration Pol’y Inst., <https://tinyurl.com/m3xkxtdz> (187,000 naturalized citizens); *State Immigration Data Profiles 2024: Kentucky*, Migration Pol’y Inst., <https://tinyurl.com/59ddy4x3> (88,000 naturalized citizens).

2. Contrary to the decades-old statistics cited in the decision below, denaturalization is no longer a “rare[]” phenomenon. Pet.App.11a (citing data from 1968 to 2012). The government is presently undertaking the “largest denaturalization effort ever,” using “every tool at [its] disposal.” *Justice Department Moves to Revoke U.S. Citizenship from 10 Naturalized Criminals Including Child Molesters, Scammers, and Drug Dealers*, U.S. Dep’t of Just. (July 20, 2026), <https://tinyurl.com/3satambn> (citation omitted). The Department of Justice has been instructed to “prioritize and maximally pursue denaturalization proceedings.” Mem. from Brett A. Shumate, Assistant Att’y Gen., *Civil Division Enforcement Priorities 4*, U.S. Dep’t of Just. (June 11, 2025), <https://tinyurl.com/4kbwpuc8>. Along these lines, U.S. Citizenship and Immigration Services field offices must “supply [the] Office of Immigration Litigation with 100-200 denaturalization cases per month.” Hamed Aleaziz, *Trump Administration Aims to Strip More Foreign-Born Americans of Citizenship*, N.Y. Times (Dec. 17, 2025), <https://tinyurl.com/3w9e497e> (citation omitted).

The government filed 50 denaturalization complaints in July alone, a dramatic increase from the less than one-case-per-month historical average. Rahman, *Denaturalization Cases Surge*, *supra*; *Denaturalization Lawsuits Jump in May and June 2026*, TRAC Immigration (June 17, 2026), <https://tinyurl.com/y64erhb3>. That brings the grand total of new denaturalization cases filed between January 20, 2025 and August 3, 2026 to 123, “the most in recorded history.” *Justice Department Files Record 25 Denaturalization Cases*, U.S. Dep’t of Just., *supra*. These complaints “only scratch[] the surface – many more complaints are coming.” *Justice Department Moves to Revoke*, U.S. Dep’t of Just., *supra* (citation omitted).

The recent denaturalization cases often share procedural similarities with Singh’s. Like Singh’s case, the government frequently seeks to denaturalize U.S. citizens many years after the underlying criminal convictions. *Denaturalization Lawsuits Jump*, TRAC Immigration, *supra*. And, as in Singh’s case, the defendant’s guilty plea appears to have played a central role in the factual allegations underlying the denaturalization complaint, with the government even attaching the factual proffer or plea agreement as exhibits.²

Moreover, district courts have been grappling with the Sixth Amendment denaturalization issue following *Padilla* and reaching differing conclusions. In *Vincent v. Terra*, the court addressed the defendant’s argument that his counsel “failed to advise him” of “the possible consequences of denaturalization and deportation by pleading guilty.” 2024 WL 5008499, at *1 (E.D. Pa. Dec. 6, 2024).

² *E.g.*, Compl. 1-2, 8-9 & Ex. J, *United States v. Bartolini*, No. 6:25-cv-1737 (M.D. Fla. Sept. 9, 2025), D. Ct. Dkt. 1 & 1-10; Exs. G-H, *United States v. Kassir*, No. 26-cv-21744 (S.D. Fla. Mar. 17, 2026), D. Ct. Dkt. 1-9 & 1-10; Exs. C-D, *United States v. Cabrera Diaz*, No. 1:25-cv-24512 (S.D. Fla. Sept. 30, 2025), D. Ct. Dkt. 1-5 & 1-6; Compl. ¶¶ 43-44 & Ex. C, *United States v. Khan*, No. 7:26-cv-3340 (S.D.N.Y. Apr. 23, 2026), D. Ct. Dkt. 1 & 1-3; *Justice Department Secures the Denaturalization of Convicted Gun Trafficker and Health Care Fraudster, and Files Complaint Against Marriage Scammer*, U.S. Dep’t of Just. (Mar. 26, 2026), <https://tinyurl.com/2p9kassz> (describing allegations in *Kassir* and *Cabrera Diaz* complaints and underlying convictions); *Justice Department Secures Denaturalization of Health Care Fraudster*, U.S. Dep’t of Just. (Nov. 19, 2025), <https://tinyurl.com/mwcmmyv2> (filing denaturalization complaint following guilty plea “based on [defendant’s] criminal conspiracy”); *Justice Department Files Record 25 Denaturalization Cases, supra* (describing denaturalization complaints against Jose Luis Martinez-Zavala and Haitham A. Mustafa following guilty pleas).

The court concluded that, under *Padilla*, *Strickland* applied to the defendant's Sixth Amendment claim and required granting the defendant's habeas petition. *Id.* at *13-14, *17 & n.15. By contrast, the district court in *United States v. Vongphakdy* rejected the argument that *Padilla* required counsel to inform the defendant of the risk of denaturalization following a guilty plea. 2022 WL 1282554, at *3 (W.D.N.C. Apr. 28, 2022); *see also Chima v. United States*, 2019 WL 2304072, at *2 (N.D. Tex. Apr. 15, 2019) (applying *Strickland* and rejecting ineffective-assistance claim premised on denaturalization for lack of prejudice).

Far from a one-off occurrence, the Sixth Amendment issue presented in the decision below threatens to confound district-court proceedings around the country, a problem that will only grow with the dramatic recent increase in denaturalization proceedings.

3. This case presents a clean vehicle for resolving the question presented. The Sixth Circuit felt compelled to answer “the constitutional question to resolve th[e] appeal,” because it concluded that Singh “could be entitled to reconsideration if he identifie[d] a ‘clear error of law.’” Pet.App.6a n.1 (citation omitted). The court denied Singh’s reconsideration motion solely on the constitutional ground, meaning there is no alternative holding on appeal to protect the judgment. As a result, this Court’s reversal on the question presented would require reversing the decision below and remanding for further proceedings on Singh’s motion. *See Farhane*, 121 F.4th at 362, 374-77 (remanding for further proceedings).

III. The Decision Below is Incorrect

The decision below erred on the Sixth Amendment issue, providing further reason to grant certiorari.

1. The Court need look no further than *Padilla* to reverse the decision below. In *Padilla*, the Court “h[e]ld that counsel must inform her client whether his plea carries a risk of deportation.” 559 U.S. at 374. When a naturalized citizen like Singh pleads guilty to a crime that exposes him to the risk of denaturalization, that guilty plea also exposes him to the risk of deportation.

The procedural histories of Singh’s criminal and denaturalization cases prove the point. Following Singh’s passport-fraud conviction, the government filed a denaturalization complaint that turned on the criminal conviction. Indeed, the denaturalization complaint argued that Singh was collaterally estopped from challenging any matters that were determined in his criminal case. *Supra* p. 6. As the government conceded in *Farhane*, the collateral-estoppel effect from a guilty plea “makes it ‘provably easier’ for the government to establish the facts necessary to denaturalize” the defendant. 121 F.4th at 365 (citation omitted).

And, as the government reminded the district court in Singh’s denaturalization case, “district courts lack equitable discretion to refrain from entering a judgment of denaturalization.” Compl. ¶ 90 (quoting *Fedorenko*, 449 U.S. at 517). In other words, once the government makes a showing of the facts necessary to establish denaturalization, the district court must issue a denaturalization order. And once Singh has been denaturalized, he will be subject to deportation, *see* 8 U.S.C. § 1227(a)(2)(A)(i), a remedy the government is very likely to pursue. After all, “the government does not expend resources on civil denaturalization actions unless the ultimate goal is the removal of the defendant from the United States.” Anthony D. Bianco et al., *Civil Denaturalization: Safeguarding the Integrity of U.S. Citizenship*, 65 U.S. Att’ys’ Bull. 5, 17 (July 2017), <https://tinyurl.com/4w34e3uv>. In the words of

Padilla, then, Singh’s plea carried a “risk of deportation.” See 559 U.S. at 374. That risk of deportation brings Singh’s ineffective-assistance claim within the Sixth Amendment’s ambit.

The Sixth Circuit rejected this reasoning, explaining that “*Padilla*’s repeated references to ‘noncitizens’ make clear that its holding doesn’t extend to denaturalization.” Pet.App.14a. That is wrong. *Padilla* referenced noncitizens because Jose Padilla was himself a noncitizen. See 559 U.S. at 359. But the “noncitizens” label is not repeated in *Padilla*’s holding: “we now hold that counsel must inform her client whether his plea carries a risk of deportation.” *Id.* at 374. The Court was equally clear that the Sixth Amendment is agnostic as to citizenship; it exists to “ensure that no criminal defendant—*whether a citizen or not*—is left to the mercies of incompetent counsel.” *Id.* (cleaned up) (emphasis added).

2. Even assuming *Padilla*’s holding does not control this case, *Padilla*’s reasoning demands reversal. *Padilla* identified two factors that made deportation “uniquely difficult to classify as either a direct or a collateral consequence.” *Id.* at 366. First, “deportation is a particularly severe ‘penalty.’” *Id.* at 365 (quoting *Fong Yue Ting v. United States*, 149 U.S. 698, 740 (1893)). And second, “removal [is] nearly an automatic result for a broad class of noncitizen offenders.” *Id.* at 366. As a result, the Court found the collateral-direct distinction “ill suited” to assessing claims about “the specific risk of deportation,” so “*Strickland* applies.” *Id.*

Both *Padilla* factors apply with equal force to denaturalization. To start, denaturalization is indisputably a serious consequence. This Court has said as much time and again, *supra* p. 13, and the decision below likewise recognized that denaturalization is a “‘severe’ consequence[],” Pet.App.10a (citation omitted). Denaturalization is also

closely linked with the criminal process. As explained, *supra* pp. 6-7, Singh's guilty plea paved the way for the government's denaturalization efforts and hamstrung his ability to contest core factual allegations underlying the complaint.

The Sixth Circuit saw things differently, pointing out that the government retains "discretion over whether to institute separate denaturalization proceedings." Pet.App.10a. The same can be said for deportation, however, which also is "civil in nature" and requires a separate proceeding. *See Padilla*, 559 U.S. at 365; 8 U.S.C. § 1229a. And deportation includes a discretionary component as well, since the Attorney General has "limited remnants of equitable discretion" to halt deportation in certain circumstances. *Padilla*, 559 U.S. at 364.

The Sixth Circuit added that the government pursues significantly more deportations than denaturalization proceedings. Pet.App.11a. This conclusion overlooks the government's current push to denaturalize citizens at a historic rate. *Supra* p. 14.

Nor does the fact that individuals facing denaturalization proceedings have more defenses than individuals facing deportation change the calculus. Pet.App.14a. As the Second Circuit reasoned, "the mere possibility that the government might be unsuccessful" in attempting to denaturalize a naturalized citizen following a guilty plea "does nothing to negate the fact that [the naturalized citizen] faced a cognizable, serious risk when he decided to enter his guilty plea." *See Farhane*, 121 F.4th at 365 n.8.

The Sixth Circuit also observed that "denaturalization doesn't depend on whether the individual was convicted of a crime," because individuals can be denaturalized for a range of reasons. Pet.App.11a. "Again, the same is true of deportation." *Farhane*, 121 F.4th at 369.

The decision below overlooked that the deportation statute provides multiple grounds for removal that do not stem from a criminal conviction. *See* 8 U.S.C. § 1227(a)(1), (3)-(6).

The Sixth Circuit further opined that *Padilla* required deportation “be a nearly ‘automatic result.’” Pet.App.14a (quoting *Padilla*, 559 U.S. at 366). This overlooks *Padilla*’s repeated references to the “risk” of deportation—including, again, in the case’s express holding. *See Padilla*, 559 U.S. at 364, 366-67, 369, 374. It also ignores the reality that deportation is not always a “nearly automatic result” of a conviction. Take, for example, noncitizen asylees—a group to whom the government agreed *Padilla* “[a]bsolutely” applies during oral argument in *Farhane*. 121 F.4th at 369 (citation omitted). For asylees, the government must first terminate asylum status before removing the asylee and, during termination, must “prove more than the fact of a conviction.” *Id.* at 369-70.

The Sixth Circuit’s errors undermine the core protections of the Sixth Amendment in an incredibly important context. And the Sixth Circuit has created a perverse world where noncitizens enjoy greater Sixth Amendment protections than naturalized citizens. To prevent that strange result and restore uniformity across the country, the Court should grant review and reverse the Sixth Circuit’s judgment.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

FIROOZ T. NAMEI
NAMEI & DALENCE LLC
15 East 8th Street
Cincinnati, OH 45202
(513) 721-0200

LISA S. BLATT
Counsel of Record
CHARLES L. MCCLOUD
ERIN M. SIELAFF
RHOHELLE T. KRAWETZ
WILLIAMS & CONNOLLY LLP
680 Maine Avenue S.W.
Washington, DC 20024
(202) 434-5000
lblatt@wc.com

SEPTEMBER 15, 2026

Counsel for Petitioner