

# **EXHIBIT 3**

**From:** Nio.Class.Inquiries <nio.class.inquiries@uscis.dhs.gov>  
**Sent:** Thursday, June 11, 2020 6:38 AM  
**To:** Raol, Neaha P.; Kisor, Colin (CIV; Perez, Elianis (CIV; Sheffield, C. Fred (CIV  
**Cc:** Baruch, Douglas W.; Wollenberg, Jennifer M.; Patterson, Nancy L.; Edwards, Brady;  
 Kofsman, Marina; Quintans, Bart  
**Subject:** RE: [PII REDACTED] Needs Oath Ceremony - Houston Field Office  
**Attachments:** N-445-[PII REDACTED].pdf

[EXTERNAL EMAIL]

Thank you for your inquiry. The Houston Field Office scheduled [PII REDACTED] for Oath Ceremony Wednesday, 17 June, 2020 at 0830 local time. Please see the attached notice for further information.

Respectfully,

Nio Class Inquiries Team

**From:** Raol, Neaha P.  
**Sent:** Friday, June 5, 2020 9:56 AM  
**To:** Nio.Class.Inquiries ; Kisor, Colin (CIV ; Perez, Elianis (CIV ; Sheffield, C. Fred (CIV  
**Cc:** Baruch, Douglas W. ; Wollenberg, Jennifer M. ; Patterson, Nancy L. ; Edwards, Brady ; Kofsman, Marina ; Quintans, Bart  
**Subject:** [PII REDACTED] Needs Oath Ceremony - Houston Field Office

**CAUTION:** This email originated from outside of the Federal Government. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the USCIS Security Operations Center with questions or click the "Report Suspicious Email" button to report it as a phishing attempt.

Class member [PII REDACTED] was interviewed at the Houston field office on October 22, 2019 – over 7 months ago (excerpt of Defendants’ June 1 report below). We previously informed you of our concern based on what Officer Howard told the soldier at his interview (see email below), but we have yet to receive an update from you regarding Mr. [PII REDACTED] N-400. Please note your response below: “We are currently looking into this matter and will provide an update.”

And, despite making multiple inquiries with the USCIS field office since then, [PII REDACTED] also has yet to receive any update regarding his application.

Please adjudicate this soldier’s application without further delay and, send us and the soldier the date, time, and location of his oath ceremony (assuming approval).

Name	ALIEN_NBR	DOB_DT	Enlistment Date	Naturalization Application Filing Date 1	Naturalization Application Filing Date 2	CI Report Completion Date	MSSR Result	MSSR Date	Date MSSR Notification Sent to Class Member	MSSD Completion Date	MSS Res
[PII REDACTED]	[PII REDACTED]	[PII REDACTED]	2/4/2016	3/9/2018		12/21/2017	Non-Recommend	11/30/2018	Pending	Pending	Pend

**Neaha P. Raol**

**Morgan, Lewis & Bockius LLP**

1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541

Direct: +1.202.739.5702 | Main: +1.202.739.3000 | Fax: +1.202.739.3001

neaha.raol@morganlewis.com | www.morganlewis.com

Assistant: Patricia Annette Bryant | +1.202.739.5302 | patricia.bryant@morganlewis.com

---

**From:** Wong, Michelle L <[Michelle.L.Wong@uscis.dhs.gov](mailto:Michelle.L.Wong@uscis.dhs.gov)> **On Behalf Of** Nio.Class.Inquiries

**Sent:** Wednesday, November 13, 2019 2:26 PM

**To:** Raol, Neaha P. <[neaha.raol@morganlewis.com](mailto:neaha.raol@morganlewis.com)>; Kisor, Colin (CIV <[Colin.Kisor@usdoj.gov](mailto:Colin.Kisor@usdoj.gov)>); Perez, Elianis (CIV <[Elianis.Perez@usdoj.gov](mailto:Elianis.Perez@usdoj.gov)>); Sheffield, C. Fred (CIV <[Carlton.F.Sheffield@usdoj.gov](mailto:Carlton.F.Sheffield@usdoj.gov)>

**Cc:** Baruch, Douglas W. <[douglas.baruch@morganlewis.com](mailto:douglas.baruch@morganlewis.com)>; Wollenberg, Jennifer M. <[jennifer.wollenberg@morganlewis.com](mailto:jennifer.wollenberg@morganlewis.com)>

**Subject:** RE: Officer Darren Howard Makes At Least Fourth "Mistake": [PII REDACTED] Needs Oath Ceremony

[EXTERNAL EMAIL]

Good afternoon Counsel,

Thank you for your inquiry. We are currently looking into this matter and will provide an update.

Respectfully,

Nio Class Inquiries Team

---

**From:** Raol, Neaha P. <[neaha.raol@morganlewis.com](mailto:neaha.raol@morganlewis.com)>

**Sent:** Monday, November 11, 2019 11:19 AM

**To:** Nio.Class.Inquiries <[nio.class.inquiries@uscis.dhs.gov](mailto:nio.class.inquiries@uscis.dhs.gov)>; Kisor, Colin (CIV <[Colin.Kisor@usdoj.gov](mailto:Colin.Kisor@usdoj.gov)>); Perez, Elianis (CIV <[Elianis.Perez@usdoj.gov](mailto:Elianis.Perez@usdoj.gov)>); Sheffield, C. Fred (CIV <[Carlton.F.Sheffield@usdoj.gov](mailto:Carlton.F.Sheffield@usdoj.gov)>

**Cc:** Baruch, Douglas W. <[douglas.baruch@morganlewis.com](mailto:douglas.baruch@morganlewis.com)>; Wollenberg, Jennifer M. <[jennifer.wollenberg@morganlewis.com](mailto:jennifer.wollenberg@morganlewis.com)>

**Subject:** Officer Darren Howard Makes At Least Fourth "Mistake": [PII REDACTED] Needs Oath Ceremony

USCIS officer Darren Howard from the Houston Field Office once again is ignoring the Court's orders regarding the processing of MAVNI naturalization applications. [PII REDACTED] (excerpt from Defendants' October 30 Report below) was interviewed by Office Howard on October 22, 2019. At the interview, Officer Howard stated that he had to forward [PII REDACTED] naturalization application to USCIS's legal department so that it could be determined if [PII REDACTED] is a member of the Nio class. [PII REDACTED] has not received any updates regarding his application since that interview.

As you know, [PII REDACTED] is a member of the Nio class. Field offices should not be delaying naturalization application processing by sending MAVNI files to USCIS Legal – that was not a step in the flow-chart provided to the Court in response to the partial summary judgment decision. Field offices already should be aware of the class members, Court orders, and their responsibilities regarding MAVNI naturalization application filing. This action by USCIS Officer Howard is not an isolated one, as you know. We have brought to your attention on multiple occasions where Officer Howard has not followed the Court's orders to a MAVNI soldier's detriment. For example, Officer Howard told one MAVNI soldier that his naturalization application would not be adjudicated until after he attended a future drill with his unit and provided proof of that drilling to Officer Howard. Officer Howard questioned a different class member's status in the military as well and was not scheduling that soldier's oath ceremony until after we interceded. With respect to a third MAVNI soldier's naturalization application (which we brought to your attention as well), Officer Howard raised only one concern with this soldier/applicant – that the soldier may not stay in the Army after he is naturalized because (according to Officer Howard) there have been cases where some soldiers have not continued serving Army after naturalization.

Yet, after we brought these issues to your attention and after we asked you to provide (and you assured the Court that you had provided) appropriate guidance to all relevant USCIS personnel, Office Howard and a number of other USCIS officers continue to hold up and add requirements to naturalization application processing for MAVNI soldiers. Moreover, after we brought the issues with Officer Howard to your attention, Officer Howard told an AILA lawyer attending an interview with a MAVNI soldier that he thought the Nio lawsuit was “frivolous.” And, of course, his behavior with respect to [PII REDACTED] application further illustrates the continuing problem with Officer Howard.

Please ensure that [PII REDACTED] is scheduled for an oath ceremony without further delay and that Officer Howard and all other relevant USCIS personnel are informed of and complying with the Court’s orders regarding MAVNI naturalization application processing.

[PII REDACTED]	[PII REDACTED]	[PII REDACTED]	2/4/2016	3/9/2018	12/21/2017	Non-Recommend	11/30/2018	Pending	N/A
----------------	----------------	----------------	----------	----------	------------	---------------	------------	---------	-----

**Neaha P. Raol**

**Morgan, Lewis & Bockius LLP**

1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541

Direct: +1.202.739.5702 | Main: +1.202.739.3000 | Fax: +1.202.739.3001

neaha.raol@morganlewis.com | www.morganlewis.com

Assistant: Patricia Annette Bryant | +1.202.739.5302 | patricia.bryant@morganlewis.com

**DISCLAIMER**

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.