

## **EXHIBIT 3**

# **Defendants' Cross-Motion for Summary Judgment**

*Samma v. Esper, 20-cv-1104 (D.D.C.)*

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

<hr/>		)
ANGE SAMMA, et al.,		)
		)
Plaintiffs,		)
		)
v.		)
		)
	Civil Action No. 1:20-cv-01104	)
	The Honorable Ellen Segal Huvelle	)
UNITED STATES DEPARTMENT OF		)
DEFENSE and MARK ESPER, in his		)
official capacity as Secretary of Defense,		)
		)
Defendants.		)
<hr/>		)

**DECLARATION OF Captain Andrew D. Turpin**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am currently the Battalion S1 for 2<sup>nd</sup> Battalion, 377<sup>th</sup> Parachute Field Artillery Regiment. As the Battalion S1, I am the principal staff officer for all military personnel matters and other matters concerning human resources support within the unit and serve as the senior adjutant general officer in the command. In my capacity as the principal staff officer for military personnel matters, I have oversight responsibilities for maintaining personnel information, accounting for military personnel, and collecting, processing and storing information about soldiers. Within my office, I oversee the processing of individual military personnel actions, including finance and legal services, and records management, including custody, maintenance, and inspection of military personnel records maintained by the unit for each soldier assigned to the unit.

2. I commissioned as an officer in the Regular Army on May 15, 2013. I am currently a Captain serving as a Human Resources Officer in the Adjutant General’s Corps. I have served as a Human Resources Officer since 06 January, 2019. On 20 June, 2019, I assumed

my current responsibilities as the Battalion S1 for 2<sup>nd</sup> Battalion, 377<sup>th</sup> Parachute Field Artillery Regiment. The 2nd Battalion, 377th Parachute Field Artillery Regiment is attached to the 4th Infantry Brigade Combat Team, 25th Infantry Division (4-25 IBCT) under the command of Colonel (COL) Christopher S. Landers.


3. I submit this declaration pursuant to Federal Rules of Evidence 902(11) as the custodian of all military personnel records that are processed by and maintained within the custody of the 2<sup>nd</sup> Battalion, 377<sup>th</sup> Parachute Field Artillery Regiment personnel office.

4. Private First Class (PFC) Michael Perez is an Active Duty soldier serving at Joint Base Elmendorf-Richardson, Alaska, and is currently assigned to 2nd Battalion, 377th Parachute Field Artillery Regiment, 4th Infantry Brigade Combat Team, 25th Infantry Division. PFC Perez has been assigned to 2nd Battalion, 377th Parachute Field Artillery Regiment since 10 October, 2019. The unit maintains a local military personnel record for each of its soldiers, including for PFC Perez. The attached copy of the USCIS Form N-426, *Request for Certification of Military or Naval Service*, for PFC Michael Perez (Attach. A) was certified by COL Christopher Landers, 4-25 IBCT Commander, the first O-6 commanding officer in the soldier's chain of command, and PFC Perez's military service was certified in accordance with the April 24, 2020, Under Secretary of Defense memorandum, subject: *Certification of Honorable Service for Purposes of Naturalization*. A copy of this certified USCIS Form N-426 is maintained in the soldier's local military personnel record under my custodial responsibility. Additionally, a copy of the form will be uploaded into the soldier's official military record—Army Military Human Resources Record (AMHRR).

5. Private (PV2) Sumin Park is an Active Duty soldier serving at Joint Base Elmendorf-Richardson, Alaska, and is currently assigned to 2nd Battalion, 377th Parachute Field

Artillery Regiment, 4th Infantry Brigade Combat Team, 25th Infantry Division. PV2 Park has been assigned to 2nd Battalion, 377th Parachute Field Artillery Regiment since 25 November, 2019. The unit maintains a local military personnel record for each of its soldiers, including for PV2 Park. The attached copy of the USCIS Form N-426, *Request for Certification of Military or Naval Service*, for PV2 Sumin Park (Attach. B) was certified by COL Christopher Landers, 4-25 IBCT Commander, the first O-6 commanding officer in the soldier's chain of command, and PV2 Park's military service was certified in accordance with the April 24, 2020, Under Secretary of Defense memorandum, subject: *Certification of Honorable Service for Purposes of Naturalization*. A copy of this certified USCIS Form N-426 is maintained in the soldier's local military personnel record under my custodial responsibility. Additionally, a copy of the form will be uploaded into the soldier's official military record—Army Military Human Resources Record (AMHRR).

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 15, 2020.

  
\_\_\_\_\_  
ANDREW TURPIN  
Captain, U.S. Army

# ATTACHMENT A





**Request for Certification  
of Military or Naval Service**

**Department of Homeland Security**  
U.S. Citizenship and Immigration Services

**USCIS**  
**Form N-426**  
OMB No. 1615-0053  
Expires 09/30/2021

USCIS requests certification of the service member's military service. Persons who are serving or have served under specified conditions in the U.S. Armed Forces are granted certain exemptions from the general requirements for naturalization. To establish eligibility, the law requires the executive department under which such person served to certify whether the service member served honorably, and whether the service member's separation from the service was under honorable conditions pursuant to Department of Defense (DoD) policy and guidelines. Recruiters are **not** authorized to certify this request.

**NOTE:** Requestors must complete **Parts 1 - 4**. Certifying officials must complete **Parts 5 - 8**. All applicants must submit a completed Form N-426; however, only applicants currently serving are required to obtain certification of Form N-426. Submit this request with Form N-400, Application for Naturalization. USCIS may reject your application if this request is not completely and properly filled out.

**NOTE:** **ONLY** military personnel (serving in pay grade O-6 or above) and equivalent civilian personnel (GS-15 or above) with proper authorization may certify this request.

**Part 1. Information About You**

1. Alien Registration Number (A-Number) (if any)    2. Military Service Number  
 ▶ A- [redacted]    [redacted]

3. Full Legal Name  
 Family Name (Last Name)    Given Name (First Name)    Middle Name  
 Perez    Michael Andrew    Borabien

4. Other Names Used  
 List all other names you have used, including your maiden name (if any). If you need extra space to complete this section, use the space provided in **Part 9. Additional Information**.  
 Family Name (Last Name)    Given Name (First Name)    Middle Name  
 [redacted]    [redacted]    [redacted]

5. U.S. Social Security Number (if any)    6. USCIS Online Account Number (if any)    7. Date of Birth (mm/dd/yyyy)  
 ▶ [redacted]    ▶ [redacted]    [redacted]

8. Place of Birth  
 City    Country  
 Mandaluyong City    Philippines

9. Country of Citizenship    10. Country of Nationality  
 Philippines    Philippines

11. Physical Address  
 Street Number and Name    Apt.    Ste.    Flr.    Number  
 [redacted]                [redacted]  
 City or Town    County    State    ZIP Code + 4  
 JBER    [redacted]    AK    [redacted]  
 Province or Region (foreign address only)    Country (foreign address only)    Postal Code (foreign address only)  
 [redacted]    [redacted]    [redacted]

**Part 2. Enlistment Information**

1. Where did you enlist?

Country  City  State

Province (if applicable)

2. Where did you reside when you enlisted?

Country  City  State

Province (if applicable)

3. Have you reenlisted?  Yes  No

4. Where did you reenlist?

Country  City  State

Province (if applicable)

5. Where did you reside when you reenlisted?

Country  City  State

Province (if applicable)

**Part 3. Periods of Military Service (To be completed by requestor)**

Provide all periods of service. If you need extra space to complete this section, use the space provided in **Part 9. Additional Information**.

**NOTE:** If you have multiple periods of military service and are separated from service, you must provide your most current DD Form 214 or NGB Form 22.

Military Service	Branch of Service	Service Start Date (mm/dd/yyyy)	Service End Date (mm/dd/yyyy)	Type of Service (include all active, reserve, and National Guard Service)
Military Service 1	ARMY	04/01/2019	09/22/2022	<input checked="" type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve
Military Service 2				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve
Military Service 3				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve



**Part 4. Requestor's Contact Information, Certification, and Signature**

**Requestor's Contact Information**

- 1. Requestor's Daytime Telephone Number
- 2. Requestor's Mobile Telephone Number (if any)
- 3. Requestor's Email Address (if any)

**Requestor's Certification**

I authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that all of the information in my request and any document submitted with it were provided by me and are complete, true, and correct.

**Requestor's Signature**

- 4. Requestor's Signature  Date of Signature (mm/dd/yyyy)

**NOTE TO ALL REQUESTORS:** USCIS may reject or deny your Form N-400 if you do not complete this Form N-426, or if you do not submit all required documents listed in the Instructions.

**Part 5. Character of Service (To be completed by certifying official)**

**NOTE:** For armed forces members currently serving, the certifying official **MUST** complete **AND** certify Form N-426 in **Parts 5. - 8.** Veterans who are no longer serving may leave **Parts 5. - 8.** blank, but **MUST** provide copies of their DD Form 214 or NGB Form 22 that include the character of service upon separation from service for all periods of service.

For this character of service section, the certifying official must indicate whether the requestor served honorably or is currently serving honorably for each period of military service the requestor served (refer to **Part 3. Periods of Military Service**). For any "No" responses, provide details in **Part 7. Remarks**.

- 1. Honorable Period of Military Service 1  Yes  No
- 2. Honorable Period of Military Service 2  Yes  No  N/A
- 3. Honorable Period of Military Service 3  Yes  No  N/A

**Part 6. Separation Information**

- 1. Is the requestor separated?  Yes  No
  - 2. If separated, select discharge type:  Honorable  Other (provide details in **Part 7. Remarks**)
  - 3. Was the requestor discharged on account of alienage?  Yes  No
- If you answer "Yes," provide details in **Part 7. Remarks**.



**Part 7. Remarks**

Provide any derogatory information in your records relating to the service member's character, loyalty to the United States, disciplinary action, convictions, other than honorable discharges, or other matters concerning his or her fitness for citizenship. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

NONE.

**Part 8. Certification (To be completed by certifying official)**

I,   ,

Full Name

Rank

Title

certify that I am duly authorized under the laws, regulations and policies of the Department of Defense to certify the requestor's honorable service. I have personally reviewed the requestor's service record. The information provided herein is a reflection of my findings. I certify that the information given here concerning the service of the person named on this request is correct according to the records of the

Branch of Service

Component

Rank

Title

Full Name

Work Telephone Number

Military Email Address

Official Signature (NOTE: An original ink signature or a copy of an original ink signature is acceptable. A digital signature is not acceptable.)

Date (mm/dd/yyyy)

**Part 9. Additional Information**

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1. Family Name (Last Name)  Given Name (First Name)  Middle Name

2. A-Number (if any) ▶ A-

3. A. Page Number  B. Part Number  C. Item Number

D. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. A. Page Number  B. Part Number  C. Item Number

D. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. A. Page Number  B. Part Number  C. Item Number

D. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. A. Page Number  B. Part Number  C. Item Number

D. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## ATTACHMENT B



## Request for Certification of Military or Naval Service

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form N-426  
OMB No. 1615-0053  
Expires 09/30/2021

USCIS requests certification of the service member's military service. Persons who are serving or have served under specified conditions in the U.S. Armed Forces are granted certain exemptions from the general requirements for naturalization. To establish eligibility, the law requires the executive department under which such person served to certify whether the service member served honorably, and whether the service member's separation from the service was under honorable conditions pursuant to Department of Defense (DoD) policy and guidelines. Recruiters are **not** authorized to certify this request.

**NOTE:** Requestors must complete **Parts 1. - 4.** Certifying officials must complete **Parts 5. - 8.** All applicants must submit a completed Form N-426; however, only applicants currently serving are required to obtain certification of Form N-426. Submit this request with Form N-400, Application for Naturalization. USCIS may reject your application if this request is not completely and properly filled out.

**NOTE: ONLY** military personnel (serving in pay grade O-6 or above) and equivalent civilian personnel (GS-15 or above) with proper authorization may certify this request.

### Part 1. Information About You

<p>1. Alien Registration Number (A-Number) (if any)</p> <p>▶ A- <input style="width: 150px;" type="text"/></p>	<p>2. Military Service Number</p> <p><input style="width: 150px;" type="text"/></p>																															
<p>3. Full Legal Name</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 33%;">Family Name (Last Name)</td> <td style="width: 33%;">Given Name (First Name)</td> <td style="width: 33%;">Middle Name</td> </tr> <tr> <td><input style="width: 100%;" type="text" value="Park"/></td> <td><input style="width: 100%;" type="text" value="Sumin"/></td> <td><input style="width: 100%;" type="text"/></td> </tr> </table>		Family Name (Last Name)	Given Name (First Name)	Middle Name	<input style="width: 100%;" type="text" value="Park"/>	<input style="width: 100%;" type="text" value="Sumin"/>	<input style="width: 100%;" type="text"/>																									
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<p>4. Other Names Used</p> <p>List all other names you have used, including your maiden name (if any). If you need extra space to complete this section, use the space provided in <b>Part 9. Additional Information.</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 33%;">Family Name (Last Name)</td> <td style="width: 33%;">Given Name (First Name)</td> <td style="width: 33%;">Middle Name</td> </tr> <tr> <td><input style="width: 100%;" type="text"/></td> <td><input style="width: 100%;" type="text"/></td> <td><input style="width: 100%;" type="text"/></td> </tr> </table>		Family Name (Last Name)	Given Name (First Name)	Middle Name	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>																									
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<p>8. Place of Birth</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">City</td> <td style="width: 50%;">Country</td> </tr> <tr> <td><input style="width: 100%;" type="text" value="Seoul"/></td> <td><input style="width: 100%;" type="text" value="South Korea"/></td> </tr> </table>			City	Country	<input style="width: 100%;" type="text" value="Seoul"/>	<input style="width: 100%;" type="text" value="South Korea"/>																										
City	Country																															
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<p>9. Country of Citizenship</p> <p><input style="width: 100%;" type="text" value="South Korea"/></p>		<p>10. Country of Nationality</p> <p><input style="width: 100%;" type="text" value="South Korea"/></p>																														
<p>11. Physical Address</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">Street Number and Name</td> <td style="width: 5%;">Apt.</td> <td style="width: 5%;">Ste.</td> <td style="width: 5%;">Flr.</td> <td style="width: 15%;">Number</td> </tr> <tr> <td><input style="width: 90%;" type="text"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input style="width: 50px;" type="text"/></td> </tr> <tr> <td>City or Town</td> <td>County</td> <td>State</td> <td colspan="2">ZIP Code + 4</td> </tr> <tr> <td><input style="width: 100%;" type="text" value="JBER"/></td> <td><input style="width: 100%;" type="text"/></td> <td><input style="width: 100%;" type="text" value="AK"/></td> <td colspan="2"><input style="width: 100%;" type="text"/></td> </tr> <tr> <td>Province or Region (foreign address only)</td> <td>Country (foreign address only)</td> <td colspan="3">Postal Code (foreign address only)</td> </tr> <tr> <td><input style="width: 100%;" type="text"/></td> <td><input style="width: 100%;" type="text"/></td> <td colspan="3"><input style="width: 100%;" type="text"/></td> </tr> </table>			Street Number and Name	Apt.	Ste.	Flr.	Number	<input style="width: 90%;" type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input style="width: 50px;" type="text"/>	City or Town	County	State	ZIP Code + 4		<input style="width: 100%;" type="text" value="JBER"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text" value="AK"/>	<input style="width: 100%;" type="text"/>		Province or Region (foreign address only)	Country (foreign address only)	Postal Code (foreign address only)			<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>		
Street Number and Name	Apt.	Ste.	Flr.	Number																												
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<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>																														



**Part 2. Enlistment Information**

1. Where did you enlist?

Country	City	State
United states	Rowland Heights	CA
Province (if applicable)		

2. Where did you reside when you enlisted?

Country	City	State
united states	Rowland Heights	CA
Province (if applicable)		

3. Have you reenlisted?  Yes  No

4. Where did you reenlist?

Country	City	State
Province (if applicable)		

5. Where did you reside when you reenlisted?

Country	City	State
Province (if applicable)		

**Part 3. Periods of Military Service (To be completed by requestor)**

Provide all periods of service. If you need extra space to complete this section, use the space provided in **Part 9. Additional Information**.

**NOTE:** If you have multiple periods of military service and are separated from service, you must provide your most current DD Form 214 or NGB Form 22.

Military Service	Branch of Service	Service Start Date (mm/dd/yyyy)	Service End Date (mm/dd/yyyy)	Type of Service (include all active, reserve, and National Guard Service)
Military Service 1	ARMY	06/03/2019	06/03/2023	<input checked="" type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve
Military Service 2				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve
Military Service 3				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve

**Part 4. Requestor's Contact Information, Certification, and Signature**

**Requestor's Contact Information**

- 1. Requestor's Daytime Telephone Number
- 2. Requestor's Mobile Telephone Number (if any)
- 3. Requestor's Email Address (if any)

**Requestor's Certification**

I authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that all of the information in my request and any document submitted with it were provided by me and are complete, true, and correct.

**Requestor's Signature**

- 4. Requestor's Signature  Date of Signature (mm/dd/yyyy)

**NOTE TO ALL REQUESTORS:** USCIS may reject or deny your Form N-400 if you do not complete this Form N-426, or if you do not submit all required documents listed in the Instructions.

**Part 5. Character of Service (To be completed by certifying official)**

**NOTE:** For armed forces members currently serving, the certifying official **MUST** complete **AND** certify Form N-426 in **Parts 5. - 8.** Veterans who are no longer serving may leave **Parts 5. - 8.** blank, but **MUST** provide copies of their DD Form 214 or NGB Form 22 that include the character of service upon separation from service for all periods of service.

For this character of service section, the certifying official must indicate whether the requestor served honorably or is currently serving honorably for each period of military service the requestor served (refer to **Part 3. Periods of Military Service**). For any "No" responses, provide details in **Part 7. Remarks**.

- 1. Honorable Period of Military Service 1  Yes  No
- 2. Honorable Period of Military Service 2  Yes  No  N/A
- 3. Honorable Period of Military Service 3  Yes  No  N/A

**Part 6. Separation Information**

- 1. Is the requestor separated?  Yes  No
  - 2. If separated, select discharge type:  Honorable  Other (provide details in **Part 7. Remarks**)
  - 3. Was the requestor discharged on account of alienage?  Yes  No
- If you answer "Yes," provide details in **Part 7. Remarks**.

**Part 7. Remarks**

Provide any **derogatory information** in your records relating to the service member's character, loyalty to the United States, disciplinary action, convictions, other than honorable discharges, or other matters concerning his or her fitness for citizenship. If you need extra space to complete this section, use the space provided in **Part 9. Additional Information**.

NONE.

**Part 8. Certification (To be completed by certifying official)**

I,   .  
Full Name Rank Title

certify that I am duly authorized under the laws, regulations and policies of the Department of Defense to certify the requestor's honorable service. I have personally reviewed the requestor's service record. The information provided herein is a reflection of my findings. I certify that the information given here concerning the service of the person named on this request is correct according to the records of the .

Branch of Service  Component  Rank

Title  Full Name

Work Telephone Number  Military Email Address

Official Signature (NOTE: An original ink signature or a copy of an original ink signature is acceptable. A digital signature is not acceptable.)  Date (mm/dd/yyyy)

**Part 9. Additional Information**

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1. Family Name (Last Name)  Given Name (First Name)  Middle Name

2. A-Number (if any) ▶ A-

3. A. Page Number  B. Part Number  C. Item Number

D. \_\_\_\_\_  
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4. A. Page Number  B. Part Number  C. Item Number

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5. A. Page Number  B. Part Number  C. Item Number

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6. A. Page Number  B. Part Number  C. Item Number

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