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

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

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 2nd Battalion, 377th 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.
- 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 2nd Battalion, 377th 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 2nd Battalion, 377th 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).
- 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



Case 1:20-cv-01104-ESHReponent 19e4tiffiled;05/22/20 Page 6 of 16 of Military or Naval Service

Department of Homeland SecurityU.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.

Pa	art 1. Information About You	
1.	Alien Registration Number (A-Number) (if any) 2. Milita ► A-	ry Service Number
3.	Full Legal Name	
		Jame (First Name) Middle Name
	Perez	el Andrew Borabien
4.	Other Names Used	
	List all other names you have used, including your maiden nar space provided in Part 9. Additional Information.	me (if any). If you need extra space to complete this section, use the
	F '1 31 / 7 31	ame (First Name) Middle Name
5.	U.S. Social Security Number (if any) 6. USCIS Online Acc	ount Number (if any) 7. Date of Birth (mm/dd/yyyy)
3.	Place of Birth	
	City	Country
	Mandaluyong City	Philippines
	Country of Citizenship	10. Country of Nationality
	Philippines	Philippines
1.	Physical Address	
	Street Number and Name	
	The state of the s	Apt. Ste. Flr. Number
1	City or Town County	State ZIP Code + 4
l	JBER	AK 🔻
	Province or Region (foreign address only) Country (foreign address only)	oreign address only) Postal Code (foreign address only)

P	art 2. Enlistn	nent Information				
1.	Where did you	enlist?				
	Country			City		C.
	USA			San Mateo		State CA -
	Province (if app	olicable)				J L
2.	Where did you	reside when you enliste	ed?			
	Country	•		City		
	USA			Pacifica		State CA
	Province (if app	licable)				CA 🔻
	T FF					
3.	Have you reenlis	sted? Yes 🖂	No			
4.	Where did you r					
	Country			City		-
				City		State
	Province (if appl	Province (if applicable)				
	(ii upp.	iouoio)				
5.	Where did you re	eside when you reenlist	ted?			
	Country			City		G.
				City		State
	Province (if appl	icable)	[
Pa	rt 3. Periods	of Military Service	e (To be completed	by requestor)		
rov					space provided in Part 9. Add	itional
VO'	TE: If you have r	multiple periods of mili	tary service and are se	parated from service,	, you must provide your most of	current DD
orr	n 214 or NGB For	rm 22.				
M	lilitary Service	Branch of Service	Service Start Date (mm/dd/yyyy)	Service End Date (mm/dd/yyyy)	Type of Service (include all and National Guard S	active, reserve, Service)
Mi	ilitary Service 1	ARMY	04/01/2019	09/22/2022	Active Duty	
	<u>71</u>			//2022	Selected Reserve of the	Ready Reserve
Mi	litary Service 2				Active Duty	
					Selected Reserve of the	Ready Reserve
Mi	litary Service 3				Active Duty Selected Reserve of the	Ready Pagers

Form N-426 09/16/19 Page 2 of 5

	Part 4. Requestor's Contact Information, Certif	ication	, and Si	gnat	ure					
1	Requestor's Contact Information									
	Requestor's Daytime Telephone Number									
	Requestor's Daytime Telephone Number	2.	Requesto	or's M	obile Tele	phone N	umber	(if any)		
3	Requestor's Email Address (if any)					-				
I	Requestor's Certification									
I a	authorize release of information contained in this request, in sersons where necessary for the administration and enforcement	supporting to the state of U.S.	ng docume	ents, an	nd in my I	JSCIS re	cords	to other e	ntities	and
I	certify, under penalty of perjury, that all of the information in and are complete, true, and correct.	my requ	est and ar	y doc	ument sub	mitted v	vith it v	were prov	ided b	y me
R	Requestor's Signature									
4.	Requestor's Signature					Date	of Sid	gnature (n	2m/dd	/
	Milago						06/2		1111/00	уууу
D	lawt & Character of C									
	art 5. Character of Service (To be completed by									
N(Ve	OTE: For armed forces members currently serving, the certify eterans who are no longer serving may leave Parts 5 - 8 blank	ring offic	cial MUST	Com	aina afal.	certify	Form Porm 21	N-426 in I 4 or NGB	arts 5	5 8. 22
Ve tha	OTE: For armed forces members currently serving the certific	ving office, but M	cial MUST UST provi periods of	Compide con	pies of the	ir DD F	orm 21	4 or NGB	Form	22
No Ve that For non res	OTE: For armed forces members currently serving, the certify eterans who are no longer serving may leave Parts 5 8. blank at include the character of service upon separation from service or this character of service section, the certifying official must morably for each period of military service the requestor serves sponses, provide details in Part 7. Remarks.	ving office, but M	cial MUST UST provi periods of	Compide con	pies of the	ir DD F	orm 21- orably orvice).	or is curre	Form	22
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NOVe that For hor res	OTE: For armed forces members currently serving, the certify eterans who are no longer serving may leave Parts 5 8. blank at include the character of service upon separation from service or this character of service section, the certifying official must anorably for each period of military service the requestor serves sponses, provide details in Part 7. Remarks. Honorable Period of Military Service 1 Honorable Period of Military Service 2	ving office, but M	cial MUST UST provi periods of	Compide con	pies of the	ved hone	orably orably orably orably orably orably orably orably orable or	or is curre For any No	Form ently se 'No"	22 erving N/A
N(Vethallow)	OTE: For armed forces members currently serving, the certify eterans who are no longer serving may leave Parts 5 8. blank at include the character of service upon separation from service or this character of service section, the certifying official must anorably for each period of military service the requestor serves sponses, provide details in Part 7. Remarks. Honorable Period of Military Service 1 Honorable Period of Military Service 2 Honorable Period of Military Service 3	ving office, but M	cial MUST UST provi periods of	Compide con	pies of the	ved hone	orably orably orably orably orably orably orably orably orable or	or is curre For any No No	Form ently so 'No"	22 erving N/A N/A
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NOVe that For horres	OTE: For armed forces members currently serving, the certify eterans who are no longer serving may leave Parts 5 8. blank at include the character of service upon separation from service or this character of service section, the certifying official must anorably for each period of military service the requestor serve sponses, provide details in Part 7. Remarks. Honorable Period of Military Service 1 Honorable Period of Military Service 2 Honorable Period of Military Service 3 art 6. Separation Information Is the requestor separated? If separated, select discharge type:	ving office, but M c for all p indicate indicate	cial MUST UST provi periods of	Compide con	pies of the e. uestor ser ds of Mili	ved hone itary Se	orm 21- orably orvice). Yes Yes Yes	or is curre For any No No Part 7.1	rntly so 'No"	N/A N/A No
N(e)	OTE: For armed forces members currently serving, the certify eterans who are no longer serving may leave Parts 5 8. blank at include the character of service upon separation from service or this character of service section, the certifying official must anorably for each period of military service the requestor serves sponses, provide details in Part 7. Remarks. Honorable Period of Military Service 1 Honorable Period of Military Service 2 Honorable Period of Military Service 3 art 6. Separation Information Is the requestor separated?	ving office, but M c for all p indicate indicate	cial MUST UST provideriods of whether to to Part 3.	Compide con	pies of the e. uestor ser ds of Mili	ved hone itary Se	orm 21- orably orvice). Yes Yes Yes	or is curre For any No No Part 7.1	Form ently so 'No"	N/A N/A No

Form N-426 09/16/19 Page 3 of 5

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, CHRISTOPHER S. LANDERS COL Brigade Commander, Full Name Rank Title
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 U.S. Arm, 4-25 IBCT, USARAK .
Developed in
U.S. Army Component Rank COL
Title Full Name
Brigade Commander CHRISTOPHER S. LANDERS
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.)
05/07/2020

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.

Fa	amily Name (Last Name)		Given Name (First Name)	Middle Name
		Part Number	C. Item Number	
A. D.		Part Number	C. Item Number	
A. D.		Part Number	C. Item Number	
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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.

Pa	art 1. Information About You		
1.	Alien Registration Number (A-Number) (if any) 2. Milita ▶ A-	ry Service Number	
3.	Full Legal Name Family Name (Last Name) Given N	Jame (First Name) Middle N	Jama
	Park		vaine
4.	Other Names Used		
	List all other names you have used, including your maiden nar space provided in Part 9. Additional Information .	ne (if any). If you need extra space to comp	lete this section, use the
	Family Name (Last Name) Given N	Jame (First Name) Middle N	Vame
5.	U.S. Social Security Number (if any) 6. USCIS Online Acc	count Number (if any) 7. Date of Bi	rth (mm/dd/yyyy)
8.	Place of Birth		
	City	Country	
	Seoul	South Korea	
9.	Country of Citizenship	10. Country of Nationality	
	South Korea	South Korea	
11.	Physical Address		
	Street Number and Name	Apt.	Ste. Flr. Number
	City or Town County	State	ZIP Code + 4
	JBER	AK	
	Province or Region (foreign address only) Country (foreign address only) Postal Code (1)	foreign address only)

P	art 2. Enlistme	ent Information				
1.	Where did you e	te and the second				
270.50	Country			City		State
	United st	ates			ights	CA
	Province (if appl			1.0001	19110	LCD.
2.	Where did you re	eside when you enlisted	1?			
	Country			City		State
	united s	states		Powland H	eights	CA
	Province (if appli	icable)				
3.	Have you reenlist	ted? Yes 🖂	No			
4.	Where did you re	eenlist?				
	Country		(City		State
				,		State
	Province (if appli	cable)				
5.	Where did you re	side when you reenlist	ed?			
	Country			City		State
	Province (if appli	cable)				
_						
		of Military Service				
ro nfe	vide all periods of ormation.	service. If you need ex	xtra space to complete	this section, use the s	pace provided in Part 9. Add	litional
		nultiple periods of mili	tary service and are se	parated from service.	you must provide your most	current DD
or	m 214 or NGB For	rm 22.		p,	you must provide your most	current DD
Service Start Da		Service Start Date	Service End Date	Type of Service (include all	l active, reserve.	
IV.	Military Service	Branch of Service	(mm/dd/yyyy)	(mm/dd/yyyy)	and National Guard	
M	lilitary Service 1	ARMY	06/03/000	0/ / 02 / 5 - 5	Active Duty	
3%		пяти	06/03/2019	06/03/2023	Selected Reserve of the	Ready Reserve
M	ilitary Service 2				☐ Active Duty☐ Selected Reserve of the	Ready Recerve
N.4	ilitamı Comitee 2				Active Duty	Ready Reserve
IVI	ilitary Service 3				Selected Reserve of the	Ready Reserve

_					
P	art 4. Requestor's Contact Information, Certification, and Signature				
R	equestor's Contact Information				
1.	Requestor's Daytime Telephone Number 2. Requestor's Mobile Telephone	ne Number (if	fany)		
3.	Paguestor's Empil Address (if pure)				
٥.	Requestor's Email Address (if any)				
R	equestor's Certification				
per	uthorize release of information contained in this request, in supporting documents, and in my USC sons where necessary for the administration and enforcement of U.S. immigration laws.				
l ce and	ertify, under penalty of perjury, that all of the information in my request and any document submit are complete, true, and correct.	ted with it we	ere provid	ed by	me
Re	equestor's Signature				
4.	Requestor's Signature	Date of Sign	ature (mn	n/dd/	уууу)
	drub	05/06	12020)	
NO do i	TE TO ALL REQUESTORS: USCIS may reject or deny your Form N-400 if you do not comp not submit all required documents listed in the Instructions.	lete this Form	n N-426, c	or if y	ou
Pa	art 5. Character of Service (To be completed by certifying official)				
Vet	TE: For armed forces members currently serving, the certifying official MUST complete AND cereans who are no longer serving may leave Parts 5 8. blank, but MUST provide copies of their Extinctude the character of service upon separation from service for all periods of service.	ertify Form N- DD Form 214	426 in Pa or NGB F	rts 5	. - 8 . 22
non	this character of service section, the certifying official must indicate whether the requestor served to bornel for each period of military service the requestor served (refer to Part 3. Periods of Military ponses, provide details in Part 7. Remarks.	l honorably or ry Service). I	is curren For any "?	tly se No"	rving
۱.	Honorable Period of Military Service 1	X Yes	☐ No		
2.	Honorable Period of Military Service 2	Yes	☐ No	X	N/A
3.	Honorable Period of Military Service 3	Yes	☐ No	\boxtimes	N/A
Pa	rt 6. Separation Information				
١.	Is the requestor separated?		☐ Yes	X	No
2.	If separated, select discharge type: Honorable Other (prov	ide details in			
3.	Was the requestor discharged on account of alienage?		☐ Yes	X	No
	If you answer "Yes," provide details in Part 7. Remarks.				

D. 47 D. 1		
Part 7. Remarks		
Provide any derogatory information in your records rela disciplinary action, convictions, other than honorable disci- need extra space to complete this section, use the space pro-	harges, or other matters concerning his or	her fitness for citizenship. If you
NONE.		
Part 8. Certification (To be completed by certification)	fying official)	
1, CHRISTOPHER S. LANDERS	COL Brigade	Commander,
Full Name		
certify that I am duly authorized under the laws, regulation	as and policies of the Department of Defer	nse to certify the requestor's
honorable service. I have personally reviewed the requeste findings. I certify that the information given here concerni	ing the service of the person named on thi	ided herein is a reflection of my
		o request to contest decorating to
the records of the US. Army, 4-25 IBCT	, USAKAK	
Branch of Service	Component	Rank
U.S. Army	Regular Army / Active	Duty COL
Title	Full Name	
Brigade Commander	CHRISTOPHER S.	LANDERS
Work Telephone Number	Military Email Address	
Official Signature (NOTE: An original ink signature or a	copy of an original ink signature is	Date (mm/dd/yyyy)
acceptable. A digital signature is not deceptable.)		1
(NTA)		05/07/2020

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.	Fan	Family Name (Last Name)			Giv	ven Name (First Name)	Middle Name
2.	A-N	Number (if any)	A-				
3.	A. D.	Page Number	В.	Part Number	C.	Item Number	
	υ.						
4.	A.	Page Number	B.	Part Number	C.	Item Number	
	D.						
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5.	A.	Page Number	В.	Part Number	C.	Item Number	
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6.	A.	Page Number	В.	Part Number	c.	Item Number	
	D.						