



**U.S. Department of Justice**  
Civil Division, Appellate Staff  
950 Pennsylvania Ave. NW  
Washington, DC 20530

---

Tel: (202) 305-8849

May 27, 2020

**Via CM/ECF**

Molly C. Dwyer, Clerk of Court  
U.S. Court of Appeals for the Ninth Circuit  
95 Seventh Street  
San Francisco, CA 94103

RE: *E.J. D.-B. v. U.S. Department of State*, No. 19-55517

Dear Ms. Dwyer:

I write in response to plaintiffs' letter concerning *Sabra v. Pompeo*, 2020 WL 1643676 (D.D.C. Apr. 2, 2020). Plaintiffs invoke a portion of the district court's opinion (*id.* at \*19-20) opining that citizenship under 8 U.S.C. § 1401 does not require a biological relationship.

As an initial matter, that portion of the *Sabra* opinion is dicta; it plays no role in the district court's ruling. The district court "agree[d] with the [government] that the Embassy's demand ... for additional information" concerning the relationship between the child in question and the child's alleged mother "was sensible *even if* there were no biological-relationship requirement." 2020 WL 1643676, at \*20 (emphasis added; quotation marks omitted). And the court ruled that the plaintiffs had "failed to provide satisfactory proof of [the child's] birth, identity, and citizenship to establish her entitlement to a CRBA and passport." *Id.* at \*11. The district court's discussion of whether § 1401 requires a biological relationship was gratuitous.

In any event, the district court's discussion is unpersuasive for the reasons articulated in the government's briefs in this appeal.

Sincerely,

/s/ Daniel Winik

Daniel Winik

cc: All counsel (via CM/ECF)