

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

ROMUALDO ALVAREZ,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 08-1750 (JR)
)	
DONALD C. WINTER,)	
Secretary of the Navy,)	
)	
Defendant.)	
)	

MEMORANDUM OPINION

This matter is before the Court on defendant's motion to dismiss.

Plaintiff's formal employment discrimination claim against the Department of the Navy was dismissed, and the United States Equal Employment Opportunity Commission ("EEOC") affirmed the decision on administrative appeal. See Compl., Attach. (July 8, 2008 EEOC Denial, Appeal No. 0120081649) at 1. Although the EEOC Denial does not recount the underlying facts of the case, the Court presumes that plaintiff's citizenship was relevant to the Navy's initial decision.

Plaintiff alleges that he is a dual citizen of the Philippines and of the United States because he was born in 1944 in the Philippine Islands when the Philippine Islands were a United States territory. Compl. at 6. In this action, plaintiff

asks the Court to “confirm[] [his] having been born a US citizen” such that the United States Navy “allow[s] [him] to have access under [Title VII].” *Id.* at 7.

In *Licudine v. Winter*, 603 F. Supp. 2d 129 (D.D.C. 2009), this Court held that a person who, like plaintiff, was born in the Philippine Islands when the Philippines was a United States territory is neither a citizen nor a national of United States citizen. *Id.* at 135-36. Such a person, then, is an alien to whom Title VII does not apply. *Id.*

The Court will grant defendant’s motion to dismiss. An Order accompanies this Memorandum Opinion.

JAMES ROBERTSON
United States District Judge