

GUALBERTO ALVER,
Plaintiff,
v.
DONALD C. WINTER,
Secretary of the Navy,
Defendant.

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

Plaintiff alleges that he is a dual citizen of the Philippines and of the United States because he was born in 1933 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