

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
JUL 10 2019

In re

JAMES E. WENNERSTEIN

Civ. No. 19-1762 (UNA)

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

MEMORANDUM OPINION

“[A] citizen has the right to abandon or renounce his citizenship and Congress can enact measures to regulate and affirm such abjuration.” *Nishikawa v. Dulles*, 356 U.S. 129, 139 (1958). By statute, a United States citizen voluntarily may renounce his citizenship by performing certain acts “with the intention of relinquishing United States nationality.” 8 U.S.C. § 1481(a). Only one such act potentially applies to plaintiff:

making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense

8 U.S.C. § 1481(a)(6). “Although the statute refers to the Attorney General, this authority has since been transferred to the Secretary of Homeland Security.” *Kwok Sze v. Johnson*, 172 F. Supp. 3d 112, 118 (D.D.C. 2016) (citation omitted), *aff’d sub nom. Kwok Sze v. Kelly*, No. 16-5090, 2017 WL 2332592 (D.C. Cir. Feb. 21, 2017). Based on the Court’s review of plaintiff’s complaint, it does not appear that plaintiff has submitted his formal renunciation request before the appropriate officer. “Bringing this action seeking renunciation in federal court is not the same as making the renunciation request before the appropriate officer designated by the Attorney General,” *Tutora v. U.S. Attorney Gen. for Eastern District of Pennsylvania*, No. 16-MC-195, 2017 WL 2126321, at *7 (E.D. Pa. May 16, 2017), and the Court will dismiss the

complaint and this civil action without prejudice. An Order accompanies this Memorandum Opinion.

DATE: July 8, 2019



United States District Judge