

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-8721
Summary Calendar

THE IMMIGRATION AND NATURALIZATION SERVICE,

Plaintiff-Appellee,

VERSUS

CHIBUIKE WOSU EZI,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
(SA 92 CA 1062)

(August 22, 1994)

Before GARWOOD, HIGGINBOTHAM and DAVIS, Circuit Judges.

PER CURIAM:¹

The only issue presented in this appeal is whether the district court erred in denying Ezi's petition for naturalization for lack of good moral character. See 8 U.S.C. § 1427(a).

An alien who applies for naturalization as a U.S. citizen must establish that during the five years preceding the filing of his petition he has been a person of "good moral character." 8 U.S.C. § 1427(a). The alien bears the burden of demonstrating eligibility

¹ Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

for citizenship, including good moral character. **Berenyi v. District Director, Immigration & Naturalization Service**, 385 U.S. 630, 636-37 (1967). The trial court enjoys wide discretion in determining whether the alien has carried this burden. **Brukiewicz v. Savoretti**, 211 F.2d 541, 543 (5th Cir. 1954).

We conclude that the district court did not abuse its discretion in finding that Ezi had not been a person of "good moral character" because of the following:

1. Ezi falsely claimed dependents and falsely listed his girlfriend's children as his own on his federal tax returns;

2. Ezi stated in his application for permanent residence that he was living with his former wife, but his divorce petition stated otherwise;

3. Ezi pleaded guilty to a misdemeanor assault charge that resulted from Ezi resisting arrest and assaulting two peace officer while they were attempting to detain him for shoplifting.

The district court did not err in denying Ezi's naturalization petition.

AFFIRMED.