

1 IN THE DISTRICT COURT OF THE UNITED STATES
2 IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
3 SOUTHERN DIVISION.

4 THE UNITED STATES OF AMERICA, }
5 PLAINTIFF, }
6 vs }
7 SAKHARAM GANESH PANDIT, }
8 DEFENDANT. }

MEMORANDUM OPINION.
No.C-111-T.

9
10 Joseph C.Burke Esq.,United States Attorney, and J.E.Simpson,Esq.,
11 Assistant United States Attorney, of Los Angeles,California, for
12 the Plaintiff.
13 Newby and Palmer,of Los Angeles,California, for the Defendant.
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15 That the defendant herein falls within a class of
16 aliens who are ineligible for naturalization cannot longer be
17 questioned. U.S. vs Thind, 261 U.S. 204.

18 The Supreme Court of the United States in the Thind
19 case,supra,inferentially at least,indicates that while a person
20 may belong to a class of aliens ineligible to citizenship there
21 may be peculiar and individual circumstances and conditions
22 that would enable a Court of Equity to withhold and deny
23 cancellation of a naturalization order previously made.

24 The answer of defendant herein contains a special
25 defense of equitable estopple and there is no reason apparent
26 to me why this salutary and beneficial doctrine cannot be
27 invoked against the Government in a proper case.

28 The answer of the defendant in the fourth special
29 defense thereof avers facts which if established might furnish
30 sufficient grounds for relief in this action. I am satisfied
31 that the defendant should be permitted to interpose such plea

1 of equitable estoppel and the Court after a full hearing has
2 the power to make a decree in accordance with the requirements
3 and exigencies of the case.

4 The motion of plaintiff to strike out pleas of
5 defendant is therefore granted and denied as follows:

6 Paragraph 3 of the first defense is stricken out.

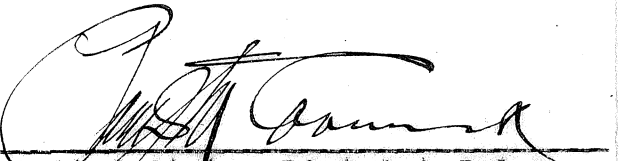
7 That part of Paragraph 4 of the first defense
8 beginning with the words "and defendant--" in line 9 of page 2
9 of the answer is stricken out.

10 The whole of the second defense is stricken out.

11 The whole of the third defense is stricken out.

12 The motion to strike out the fourth defense is denied.

13 And the whole of the fifth defense is stricken out.

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15 
16 United States District Judge.

17 Dated this 9th day of
18 January, 1925.

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