

1 JACOBS, *Circuit Judge*, with whom Judge Hall joins, concurring:

2 I concur in the Opinion of the Court, its reasoning, and its
3 result. At the same time, I cannot congratulate Khalid on his
4 American citizenship. He plotted sneaking violence against
5 Americans, who gave his family a home, and he cooperated with the
6 authorities only when, having been caught, he found himself
7 needing another kind of refuge.

8 Khalid derived citizenship from his citizen father. The
9 premise for that derivative citizenship was that, during the crucial
10 period between Khalid's father's naturalization and Khalid's
11 eighteenth birthday, Khalid was in his father's physical custody--
12 notwithstanding that he was behind bars on terrorism charges, in
13 the custody of the authorities. So I need to emphasize, consistent
14 with the Opinion, that that result obtained only because the
15 detention was pretrial, brief, and in a juvenile facility where, under
16 federal law, Khalid's citizen father was allowed and encouraged to

- 1 exercise influence over his son. The holding of this case is surprising
- 2 enough, and does not lend itself to expansion.