

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

No. 7:25-cv-1519

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HECTOR DANERI REGALADO,

Defendant.

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**COMPLAINT TO REVOKE
NATURALIZATION**

I. PRELIMINARY STATEMENT

This is a civil action brought under 8 U.S.C. § 1451(a) in which the United States of America (“Plaintiff”) seeks the revocation of Hector Daneri Regalado’s (“Defendant”) illegally obtained naturalization. Defendant fraudulently and unlawfully procured U.S. citizenship by concealing criminal conduct in which he engaged before he naturalized and for which he was charged and convicted after he naturalized. Specifically, after naturalizing, Defendant pled guilty pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), to two counts of Taking Indecent Liberties with a Child, in violation of N.C. Gen. Stat. § 14–202.1. Defendant misrepresented and concealed his criminal conduct throughout his naturalization proceedings, thus unlawfully procuring his naturalization.

This complaint seeks revocation of Defendant's naturalization on three independent grounds. First, Defendant illegally procured his naturalization because he lacked the statutorily required good moral character to naturalize because he committed unlawful acts adversely reflecting on his moral character during the period when he was required to demonstrate good moral character, and no extenuating circumstances exist that would lessen his guilt. Second, he lacked the required good moral character to naturalize because he falsely testified under oath during his naturalization interview about his prior criminal conduct. Finally, throughout his naturalization proceedings, Defendant willfully misrepresented and concealed facts that were material to determining his naturalization eligibility.

Based on Defendant's actions described further below and in the attached affidavit showing good cause, the United States brings this civil action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to citizenship and to cancel his Certificate of Naturalization.

II. JURISDICTION AND VENUE

1. This is an action filed under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel his Certificate of Naturalization No. .

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1345 for a cause of action under 8 U.S.C. § 1451(a).

3. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant resides in this District.

III. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen whose last known address is in Sampson County, North Carolina.

IV. FACTUAL BACKGROUND

6. The affidavit of Ronald Dorman, a Deportation Officer with U.S. Immigration and Customs Enforcement ("ICE") of the U.S. Department of Homeland Security ("DHS"), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

IMMIGRATION HISTORY

7. Defendant entered the United States on or about April 4, 1994, without inspection.

8. On May 12, 2003, Defendant adjusted his status to lawful permanent resident after applying for adjustment of status as the spouse of his U.S.-born wife.

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NATURALIZATION PROCEEDINGS

Naturalization Application

9. On or about April 1, 2010, Defendant filed with United States Citizenship and Immigration Services (“USCIS”) a Form N-400, Application for Naturalization (“naturalization application”). A true and complete copy of the naturalization application is attached as Exhibit B.

10. On his naturalization application, Defendant answered “No” to Part 10, Section D, Question 15, which asked: “Have you **ever** committed a crime or offense for which you were **not** arrested?” (emphasis in original).

11. On his naturalization application, Defendant answered “No” to Part 10, Section D, Question 23, which asked: “Have you **ever** given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?” (emphasis in original).

12. On or about March 26, 2010, Defendant signed his naturalization application under penalty of perjury, thereby certifying that his answers to the questions therein were true and correct.

13. Defendant submitted his naturalization application to USCIS on or about April 1, 2010.

Naturalization Interview

14. On August 9, 2010, a USCIS officer orally interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

15. At the beginning of the naturalization interview, the USCIS officer placed Defendant under oath.

16. During the naturalization interview, the USCIS officer asked Defendant many of the same questions included in the written naturalization application.

17. During the naturalization interview, Defendant orally testified that he had *never* committed a crime or offense for which he was not arrested, consistent with his written response to Part 10, Section D, Question 15.

18. During the naturalization interview, Defendant orally testified that he had *never* given false or misleading information to any U.S. government official while applying for any immigration benefit, consistent with his written response to Part 10, Section D, Question 23.

19. During the naturalization interview, Defendant made seven changes to his naturalization application, which were handwritten in red ink by the interviewing USCIS officer.

20. At the end of the naturalization interview, Defendant again signed the naturalization application in the presence of the USCIS officer and again swore that the contents of his naturalization application, including the seven numbered changes, were true and correct to the best of his knowledge and belief.

21. Based on the information Defendant supplied in his naturalization application and in the sworn answers he gave during his naturalization interview, USCIS approved the naturalization application on August 9, 2010.

Oath of Allegiance

22. On August 13, 2010, based on Defendant's approved naturalization application and on the responses he provided that same day on Form N-445, Notice of Naturalization Oath Ceremony, Defendant was administered the oath of allegiance, admitted to U.S. citizenship, and issued Certificate of Naturalization No. [REDACTED] See Form N-550, Certificate of Naturalization (attached as Exhibit C).

NORTH CAROLINA STATE CRIMINAL CHARGES AND CONVICTION

23. On July 2, 2012, the state of North Carolina issued two indictments for Defendant in case numbers [REDACTED] and [REDACTED] See Ex. D – Criminal Record.

24. The indictment in case number [REDACTED] charged Defendant with one count of "Statutory Sexual Offense of Person Who is 13, 14, and 15 Years Old, § 14-27.7a" and two counts of "Taking Indecent Liberties with a Child, § 14-202.1." *Id.*

25. The indictment in case number [REDACTED] charged Defendant with one count of “Statutory Sexual Offense by an Adult, § 14-27.4A” and two counts of “Taking Indecent Liberties with a Child, § 14-202.1.” *Id.*

26. On or about September 19, 2012, in a single disposition listing his two case numbers, Defendant pled guilty to two counts of “Taking Indecent Liberties with a Child, § 14-202.1” – with one count from each of his two indictments – by signing a Form AOC-CR-300, Transcript of Plea, *North Carolina v. Regalado*, [REDACTED] *Id.* at “Transcript of Plea” and “Transcript of Plea/Sentencing Hearing.”

27. Defendant entered his plea of guilty in [REDACTED] and [REDACTED] pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), with each judgment identifying an offense date of March 24, 2007. For each count, the court sentenced Defendant to 16 to 20 months of imprisonment. The court ordered the sentences to run consecutively, suspended each sentence, and placed Defendant on supervised probation with a sex offender assessment. *Id.* at “Transcript of Plea” and “Judgment Suspending Sentence.”

28. On October 6, 2020, Defendant pled guilty to failure to register and update registration as a sex offender, as required by the Sex Offender Registration and Notification Act, in violation of 18 U.S.C. § 2250(a), and on February 9, 2021, he was sentenced to three years of probation, with home detention required for the first sixty days. *United States v. Regalado*, 5:19-cr-499-D, ECF No. 48 (E.D.N.C. Oct. 6, 2020); *id.*, ECF No. 60 (E.D.N.C. Feb. 9, 2021).

FALSE STATEMENTS AND TESTIMONY

Commission of a Crime or Offense for Which Not Arrested

29. On March 24, 2007, Defendant committed a crime for which he had not been arrested at the time he naturalized in 2010, to wit: Taking Indecent Liberties with a Child, in violation of N.C. Gen. Stat. § 14-202.1.

30. Accordingly, Defendant's representation in his naturalization application in response to Part 10, Section D, Question 15, that he had *never* committed a crime or offense for which he was not arrested, was false.

31. Likewise, Defendant's sworn testimony at his August 9, 2010 naturalization interview in response to Part 10, Section D, Question 15, that he had *never* committed a crime or offense for which he was not arrested, was false.

32. Defendant knew his answer to Part 10, Section D, Question 15, as well as his oral testimony in response to this question at his naturalization interview, was false because Defendant knew that, in 2007, prior to his 2010 naturalization proceedings, he had committed a crime by taking indecent liberties with a child.

**False or Misleading Information to any U.S. Government Official
While Applying for an Immigration Benefit**

33. On or about April 1, 2010, when Defendant submitted his naturalization application, and again on August 9, 2010, when USCIS interviewed Defendant in support of his application, Defendant provided false information to a U.S. government official while applying for an immigration benefit, to wit: representing in his naturalization application and at interview that he had *never* committed a crime for which he had not been arrested, when he *had* committed on March 24, 2007 – but had not yet been arrested for – the crime of Taking Indecent Liberties with a Child, in violation of N.C. Gen. Stat. § 14–202.1.

34. Accordingly, Defendant's representation in his naturalization application in response Part 10, Section D, Question 23, that he had *never* provided false or misleading information to any U.S. government official while applying for an immigration benefit, was false.

35. Additionally, Defendant's sworn testimony at his August 9, 2010 naturalization interview in response to Part 10, Section D, Question 23, that he had *never* provided false or misleading information to any U.S. government official while applying for an immigration benefit, was false.

36. Defendant knew his answer to Part 10, Section D, Question 23, as well as his oral testimony in response to this question at his naturalization interview, was false because Defendant knew

that, in submitting his naturalization application and interviewing in support of it, he had provided false information by representing that he had *never* committed a crime for which he had not been arrested.

V. GOVERNING LAW

Congressionally Imposed Prerequisites to the Acquisition of Citizenship

37. No noncitizen has a right to naturalization “unless all statutory requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). Indeed, the Supreme Court has underscored that “[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981) (“An alien who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress.”) (quoting *Ginsberg*, 243 U.S. at 474).

38. Congress has mandated that an individual may not naturalize unless that person “during all periods referred to in this subsection has been and still is a person of good moral character” *See* 8 U.S.C. § 1427(a)(3). The required “statutory period” for good moral character begins five years before the date the applicant files the application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. *Id.*; 8 C.F.R. § 316.10(a)(1).

39. Although Congress has not specifically defined what constitutes good moral character for naturalization purposes, the Immigration and Nationality Act lists certain classes of applicants who cannot be found to have the requisite good moral character. *See* 8 U.S.C. § 1101(f).

40. Congress has explicitly precluded individuals who give false testimony for the purpose of obtaining immigration benefits from establishing the good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6).

41. Further, Congress created a “catch-all” provision, which states, “The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character.” 8 U.S.C. § 1101(f) (flush language).

42. Thus, an individual who commits an unlawful act adversely reflecting upon his or her moral character cannot meet the good moral character requirement unless he or she proves that extenuating

circumstances existed that lessen his or her culpability for the crime. *See* 8 C.F.R. § 316.10(b)(3)(iii); *see also* 8 U.S.C. § 1101(f) (flush language).

43. “[A] conviction during the statutory period is not necessary for a finding that an applicant lacks good moral character. It is enough that the offense was ‘committed’ during that time.” *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011) (discussing 8 U.S.C. § 1101(f)(3) and 8 C.F.R. § 316.10(b)(3)(iii)). But where an individual has been convicted, he is collaterally estopped from contesting all issues necessarily decided in the criminal matter. *See id.* at 663 (stating that a defendant “may not . . . re-litigate issues decided in his criminal case” in a subsequent civil denaturalization action) (citing *United States v. Jean-Baptiste*, 395 F.3d 1190, 1192 (11th Cir. 2005), *cert. denied*, 546 U.S. 852 (2005)).

The Denaturalization Statute

44. Recognizing that there are situations in which an individual has naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship or by concealing or misrepresenting facts that are material to the decision on whether to grant his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

45. Under 8 U.S.C. § 1451(a), a court must revoke an order of naturalization and cancel the individual’s Certificate of Naturalization if his or her naturalization was either:

- (i) illegally procured, or
- (ii) procured by concealment of a material fact or by willful misrepresentation.

46. Failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship renders the citizenship “illegally procured.” *Fedorenko*, 449 U.S. at 506.

47. Naturalization was procured by concealment of a material fact or by willful misrepresentation where: (1) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (2) the misrepresentation or concealment was willful; (3) the fact was material; and (4) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

48. Where the government establishes that a defendant's citizenship was procured illegally or by willful misrepresentation or concealment of a material fact, "district courts lack equitable discretion to refrain from entering a judgment of denaturalization." *Fedorenko*, 449 U.S. at 517.

VI. CAUSES OF ACTION

COUNT ONE

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Unlawful Acts)

49. Plaintiff re-alleges and incorporates by reference the factual and legal allegations in Sections II through V of this complaint.

50. As outlined above, to be eligible for naturalization, an applicant must show that he or she has been a person of good moral character for the five-year statutory period before they file their naturalization application and until the time they become a naturalized United States citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1). Thus, Defendant was required to establish that he was a person of good moral character from April 1, 2005, until August 13, 2010 (the "statutory period").

51. Defendant could not establish the requisite good moral character for naturalization because he committed an unlawful act during the statutory period that reflected adversely upon his moral character, and there were no extenuating circumstances that would lessen his guilt. *See* 8 C.F.R. § 316.10(b)(3)(iii); *see also* 8 U.S.C. § 1101(f) (flush language).

52. Specifically, as set forth above, Defendant took indecent liberties with a child, in violation of N.C. Gen. Stat. § 14-202.1. *See United States v. Agyemang*, No. 7:17-cv-55-D, 2018 WL 3245048, at *3 (E.D.N.C. July 3, 2018) ("Agyemang did not meet the statutory requirement of possessing good moral character because Agyemang sexually abused a minor during the statutory naturalization period . . .").

53. Defendant's conduct occurred on March 24, 2007, which is within his statutory period.

54. Defendant cannot establish extenuating circumstances with regard to his unlawful activity that render his conduct less reprehensible than it otherwise would be or that tend to palliate or lessen his

guilt. He therefore cannot avoid the regulatory bar on establishing good moral character found at 8 C.F.R. § 316.10(b)(3)(iii).

55. Because Defendant committed unlawful acts that adversely reflected on his moral character during the statutory period and he cannot demonstrate extenuating circumstances, he was barred under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

56. Because Defendant was not a person of good moral character, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

57. Because Defendant was ineligible to naturalize, he illegally procured his naturalization, and this Court therefore must revoke his naturalization under 8 U.S.C. § 1451(a).

COUNT TWO

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (False Testimony)

58. Plaintiff re-alleges and incorporates by reference the factual and legal allegations in Sections II through V of this complaint.

59. As outlined above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his “statutory period,” which runs from April 1, 2005, until the date he became a U.S. citizen on August 13, 2010. *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

60. Defendant, during his naturalization interview with USCIS on August 9, 2010, which is within his statutory period, gave false testimony to secure an immigration benefit.

61. During his 2010 interview, and after being placed under oath by the interviewing officer, Defendant falsely testified orally to USCIS that he had *never* committed a crime or offense for which he was not arrested, despite having taken indecent liberties with a child in 2007, in violation of N.C. Gen. Stat. § 14-202.1.

62. Also during his 2010 interview, Defendant falsely testified orally that he had *never* given false or misleading information to any U.S. government official while applying for any immigration benefit,

despite having lied to USCIS in his naturalization application and at his interview by representing that – notwithstanding having taken indecent liberties with a child in 2007 – he had *never* committed a crime or offense for which he was not arrested.

63. Defendant's false oral testimony under oath for the purpose of obtaining his naturalization made him ineligible to naturalize because he was barred under 8 U.S.C. § 1101(f)(6) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

64. Because Defendant was not a person of good moral character, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

65. Because Defendant was ineligible to naturalize, he illegally procured his naturalization, and this Court therefore must revoke his naturalization under 8 U.S.C. § 1451(a).

COUNT THREE

PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

66. Plaintiff re-alleges and incorporates by reference the factual and legal allegations in Sections II through V of this complaint.

67. Under 8 U.S.C. § 1451(a), this Court must revoke Defendant's naturalization and cancel his Certificate of Naturalization because he procured his naturalization by concealment of a material fact and by willful misrepresentation.

68. As set forth above, throughout his naturalization process, including in his naturalization application and during his naturalization interview, Defendant concealed and willfully misrepresented that (a) he had *never* committed a crime or offense for which he had not been arrested; and (b) he had *never* given false or misleading information to any U.S. government official while applying for an immigration benefit.

69. Defendant knew these two representations were false and misleading, and he therefore provided these two resulting misrepresentations willfully.

70. Defendant's misrepresentations were material to his naturalization because his disclosure of having taken indecent liberties with a child and disclosure that, in submitting his naturalization application and interviewing in support of it, he lied about his criminal conduct, would have had a natural tendency to influence USCIS's decision whether to approve Defendant's naturalization application because such information directly related to statutory and regulatory eligibility criteria that USCIS is required to consider when deciding whether to grant or deny a naturalization application.

71. Defendant procured his naturalization because of his misrepresentations and concealment. Had Defendant disclosed the truth about his criminal conduct, his ineligibility for naturalization would have been disclosed, and USCIS would not have approved his application or administered the oath of allegiance.

72. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and this Court therefore must revoke his naturalization pursuant to 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, requests:

1. A declaration that Defendant illegally procured his naturalization;
2. A declaration that Defendant procured his naturalization by willful misrepresentation and concealment of material facts;
3. Judgment revoking and setting aside Defendant's naturalization and canceling Certificate of Naturalization No. [REDACTED] effective as of the original date of the order and certificate, August 13, 2010;
4. Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages in connection with his August 13, 2010 naturalization;
5. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, his Certificate of Naturalization, No. [REDACTED] and any copies thereof in his possession, and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession of others, to the Attorney General, or his representative, including undersigned counsel;

6. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, any other indicia of U.S. citizenship – including, but not limited to, U.S. passports and passport cards, if applicable (whether current or expired), as well as any Enhanced Driver's License (whether current or expired) – and any copies thereof in his possession, and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession of others, to the Attorney General, or his representative, including undersigned counsel; and

7. Judgment granting the United States such other relief as may be lawful and proper in this case.

Dated: September 24, 2025

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