

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:25-CV-01519-D-KS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HECTOR DANERI REGALADO,

Defendant.

**PLAINTIFF'S MEMORANDUM
SUPPORTING ITS MOTION FOR
JUDGMENT ON THE PLEADINGS
Fed. R. Civ. P. 12(c)**

**I. INTRODUCTION AND SUMMARY
OF THE NATURE OF THE CASE**

The United States of America ("Plaintiff") submits this memorandum supporting its motion for judgment on the pleadings against Hector Daneri Regalado ("Defendant") in this civil action to revoke Defendant's naturalization under 8 U.S.C. § 1451(a). *See* Fed. R. Civ. P. 12(c). Revocation of naturalization is required if the government demonstrates either of two grounds: (1) the naturalization was illegally procured; or (2) the naturalization was procured by concealment of a material fact or by willful misrepresentation. 8 U.S.C. § 1451(a). The undisputed facts presented in the Complaint [D.E. 1] and the exhibits thereto [D.E. 1-1 to 1-4], along with Defendant's Answer [D.E. 14], establish that both revocation grounds exist here, warranting judgment on the pleadings for Plaintiff on Complaint Counts One and Three.

On or about September 19, 2012, Defendant pled guilty pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), to two counts of willfully taking indecent liberties with a child, in violation of N.C. Gen. Stat. § 14-202.1.¹ *See* Compl. ¶¶ 26-27 (citing Ex. D – Criminal Records, *North Carolina v. Regalado*, [REDACTED] [D.E. 1-4]); Ans. ¶¶ 26-27. Considering the Complaint and its exhibits, Defendant cannot dispute that he committed his crimes in 2007, nor can he dispute that he concealed his

¹ This Court recognizes Defendant's guilty plea as an adjudication of guilt for his crimes. [D.E. 11] at 2, 7.

criminal conduct when he was asked – and was statutorily required – to disclose his crimes during his 2010 naturalization proceedings.

Based solely on the pleadings and exhibits, Plaintiff therefore moves for judgment under Federal Rule of Civil Procedure 12(c) on Counts One and Three of the Complaint. Defendant's guilty plea substantiates Count One, which alleges that, within his good moral character period, Defendant *committed unlawful acts* that adversely reflect on his moral character. Contrastingly, Defendant's repeated *failure to disclose his crimes* when required to do so during his naturalization proceedings undergirds Count Three. The undisputed record established in the pleadings and exhibits before this Court substantiates each of these counts, which are independent of one another and provide separate grounds that warrant this Court's revocation of Defendant's naturalization under 8 U.S.C. § 1451(a).

II. LEGAL STANDARDS

A. Naturalization Revocation under 8 U.S.C. § 1451(a)

The Supreme Court has advised that once United States citizenship has been conferred via naturalization, it should not be taken away without “clear, unequivocal, and convincing evidence, which does not leave the issue in doubt.” *Schneiderman v. United States*, 320 U.S. 118, 122 (1943) (internal quotations omitted). Congress has authorized the government to seek naturalization revocation in any case where a naturalized citizen either: (1) illegally procured naturalization; or (2) procured naturalization by concealment of material facts or by willful misrepresentation. 8 U.S.C. § 1451(a). The Government bears the burden of proof in such proceedings because of the “importance of the right that is at stake.” *Fedorenko v. United States*, 449 U.S. 490, 505-06 (1981). However, “once a district court determines that the Government has met its burden of proving that a naturalized citizen obtained his citizenship illegally or by willful misrepresentation, it has no discretion to excuse the conduct,” and it must enter a judgment revoking naturalization under 8 U.S.C. § 1451(a). *Id.* at 517.

B. Judgment on the Pleadings Standard of Review

Federal Rule of Civil Procedure 12(c) permits a party to move for judgment on the pleadings “[a]fter the pleadings are closed – but early enough not to delay trial.” Fed. R. Civ. P. 12(c). “A Rule

12(c) motion is designed to dispose of cases when the material facts are not in dispute and the court can judge the case on its merits by considering the pleadings and any attachments to the pleadings and materials referenced, which are incorporated into the pleadings by Rule 10(c).” *Preston v. Leake*, 629 F. Supp. 2d 517, 521 (E.D.N.C. 2009). Like a Rule 12(b)(6) motion, a Rule 12(c) motion “does not resolve contests surrounding the facts, the merits of a claim, or the applicability of defenses.” *King v. Rubenstein*, 825 F.3d 206, 214 (4th Cir. 2016) (cleaned up). Thus, the court “assume[s] all well-pled facts to be true and draw[s] all reasonable inferences in favor of” the non-moving party when it decides a Rule 12(c) motion. *Belmora LLC v. Bayer Consumer Care AG*, 819 F.3d 697, 702 (4th Cir. 2016). Courts may consider exhibits attached to a complaint as part of a Rule 12(c) motion if they are “integral to the complaint and authentic.”² *Occupy Columbia v. Haley*, 738 F.3d 107, 116 (4th Cir. 2013) (quoting *Philips v. Pitt Cnty. Mem’l Hosp.*, 572 F.3d 176, 180 (4th Cir. 2009)).

III. STATEMENT OF FACTS

The following relevant facts are established by the pleadings and exhibits thereto. Per the above-cited authority discussing the Rule 12(c) standard of review, Plaintiff’s exhibits are appropriate for this Court’s consideration as part of this motion because they were attached to the Complaint, and their authenticity cannot reasonably be disputed.

A. Defendant’s Criminal History

On September 19, 2012, after indictment on July 2, 2012, Defendant, pursuant to *Alford*, pled guilty to two counts of Taking Indecent Liberties with a Child, in violation of N.C. Gen. Stat. § 14-202.1. Compl. ¶¶ 23-26 (citing Ex. D); Ans. ¶¶ 23-26.

Each of the two judgments issued for Defendant identified March 24, 2007, as the offense date. Compl. ¶ 27 (citing Ex. D); Ans. ¶ 27.

² Defendant does not challenge the authenticity of his criminal records attached to the Complaint. Additionally, this Court may take judicial notice of the state court records underlying Defendant’s conviction. See *Lolavar v. de Santibanes*, 430 F.3d 221, 224 n.2 (4th Cir. 2005).

For each of Defendant's criminal counts, the court issued a suspended sentence of not less than 16 months and not more than 20 months of imprisonment, with each sentence to run consecutively. Compl. ¶ 27 (citing Ex. D); Ans. ¶ 27.

B. Defendant's Naturalization

On or about April 1, 2010, roughly three years after committing the offenses leading to his convictions described above, Defendant filed his Form N-400, Application for Naturalization ("naturalization application") with U.S. Citizenship and Immigration Services ("USCIS"). Compl. ¶ 9; Ans. ¶ 9. Defendant signed his naturalization application under penalty of perjury on or about March 26, 2010, thereby certifying that his answers to the application questions were true and correct. Compl. ¶ 12; Ans. ¶ 12; *see also* Compl. Ex. B – Form N-400, Application for Naturalization [D.E. 1-2] at 10.

In responding to questions on his naturalization application, and specifically at Part 10, Section D, Question 15, Defendant checked the box marked "No," indicating that he had never committed a crime or offense for which he had not been arrested. Compl. ¶ 10; Ans. ¶ 10; *see also* [D.E. 1-2] at 9. And in response to Part 10, Section D, Question 23, Defendant again checked the box marked "No," indicating that he had never given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal. Compl. ¶ 11; Ans. ¶ 11; *see also* [D.E. 1-2] at 9. Defendant signed his naturalization application under penalty of perjury before filing it, certifying that the application and submitted evidence were "all true and correct." Compl. ¶ 12; Ans. ¶ 12; *see also* [D.E. 1-2] at 10.

On August 9, 2010, USCIS orally interviewed Defendant under oath in support of his naturalization application. Compl. ¶¶ 14-15; Ans. ¶¶ 14-15. At the conclusion of Defendant's interview, he again confirmed the contents of his application by providing his post-interview signature on his application, again certifying under penalty of perjury that the contents of his application were true and correct to the best of his knowledge and belief. Compl. ¶ 20; Ans. ¶ 20; *see also* [D.E. 1-2] at 10. That same day, USCIS approved Defendant's naturalization application. Compl. ¶ 21; Ans. ¶ 21; *see also* [D.E. 1-2] at 2.

On August 13, 2010, Defendant took the oath of allegiance to the United States, was admitted to U.S. citizenship, and was issued Certificate of Naturalization No.  Compl. ¶ 22; Ans. ¶ 22; *see also* [D.E. 1-2] at 10 and Compl. Ex. C – Certificate of Naturalization [D.E. 1-3].

C. Relevant Procedural History of this Matter

On September 24, 2025, Plaintiff filed its Complaint. [D.E. 1]. On November 3, 2025, Defendant moved to dismiss the Complaint [D.E. 6, 7], and the Court denied Defendant’s motion on January 27, 2026 [D.E. 11]. On February 25, 2026, after the Court extended Defendant’s deadline by which to respond to the Complaint [D.E. 13], Defendant filed his Answer to the Complaint [D.E. 14].

IV. ARGUMENT

A. The Pleadings Establish that Defendant Illegally Procured Naturalization Because He Lacked the Requisite Good Moral Character due to His Commission of Unlawful Acts that Reflected Adversely on His Moral Character (Count One)

The pleadings and exhibits attached to the Complaint establish that Defendant pled guilty to and was convicted of two counts of Taking Indecent Liberties with a Child. Because Defendant committed these crimes, which reflect adversely on his moral character and for which no extenuating circumstances exist, during a period requiring him to demonstrate good moral character – and because the record clearly, unequivocally, and convincingly demonstrates this – the Court must revoke his naturalization under 8 U.S.C. § 1451(a). *See Fedorenko*, 449 U.S. at 505, 517 (explaining the naturalization revocation standard as “clear, unequivocal, and convincing,” and emphasizing that courts “lack equitable discretion to refrain from entering a judgment of denaturalization against a naturalized citizen whose citizenship was procured illegally or by willful misrepresentation of material facts”). To clarify, the naturalization revocation basis Plaintiff articulates in Count One is independent of, and does not rely upon, any responses Defendant provided to questions in his naturalization application.

Congress requires a naturalization applicant to demonstrate good moral character from a period beginning five years prior to filing the naturalization application up to and including the date of naturalization (the “statutory period”). *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1). A naturalization applicant who, during the statutory period, commits unlawful acts that adversely reflect on

their moral character is barred from establishing the requisite good moral character to naturalize. *See* 8 U.S.C. § 1101(f) (flush language); 8 C.F.R. § 316.10(b)(3)(iii); *see also United States v. Teng Jiao Zhou*, 815 F.3d 639, 644-645 (9th Cir. 2016) (revoking defendant's naturalization due to unlawful acts committed during the statutory period that reflected adversely on moral character and for which defendant showed no extenuating circumstances); *United States v. Suarez*, 664 F.3d 655, 662-63 (7th Cir. 2011) (same); *United States v. U.S. v. Jean-Baptiste*, 395 F.3d 1190, 1195-96 (11th Cir. 2005) (same). The naturalization applicant can overcome this bar only by demonstrating the existence of extenuating circumstances related to the unlawful acts. 8 C.F.R. § 316.10(b)(3). Critically, in a naturalization revocation action, the defendant carries the burden of showing extenuating circumstances for the unlawful act committed during the statutory period. *See United States v. Okeke*, 671 F. Supp. 2d 744, 751 (D. Md. 2009) (citing *United States v. Lekarczyk*, 354 F. Supp. 2d 883, 887 (W.D. Wis. 2005)) (“[T]he Defendant, not the government, has the burden of showing whether he faced extenuating circumstances at the time of the crime.”); *United States v. Dor*, No. 9:15-CV-81701, 2016 WL 11083335, at *12 n.8 (S.D. Fla. Oct. 25, 2016), *aff’d*, 729 F. App’x 793 (11th Cir. 2018) (citation omitted); *cf. Jean-Baptiste*, 395 F.3d at 1195 (discussing extenuating circumstances in terms of *defendant’s* failure to articulate qualifying circumstances).

The pleadings show that Defendant pled guilty in 2012 to crimes that he committed in 2007, with his 2010 naturalization occurring between these events. *See* Compl. ¶¶ 22, 26-27 (citing Ex. D); Ans. ¶¶ 22, 26-27. As a threshold matter, the undisputed record thus establishes that Defendant committed unlawful acts, *see* Compl. ¶¶ 26-27 (citing Ex. D); Ans. ¶¶ 26-27, and, moreover, that Defendant committed his unlawful acts during his statutory period, which began on April 1, 2005 (five years before he filed his naturalization application on or about April 1, 2010), and concluded when Defendant naturalized on August 13, 2010, *see* Compl. ¶ 50; Ans. ¶ 50.

Further, as this Court already has opined, Defendant's crimes reflect adversely on his moral character. *See* [D.E. 11] at 5 (citing *Ashcroft v. Free Speech Coal.*, 535 U.S. 234, 244-45 (2002)); *see also*

United States v. Diaz, No. 23-4087, 2024 WL 3666167, at *5 (4th Cir. Aug. 6, 2024) (explaining that sexual abuse of a minor is an aggravated felony as defined in the Immigration and Nationality Act and that “any person convicted of an aggravated felony cannot be found to have good moral character”).

Finally, the pleadings also demonstrate that no extenuating circumstances exist to mitigate Defendant’s guilt. The extenuating circumstances exception available at 8 C.F.R. § 316.10(b)(3)(iii) goes to culpability for one’s crime, *Jean-Baptiste*, 395 F.3d at 1195, effectively functioning as a qualified safety valve for instances where guilt is acknowledged but the defendant articulates a basis that mitigates his or her guilt. *See Zhou*, 815 F.3d at 644 (quoting *Suarez*, 664 F.3d at 662) (explaining that the “narrow ‘extenuating circumstances’ exception . . . focuses on circumstances during the statutory period that may ‘palliate or lessen’ an offender’s guilt for an offense”); *Suarez*, 664 F.3d at 662 (quoting Black’s Law Dictionary, Sixth Edition (1990)) (“Extenuating circumstances are those which render a crime less reprehensible than it otherwise would be, or ‘tend to palliate or lessen its guilt.’”). The extenuating circumstances exception to the regulatory unlawful acts bar can only apply, therefore, *where culpability is not challenged and responsibility for one’s crime is acknowledged*. *See Jean-Baptiste*, 395 F.3d at 1195 (citing *Rico v. INS*, 262 F. Supp. 2d 6 (E.D.N.Y. 2003)). Here, Defendant continues to challenge culpability for his 2007 crimes. *See Ans.* at 1 (“He denied and continues to deny the accusations in the indictments[.]”). Accordingly, Defendant does not qualify for consideration of whether extenuating circumstances apply to mitigate his guilt as part of any defense to Complaint Count One.

The pleadings and the exhibits demonstrate clearly, unequivocally, and convincingly that, during his statutory period, Defendant committed unlawful acts that adversely reflect on his moral character. Because collateral estoppel bars any challenge by Defendant concerning his crimes,³ and given the absence of extenuating circumstances, the Court should grant judgment on the pleadings for Plaintiff and should revoke Defendant’s naturalization pursuant to Count One. Numerous courts have granted judgment on the pleadings for the government in 8 U.S.C. § 1451(a) actions on the same basis that

³ Defendant has not affirmatively challenged the fact of his conviction. As noted further below, however, collateral estoppel bars any challenge in this civil action to Defendant’s conviction.

Plaintiff alleges in this matter in Count One, illegal procurement due to a naturalization applicant's commission, during the statutory period, of unlawful acts that reflected adversely on the applicant's moral character: *Zhou*, 815 F.3d at 644-45 (affirming district court grant of Rule 12(c) motion denaturalizing defendant based on unlawful acts); *United States v. Ahmed*, No. 18-cv-4598, 2021 WL 9541406, at *4 (N.D. Ill. Sept. 22, 2021) (granting Rule 12(c) motion, denaturalizing defendant based on unlawful acts); *United States v. Merino*, No. 20-cv-24093, 2021 WL 4099055, at *1 (S.D. Fla. Sept. 9, 2021) (same); *United States v. Coloma*, 535 F. Supp. 3d 1279, 1286 (S.D. Fla. 2021) (same); *United States v. Okoro*, No. 19-cv-4837, 2020 WL 7382103, at *3 (S.D. Tex. Oct. 9, 2020) (same), *aff'd*, 852 F. App'x 798, 801 (5th Cir. 2021)); *United States v. Hamed*, 358 F. Supp. 3d 865, 873 (W.D. Mo. 2018) (same), *aff'd on other grounds*, 976 F.3d 825 (8th Cir. 2020); *United States v. Estrada*, 349 F. Supp. 3d 830, 837 (D. Ariz. 2018) (same); *United States v. Martinez*, No. 17-cv-2658, 2017 WL 6550854, at *3 (C.D. Cal. Aug. 21, 2017) (same).⁴ This Court, faced with the uncontroverted facts of the pleadings and the criminal records Plaintiff attached as exhibits, should do the same and grant judgment on the pleadings to Plaintiff on Count One of the Complaint under Federal Rule of Civil Procedure 12(c).

B. The Pleadings Establish that Defendant Procured His Citizenship by Concealment of a Material Fact or by Willful Misrepresentation during His Naturalization Proceedings (Count Three)

Congress also mandates naturalization revocation where an individual procured naturalization by concealment of a material fact or by willful misrepresentation. 8 U.S.C. § 1451(a). The uncontested facts established in the pleadings and exhibits before this Court demonstrate by clear, unequivocal, and convincing evidence that, during his naturalization proceedings, Defendant willfully concealed the material fact of his criminal conduct. This independent naturalization revocation basis in Count Three warrants the Court's grant of judgment on the pleadings for Plaintiff.

⁴ In a comparable action under 8 U.S.C. § 1451(a), where the government moved for summary judgment, this Court granted the government's motion. *See United States v. Agyemang*, No. 7:17-CV-55-D, 2018 WL 3245048, at *4 (E.D.N.C. July 3, 2018).

To establish procurement of naturalization “by concealment of a material fact or by willful misrepresentation” under 8 U.S.C. § 1451(a), the government must demonstrate the following four elements: (1) an applicant misrepresented or concealed a fact during naturalization proceedings; (2) the misrepresentation or concealment was willful; (3) the misrepresented or concealed fact was material in that it had the natural tendency to influence USCIS’s decision; and (4) the applicant procured citizenship as a result. *See Kungys v. United States*, 485 U.S. 759, 771-72 (1988); *United States v. Agyemang*, No. 7:17-CV-55-D, 2018 WL 3245048, at *4 (E.D.N.C. July 3, 2018). Based on the undisputed record in the pleadings and exhibits before this Court, Plaintiff clearly, unequivocally, and convincingly satisfies all four elements here.

First, Defendant provided false answers to two questions on his naturalization application. It is undisputed that Defendant answered “No” to Part 10, Section D, Question 15, asking whether he had “**ever** committed a crime or offense for which [he was] **not** arrested” (emphasis in original); and “No” to Part 10, Section D, Question 23, asking whether he had “**ever** given false or misleading information to any U.S. Government official while applying for any immigration benefit[.]” (emphasis in original). Compl. ¶¶ 10-11; Ans. ¶¶ 10-11. By responding in the negative to these two questions, Defendant misrepresented on two fronts. He concealed that – in 2007, almost three years to the day before he submitted his naturalization application in 2010 – he twice committed the crime of Taking Indecent Liberties with a Child, in violation of N.C. Gen. Stat. § 14-202.1. *See* Compl. ¶¶ 23-27 (citing Ex. D); Ans. ¶¶ 23-27. Additionally, Defendant concealed that – while applying for naturalization – he had given false information to a U.S. government official through his concealment, in his naturalization application, of the crimes he already had committed but for which he had not yet been arrested. The pleadings and attached exhibits plainly show, in fulfillment of the first *Kungys* element, that Defendant misrepresented by failing to disclose to immigration authorities reviewing his naturalization application both his crimes *and* his provision of false information that hid his crimes.

Second, each of Defendant’s concealments was willful. “[A] misrepresentation is willful if it was deliberate and voluntary. Knowledge of the falsity of the representation generally satisfies that standard.”

Xing Yang Yang v. Holder, 770 F.3d 294, 303 (4th Cir. 2014), *as amended* (Nov. 5, 2014) (analyzing willfulness in context of a misrepresentation made in seeking an immigration benefit); *see also United States v. Tall*, No. 5:19-CV-549-FL, 2021 WL 640691, at *5 (E.D.N.C. Feb. 18, 2021) (citing *Yang*, 770 F.3d at 303) (finding willful misrepresentations by naturalization revocation defendant in context of dual identity case). Willful misrepresentation does not require a showing of intent to deceive. *Id.*

Defendant's criminal record establishes that, in providing his misrepresentations in response to Questions 15 and 23 of his naturalization application, he did so willfully because the 2007 crimes to which he pled guilty in 2012 included willfulness as an element *and* because there is nothing in the record showing that Defendant did not know, at the time of his 2010 naturalization proceedings, that sexual assault of a minor child was a crime. To the contrary, as this Court has held, Defendant "cannot demonstrate that the statutes and questions at issue [in his naturalization application] were vague as to his own conduct (i.e., taking indecent liberties with a child)." [D.E. 11] at 7 (citing *Holder v. Humanitarian L. Project*, 561 U.S. 1, 18-19 (2010); *United States v. Hasson*, 26 F.4th 610, 616-17 (4th Cir. 2022)); *see also Agyemang*, 2018 WL 3245048, at *4 ("As for willfulness, the questions were clear and there is no evidence in the record that Agyemang did not understand the question or that Agyemang did not know that sexually abusing his minor stepchild was a crime."). Moreover, Defendant's signature on his naturalization application attesting to the application's accuracy on two occasions (*i.e.*, at the time he completed it and again at the conclusion of his naturalization interview, [D.E. 1-2] at 10) further demonstrates the willfulness of his misrepresentations. *See, e.g., United States v. Hirani*, 824 F.3d at 741, 749 (8th Cir. 2016) (holding that a naturalization applicant's signature under penalty of perjury affirming an inaccurate representation demonstrates that the misrepresentation was willful); *Tall*, 2021 WL 640691, at *6 (holding that asylum applicant's signature at conclusion of interview confirming that the application contents were correct demonstrated willfulness of misrepresented information). The uncontested record here thus shows that Plaintiff meets *Kungys*'s second element by demonstrating the willfulness of Defendant's misrepresentations in his naturalization application.

Third, Defendant's misrepresentations were material. A naturalization misrepresentation is material if it had a natural tendency to influence the decisionmaker. *Kungys*, 485 U.S. at 771-72. In practice, this means a misrepresentation is material if it either was itself relevant to an applicant's qualifications to naturalize or predictably would have disclosed other facts relevant to an applicant's qualifications. *Id.* at 774. Defendant's crime implicates moral turpitude. [D.E. 11] at 5 (citing *United States v. Gariba*, No. 1:18-CV-127, 2018 WL 11514550, at *3 (M.D.N.C. Nov. 15, 2018)). As such, Defendant's disclosure of his crime would have been directly relevant to a determination of whether he possessed the good moral character required to naturalize under 8 U.S.C. § 1427(a)(3). Accordingly, Defendant's concealment of his crime was material, as were his misrepresentation that he had never committed a crime for which he had not been arrested and his misrepresentation that he had never provided false information to obtain an immigration benefit, and they meet *Kungys*'s third element.

Finally, Defendant procured his citizenship as a result of his misrepresentation. The test for "procurement" is whether the record "raise[s] a fair inference" that a disqualifying fact existed that would render the applicant ineligible to naturalize. *See Kungys*, 485 U.S. at 783. Significantly, this final element is not a "but for" test that requires the government to conclusively establish ineligibility for citizenship based on the misrepresentation. *Kungys*, 485 U.S. at 776-77. Had Defendant disclosed his child sexual assault conduct in his naturalization application or during his naturalization interview, such disclosure would have raised more than a fair inference of a disqualifying fact; USCIS would not have granted his naturalization application due to the moral character issue that disclosure would have raised. *See Agyemang*, 2018 WL 3245048, at *4. This satisfies the fourth *Kungys* element.

Accordingly, this Court should find that the pleadings and exhibits attached thereto demonstrate by clear, unequivocal, and convincing evidence that Defendant procured his citizenship by willfully misrepresenting and concealing material facts. On this basis, the Court should grant judgment on the pleadings for Plaintiff pursuant to Count Three and revoke Defendant's naturalization under 8 U.S.C. § 1451(a).

C. Defendant Asserts No Cognizable Defenses

Defendant's Answer does not explicitly assert affirmative defenses,⁵ *see generally* [D.E. 14], but it implies that this Court's application of some form of discretion is warranted in determining whether revocation of Defendant's naturalization is appropriate, *id.* at 2 (arguing that "Regalado has, in the main, demonstrated good moral character" for several years), 6 (arguing that the government brought this naturalization revocation complaint "indefensibly long after" Defendant naturalized). With this in view – should this Court read into Defendant's argument the assertion of a laches, statute of limitations, or other equitable defense – Plaintiff opposes the application of any equitable defense to this action, considering the authority against such application.

The Supreme Court has clarified that "district courts lack equitable discretion to refrain from entering a judgment of denaturalization against a naturalized citizen whose citizenship was procured illegally or by willful misrepresentation of material facts." *See Fedorenko*, 449 U.S. at 517 ("[O]nce a district court determines that the Government has met its burden of proving that a naturalized citizen obtained his citizenship illegally or by willful misrepresentation, it has no discretion to excuse the conduct."). Moreover, and to address Defendant's argument about the length of time between his naturalization and the filing of this action, the Court must note that the Fourth Circuit has refused to apply laches in a naturalization revocation action, highlighting laches' inapplicability as a "defense to a suit by [the government] to enforce a public right or protect a public interest." *See United States v. Jones*, 532 F. App'x 321, 322 (4th Cir. 2013) (citation omitted). Other circuits have declined to apply laches as a defense in light of the particular facts of the specific naturalization revocation case before the respective circuit. *See, e.g., United States v. Yetisen*, No. 23-3892, 2025 WL 2028310, at *2 (9th Cir. July 21, 2025); *United States v. Corral Valenzuela*, 931 F.3d 605, 609 (7th Cir. 2019); *United States v. Gkanios*, 536 F.

⁵ Defendant's Answer likewise does not explicitly challenge his conviction. However, to the extent that Defendant's denial of the allegations supporting his guilty plea could be construed as a challenge to the facts of his conviction, [D.E. 14] at 1, Defendant is estopped from such a challenge for reasons Plaintiff has previously argued before this Court and as this Court already has determined. *See* [D.E. 10] at 7-9 and [D.E. 11] at 7.

App'x 854, 858 n.4 (11th Cir. 2013); *United States v. Koreh*, 59 F.3d 431, 445 (3d Cir. 1995); *United States v. Kairys*, 782 F.2d 1374, 1384 (7th Cir. 1986); *United States v. Oddo*, 314 F.2d 115, 119 (2d Cir. 1963). Significantly, the Sixth and Eighth Circuits have held that laches categorically does not apply in civil naturalization revocation cases. See *United States v. Mandycz*, 447 F.3d 951, 964 (6th Cir. 2006); *United States v. Hamed*, 976 F.3d 825, 830-31 (8th Cir. 2020).

Regarding any statute of limitations defense, it is well-settled that there is no statute of limitations for civil naturalization revocation actions. See *Tall*, 2021 WL 640691, at *8 (finding that “no statute of limitations applies to [8 U.S.C. § 1451 actions]” and collecting Supreme Court and circuit court decisions that “have held routinely that 28 U.S.C. § 2462, which provides a five-year statute of limitations . . . does not apply to denaturalization proceedings because denaturalization is not a penalty”).

Defendant does not explicitly assert any affirmative defenses, and, as to equitable defenses, no authority exists for the application of such a defense to a civil naturalization revocation action. The Court accordingly should decline the application of any affirmative defense here.

V. CONCLUSION

The clear, unequivocal, and convincing facts in the pleadings and exhibits thereto show that, during the statutory period, Defendant committed unlawful acts that adversely reflected upon his moral character, which precluded him from establishing the good moral character necessary to naturalize. The pleadings additionally show that Defendant procured U.S. citizenship by concealing and willfully misrepresenting material facts concerning his crimes. Accordingly, on the bases Plaintiff articulates in Complaint Counts One and Three, along with the reasons outlined above, this Court must grant judgment

on the pleadings for the United States and revoke Defendant's naturalized citizenship pursuant to 8 U.S.C. § 1451(a).

Dated: March 12, 2026

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CERTIFICATE OF COMPLIANCE WITH WORD COUNT LIMITATION

Pursuant to Local Civil Rule 7.2(f)(3), I certify that this brief contains 4642 countable words and thus complies with the applicable word limit.

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