

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:25-CV-01519-D-KS

UNITED STATES OF AMERICA	)	
	)	
v.	)	REPOSE TO PLAINTIFF'S
	)	MOTION FOR JUDGMENT
HECTOR DANERI REGALADO	)	ON THE PLEADINGS
	)	

NOW COMES the Defendant, Hector Regalado (“Regalado” or “Defendant”) through undersigned counsel responding to Plaintiff’s Motion for Judgment on the Pleadings and says and asserts as follows:

I.
INTRODUCTION AND TIMELINE

At the risk of exacerbating the tautological nature of the duelling Memoranda over the core elements of the instant case, the Defendant, Hector Regalado (“Regalado” or “the Defendant”) once again sets out and relies upon the timeline of the naturalization/attempted denaturalization case:

1. The Defendant applied for and was granted full citizenship in April and August of 2010; and
2. On September 24, 2025, or 15 years after obtaining full citizenship in 2010, the Plaintiff filed the Complaint to revoke the Defendant’s naturalization; and
3. In July of 2012 Regalado was indicted in state court for a statutory sexual offense and taking liberties with a child, 2 years after applying for and being granted full citizenship. The crimes were allegedly committed in 2007, 5 years before the indictment; and

4. On advice of counsel the Defendant took an “Alford” plea to the accusations in the indictment. The government asserts that Regalado “cannot dispute that he committed his crimes in 2007”, but, of course, he absolutely disputes that he committed the crimes. And surely in the context of a denaturalization action, the court should not turn a blind eye to the very nature of an “Alford” plea nor deprive the Defendant and his witnesses of the right to be heard in a judicial proceeding as to the rationale and context behind the “Alford” plea; and
5. The government, however, goes a step further and argues that Regalado cannot even “dispute that he concealed his criminal conduct” when he was interviewed concerning his citizenship application, conveniently overlooking that the interview took place 2 years before he was even indicted over alleged crimes 5 years earlier. The government at least acknowledges that at the end of the interview Regalado certified “that the contents of his application [for citizenship] were true and correct to the best of his knowledge and belief”.

II.

LEGAL STANDARDS AND APPLICABLE LAW

6. The legal standard in play in this action is set forth in Paragraph 5 of the Defendant’s Answer to Complaint to Revoke Naturalization [DE 14] citing the polar star denaturalization case of *Schneiderman v. United States*, 320 U.S. 118 (1943) – the facts and the law need to be construed as far as is reasonably possible in favor of the citizen – by clear, convincing and unequivocal evidence, not leaving the veracity of the allegations in doubt.
7. The Defendant has denied in his Answer to Complaint, referenced above,

Paragraphs 29 (taking indecent liberties with a child), 30 (Question 15 of Application), 31 (Interview), 32 (knowingly providing false answers), 33 (providing false information), 34 (Question 23), 35 (Interview), 36 (knowingly providing false answers), 51 (failure to establish good moral character), 52 (taking indecent liberties with a child), 53 (criminal conduct), 54 (good moral character), 55 (good moral character), 56 (good moral character), 57 (illegal procurement of naturalization), 60 (false testimony), 61 (false testimony), 62 (false/misleading statements to government official), 63 (false testimony for naturalization), 64 (good moral character), 67 (concealment of a material fact and willful misrepresentation), 68 (concealment and willful misrepresentation), 69 (knowingly misrepresentations), 70 (lied about criminal conduct), 71 (misrepresentations and concealment) and 72 (willful misrepresentations and concealment).

8. Essentially the gravamen of the government's case against Regalado is encapsulated in the following statement:

Accordingly, the 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. (emphasis supplied)

The two operative words in the above statement are “evidence” and “willfully”.

There has been no evidence adduced in this case and certainly willfulness cannot be gleaned solely from disputed allegations [i.e., the government must prove its allegations by clear, convincing and unequivocal evidence which does not leave

the veracity of the allegations in doubt, *Schneiderman, supra*.

9. The Plaintiff's Motion for Judgment on the Pleadings rests on the statements, interview answers and information provided by the Defendant or his failure to accurately provide such statements, interview answers and information in 2010, during the naturalization proceedings, completely focused on alleged criminal conduct in 2007, as described above and in other filings herein. However, in 2010 there had been no charges leveled against the Defendant, much less any adjudication of guilt. Inferring knowledgeable culpability in 2010, 2 years before any indictment, which is the underpinning of the government's case of misrepresentation and concealment simply from the allegations in the Complaint which are disputed *in toto* by Regalado would violate the very basic tenet of *Schneiderman, supra* as well as the standard governing Rule 12(c), FRCP, applicability.

10. The Defendant respectfully requests that he be given his day in Court to litigate all aspects of this denaturalization action by the government.

Respectfully submitted this 20th day of March 2026.

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CERTIFICATE OF SERVICE

This is to certify that the undersigned attorney has served a copy of the *Response to Plaintiff's Motion for Judgment on the Pleadings* upon counsel and parties listed below via the CM/ECF System of the United States District Court for the Eastern District of North Carolina:

Christopher Hollis
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Trial Attorney
Office of Immigration Litigation
U.S. Department of Justice

This 20th day of March 2026.

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