

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 REPLY SUPPORTING
ITS MOTION FOR JUDGMENT ON
THE PLEADINGS
Fed. R. Civ. P. 12(c)

Plaintiff submits this reply brief to address three issues that Defendant initially raises in his opposition [D.E. 18] to Plaintiff's motion and memorandum supporting judgment on the pleadings [D.E. 16, 17]. *See* LR 7.1(g) ("discourag[ing]" replies unless submitted to address "matters initially raised in a response to a motion"). Defendant's arguments opposing judgment for Plaintiff either gloss over the undisputed record or misunderstand the nature of the naturalization revocation grounds Plaintiff articulates in its pending motion. None of Defendant's arguments should sway this Court from determining that judgment for Plaintiff is appropriate on Complaint Counts One and Three, as articulated in Plaintiff's pending motion, and based on the undisputed facts presented in the Complaint and exhibits thereto, along with Defendant's Answer.

I. The Pleadings and Exhibits Demonstrate by Clear, Unequivocal, and Convincing Evidence that, in Light of Defendant's Guilty Plea, Naturalization Revocation is Warranted under 8 U.S.C. § 1451(a)

This Court already has determined that "Regalado pleaded guilty to taking indecent liberties with a child in violation of N.C. Gen. Stat. § 1-202.1 approximately three to four years before his [2010] naturalization interview and before he was granted citizenship [in 2010]." *See* [D.E. 11 at 5]. The fact of Defendant's plea to this crime, and the fact that Defendant pled to actions that occurred within the five-year period prior to submitting his naturalization application, are therefore no longer at issue. *Id.*; *see also* [D.E. 17 at 6] (citing Compl. ¶ 50, Ans. ¶ 50, and thus establishing, as admitted, Defendant's statutory good moral character period, which includes the five-year period before submitting his naturalization

application in 2010). The Complaint, the exhibits, and Defendant's admissions thus clearly, unequivocally, and convincingly demonstrate both that (i) Defendant's crimes occurred during Defendant's good moral character period, *see* [D.E. 11 at 5]; [D.E. 17 at 6]; Compl. ¶ 50, Ans. ¶ 50; and (ii) Defendant misrepresented concerning his crimes by responding "No" in his naturalization application at Part 10, Section D, Questions 15 and 23, *see* [D.E. 11 at 1]; [D.E. 17 at 4] (citing Compl. ¶¶ 10, 11, Ans. ¶¶ 10, 11, and thus establishing, as admitted, Defendant's response of "No" to the naturalization application questions at issue).

Accounting for the citations immediately above, the pleadings and relevant exhibits establish that Defendant committed unlawful acts during his statutory period, which forms the basis upon which Plaintiff seeks naturalization revocation under Count One. Further, specific to Count Three, and again in light of the citations immediately above, the pleadings and relevant exhibits also establish that, when Defendant submitted his naturalization application and interviewed in support of it, he omitted both his commission of crimes for which he had not been arrested *and* misrepresented that he had never given false information to obtain an immigration benefit when, in fact, he *had* given false information (e.g., about his prior crimes for which he had not been arrested).

The pleadings before this Court – through the Complaint allegations and materials attached thereto, coupled with Defendant's admissions and this Court's acknowledgment of Defendant's guilty plea – provide all that is needed for this Court's determination that the record clearly, unequivocally, and convincingly establishes that naturalization revocation is warranted under Count One and Count Three.

II. The Bulk of Defendant's Argument Goes Only to Count Three, Thus Misunderstanding the Naturalization Revocation Bases Articulated in Plaintiff's Pending Motion

Defendant miscasts the government's argument for judgment on the pleadings when he focuses the bulk of his opposition upon the "willfulness" requirement for showing procurement of naturalization by concealment or misrepresentation of a material fact. *See* [D.E. 18] at 3-4. His argument thus is shortsighted and misses the mark in two ways.

First, Defendant addresses only Complaint Count Three, omitting all analysis regarding Count One, despite the fact that Plaintiff's Rule 12(c) motion seeks judgment *on both of these counts*. See [D.E. 17] at 5-8 (addressing Count One), 8-11 (addressing Count Three). Defendant's primary focus on Count Three, including the willfulness element articulated in *Kungys v. United States*, 485 U.S. 759 (1988), inaccurately and fatally narrows the argument before this Court. Defendant omits any meaningful opposition to Plaintiff's position that, irrespective of Defendant's naturalization application responses and the willfulness of his misrepresentations in providing his responses, *Defendant's pled crimes nonetheless stand and constitute unlawful acts* committed during his good moral character period that render his naturalization illegally procured according to Count One. See [D.E. 17] at 5 ("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."). Defendant fails to provide any meaningfully responsive argument on this point.

Additionally, and specific to Defendant's willfulness argument as to Count Three, he never addresses Plaintiff's cited decisions holding that, by signing an immigration benefit application, the applicant demonstrates the willfulness of the representations made in the application. See [D.E. 17] at 10 (citing *United States v. Hirani*, 824 F.3d 741, 749 (8th Cir. 2016); *United States v. Tall*, No. 5:19-CV-549-FL, 2021 WL 640691, at *6 (E.D.N.C. Feb. 18, 2021)). Defendant provides no counter to the position that, by twice signing his naturalization application, he made his misrepresentations therein with the requisite willfulness. Again, Defendant's omission is fatal to his argument opposing judgment for Plaintiff.

III. Any Remaining Arguments by Defendant Carry No Weight

Defendant proffers two additional arguments, each of which lacks merit. First, he suggests a "right to be heard" or a need "that he be given his day in Court," given the nature of this naturalization revocation action. [D.E. 18] at 2, 4. Plaintiff does not seek to minimize the gravity of this matter for Defendant or for any individual facing an action for naturalization revocation, but such pleas should not sway this Court. Indeed, multiple other courts have granted judgment on the pleadings for the

government where, as here, the record of conviction as demonstrated by the pleadings and the attached exhibits supports the articulated revocation bases. *See* [D.E. 17] at 8 (collecting cases). And significantly, these courts have granted judgment on the pleadings and revoked naturalization even acknowledging the “polar star” *Schneiderman* standard that Defendant emphasizes. *See* [D.E. 18] at 2, 4 (citing *Schneiderman v. United States*, 320 U.S. 118 (1943)).

Defendant additionally implies that, because he entered his plea pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), his guilty plea to taking indecent liberties with a child in violation of N.C. Gen. Stat. § 1-202.1 creates an exceptional circumstance for the Court’s consideration in deciding Plaintiff’s motion. This Court, however, already has determined as a matter of law that, through his *Alford* plea, Defendant “pleaded guilty.” *See* [D.E. 11] at 5. This determination renders conclusive the fact that Defendant’s guilt has been adjudicated. Accordingly, the Court should disregard any argument implying that Plaintiff’s circumstance is exceptional.

IV. Conclusion

Defendant offers no substantive opposition to the argument that the pleadings and attached exhibits provide clear, unequivocal, and convincing evidence that he illegally procured his naturalization. He fails to respond to the argument in Count One that the crimes to which he pled constitute unlawful acts committed during the statutory period in which he was required to maintain good moral character. And, in fact, no such counter-argument exists, especially where this Court has already determined that pleading under *Alford* is a plea of guilt. Moreover, Defendant’s claim that he has some inherent or implicit right “to be heard” beyond opposing this motion lacks support from any precedential or guiding court, and the Court should not credit this claim. Accordingly, this Court should grant Plaintiff’s motion for judgment on the pleadings under Federal Rule of Civil Procedure 12(c).

Dated: March 31, 2026

Respectfully submitted,

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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 1274 countable words and thus complies with the applicable word limit.

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CERTIFICATE OF SERVICE

I hereby certify that, on March 31, 2026, I electronically filed the foregoing Plaintiff's Reply Supporting Its Motion for Judgment on the Pleadings with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant.

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