Richard Ries
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1705 E. Hanna Rd.
Eloy, AZ 85231

Attn: Immigration Judge Sean Keenan

RE: Custody status

Dear Sir:

This is my third letter to you on this matter.

On February 6th you'd granted the Department of Homeland Security's request for a continuance which was "for the purpose of establishing my alienage". On that date both you and the counsel for the Department also acknowledged, on the record, the fact that it IS the government's responsibility to prove alienage FIRST and that only after that may the burden of proof shift to the respondent.

Further, Section 287 of the INA quite clearly and specifically grants authority to arrest and detain "aliens". Not "persons" and not "respondents". The use of the term "alien" mandates that alienage be established before the given section can be considered to apply. Therefore, without first establishing alienage with "clear, unequivocal and convincing" evidence the BICE, the DHS and the EOIR very clearly, and unquestionably, have absolutely no authority to arrest or detain me. The request for a continuance on 02/06 is a clear and unquestionable admission that no such evidence has been found to exist.

In addition, Section 240B of the INA states:

"The Attorney General may permit an alien to voluntarily depart the United States at the alien's expense under this subsection, in lieu of being subject to proceedings under section 240 or prior to the completion of such proceedings..."

On 07/06 I had attempted to exercise this option but was denied by the court for the reason that "if you are a citizen you cannot be ordered removed" - I believe those were your words. At this time, if I will not be released from custody, I demand to be given the opportunity to "voluntarily depart" as provided for in Section 240B.

Finally, it is clearly outside the jurisdiction of the EOIR court to argue whether a person is, in fact, an alien. The purpose of the court, and of a removal proceeding, is to argue wether the "alien" should be deported or permitted to remain in the United States. The argument of alienage is to be established before the removal proceedings even begins.

It is abundantly clear to myself, my counsel and the members of the media with whom I've spoken, that the BICE, the DHS and the EOIR are simply trying to use coercion to compel me to either

A) produce proof of US citizenship - which I cannot, and absolutely will not, be compelled to do; or
B) admit to the BICE's allegations - which I will not do because they are completely untrue and unfounded.

It is my opinion and firm belief that this matter has gotten far out of hand and if it is not addressed immediately I shall have no reasonable option other than to pursue legal action and/or appeal to my friends and associates in the media for support and assistance.

Now, to reiterate my previous correspondence on this matter, what I am requesting is to be released from custody until such time as the DHS establishes alienage or until my next hearing date. I believe this request is entirely reasonable as it was the department's responsibility to establish alienage before I was even taken into custody.

I do appreciate your prompt attention to this matter and I look forward to resolving these issues discreetly, expeditiously and with a minimum of external involvement.

Most sincerely,

Richard J. Rios