

U.S. Department of Justice
Executive Office for Immigration Review
United States Immigration Court

Matter of

File A 088 664 582

RICHARD STEVEN RIESS

Respondent

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In REMOVAL Proceedings

Transcript of Hearing

Before SEAN H. KEENAN, Immigration Judge

Date: October 31, 2007

Place: Eloy, Arizona

Transcribed by FREE STATE REPORTING, INC., at Annapolis, Maryland

Official Interpreter:

Language:

Appearances:

For the Department of
Homeland Security:

Jennifer I. Gaz

For the Respondent:

Pro se

1 JUDGE FOR THE RECORD

2 This is the Immigration Court at Eloy, Arizona, December
3 6th, 2007. Immigration Judge Sean H. Keenan presiding in a
4 continued removal proceeding.

5 JUDGE TO MR. RIESS

6 Q. Good morning, sir. What is your name?

7 A. Good morning. Richard Riess.

8 JUDGE TO MR. RIESS

9 Thank you.

10 JUDGE FOR THE RECORD

11 A 88 664 582. The respondent is present in court detained
12 by the Department of Homeland Security, appearing pro se. The
13 Government is represented by Assistant Chief Counsel Jennifer
14 Gaz.

15 JUDGE TO MR. RIESS

16 Q. Do you have an attorney, sir?

17 A. No, I don't, sir.

18 Q. Do you want more time to get an attorney or do you
19 want your case started today?

20 A. I'll start today, thank you.

21 Q. Do you waive and give up your right to an attorney for
22 today's hearing?

23 A. Yes.

24 Q. Do you have further documents on your United States
25 citizenship claim, sir?

1 A. No, sir.

2 Q. Well, you said that your mother was born in the United
3 States and you were born in California, correct?

4 A. Yes.

5 Q. All right. And do you want more time to try to
6 establish that?

7 A. No, sir.

8 Q. Do you still believe you were born in the United
9 States?

10 A. Yes.

11 JUDGE TO MS. GAZ

12 Does the Government have any further documents or
13 information on that?

14 MS. GAZ TO JUDGE

15 Your Honor, we've attempted to obtain his birth
16 certificate. However, we have been unable to. There is some
17 indication by the respondent to his officer that we were looking
18 under the wrong name, that he changed his name at some point, so
19 we're still investigating further.

20 JUDGE TO MR. RIESS

21 The Government is still investigating trying to assist you,
22 trying to get with the town you say you were born in to try to
23 get your birth certificate, and I'll postpone your case for that
24 effort to continue. Do you want that?

25 MS. GAZ TO JUDGE

1 Your Honor, just, just for the record --

2 JUDGE TO MS. GAZ

3 Yes.

4 MS. GAZ TO JUDGE

5 -- too, respondent has been uncooperative in assisting the
6 Government in obtaining his birth certificate.

7 JUDGE TO MR. RIESS

8 Q. All right, sir, do you want your case postponed?

9 A. What would be the alternative?

10 Q. The alternative would be to go forward today, and
11 based on the testimony or the evidence I have before me, I would
12 not be able to find that you're a United States citizen. I
13 would not be able to find that you have submitted substantial
14 credible evidence, and so I would have to find perhaps you're a
15 native and citizen of Canada.

16 A. Okay.

17 Q. Well, do you want your case postponed to continue to
18 pursue your United States citizenship claim or do you want your
19 case started today?

20 A. I'll start the case today.

21 Q. All right. Is it true you're a native and citizen of
22 Canada?

23 A. No.

24 JUDGE TO MS. GAZ

25 Does the Government have documents, the I-213 or anything

1 else?

2 MS. GAZ TO JUDGE

3 Your Honor, I apologize: I don't have copies of it.

4 JUDGE TO MR. RIESS

5 Q. Is it true you were admitted to the United States at
6 Blaine, Washington, January 1st, 1997, as a nonimmigrant visitor
7 authorized to remain until July 1st, 1997?

8 A. No.

9 Q. All right, you deny you remained beyond the authorized
10 time, correct?

11 A. Yes.

12 Q. All right, your case has to be postponed for the
13 Government to introduce documents as to the allegations, and
14 also perhaps they can continue to assist you. You understand?

15 A. Yes.

16 Q. All right. Is that all right with you?

17 A. Well, I would prefer to just address it today and get
18 it over with.

19 Q. Well, you denied everything, so I can't order you
20 removed and deported. You're claiming you're a citizen. You've
21 denied all the allegations. The Government is not prepared.
22 They don't have documents. So I have nothing before me except
23 denials. So your case has to be postponed for, I believe, the
24 Government to submit their documents. Any questions on that?

25 A. Is it possible to get a bond or --

1 Q. We'll schedule you for a bond, and that will be within
2 three days. That will be Monday. Fill out the bond worksheet,
3 please. That will assist you and the Court. Try to get any
4 documents you want --

5 A. Sure.

6 Q. -- and your bond will be Monday, ten o'clock,
7 December 10th, and we'll talk about the bond, and this case will
8 be February 6th, '08, 2:00 to 4:30, for the contested issues of
9 removability and United States citizenship, individual hearing.
10 Any questions, sir?

11 A. No, sir.

12 JUDGE TO MR. RIESS

13 Thank you. Case adjourned.

14 HEARING CONTINUED