

To:

U.S. Magistrate Judge  
Ronald G. Morgan  
United State District Court  
Southern District of Texas  
600 E. Harrison St. #101  
Brownsville, Texas 78520-7114

United States District Court  
Southern District of Texas  
FILED

APR 20 2015

David J. Bradley, Clerk of Court

Dated: April 16, 2015

In the United States District Court  
for the Southern District of Texas  
Brownsville Division

United States of America

vs

Robinson Martinez

Criminal No: B-15-191

Dear Honorable Judge,

Please excuse my interruption but this matter requires your immediate attention.

My name is Robinson Martinez, age 43, I have lived in the United States my entire life. I have three beautiful children who depend on me. All three United States citizen (Born). All my family lived in

the United States. The majority of my family are United States citizens whether born or naturalize. Part are long time Permanent Resident Card Holders. I consider myself a U.S. citizen by Act of Congress.

I am bringing this court a very sensitive matter to the court's attention that needs to be addressed and resolved immediately by this court. This issue is a matter of law that requires the U.S. District Court interpretation to determine the issue being addressed so that no injustice will occur.

It seems that I am being prosecuted and accused of being an Alien illegally re-enter the United States after having been previously removed in violation to Title 8 USC § 1326(a) and 1326(b)(1). I am not given the opportunity to argue my claim to U.S. citizen, Title 8 USC 1503. This is an injustice and arbitrary and in violation to my due process.

I believe that you have an oath to be impartially in the decision you make. I argue that I am a U.S. citizen under section 8 USC 1409(c) [8 USC 309(c)]. But before addressing this issue it is necessary to first address my biological mother's citizenship. In this case I argue that section INS § 309(b) [8 USC 1409(b)] in reference to current relevant section INS § 301(3) [8 USC 1401(3)] to the residence requirement

applies. This argument has not been address or determine by the Immigration Court despite I have brought the matter to the Immigration Court's attention. Instead I have had my Argument Ignor intergently. The Act that I rely provides specifically:

INS § 309(b) ... The provisions of section 301(g) shall apply to a child born out of wedlock on or after January 13, 1941 and before December 24, 1952, as of the date of birth, if the paternity of such child is established at any time and while such child is under the age of 21 years by legitimation.

section INS § 301(g) provides specifically:

INS § 301(g) ... provides that the foreign born child of parents, one of whom is a U.S. citizen and one of whom is an alien, is a citizen, at birth, if the U.S. citizen parent resided in the United States for a period of five years prior to the child's birth, two years of which were after turning 14 years old.

This being the case, my biological mother's father a U.S. citizen, who is also my father by adoption, was born November 17, 1934. My biological mother was born on July 4, 1952. Her father, who is also my father by adoption had accumulated 3 years 8 months of physical presence in the United States after reaching 14 years of age. Resultingly, to transmit U.S. citizenship to my biological mother, Sara Martinez thereby transmitting it to U.S. citizenship to me by operation of law under section INS § 309(c) [8 USC 1409(c)].

In this matter there are only two (2) arguments that I make that requires clarification and interpretation of law and only the Court of Appeals, which in this case would be the 5th Circuit Court of Appeals or the U.S. District Court to resolve such matters.

First Argument, It is true that the applicable law for transmitting citizenship to a child born abroad when one parent is a United States citizen is the statute that was in effect at the time of the child's birth.

Here, I am not relying under the statute that was in effect at the time of the child's birth for transmitting citizenship, but rather applying the language of the statute to have become the trigger of transmitting citizenship. In other words your Honorable Judge, I am relying that if a person

was unable to obtain citizenship of the statute at the time of law in effect, than the statute that have the language to become citizenship should governs the issue of applying the law. I am also relying on the U.S. Supreme Court ruling of *Cheuran*, in which the Supreme Court held, that if a statute says what it say, than it means what it say. In this case Section INS § 309(b) in reference to INS § 301(g) of the residence requirement means the current relevant section.

The word shall in section 309(b) commands that INS 301(g) shall applied. NO other interpretation should be construe. I do believe that congress made sect. 309(b) to applied for person born Jan. 14, 1941 and between Dec. 24, 1952 to benefit the law that refers despite its changes and adoption. If Congress would have mean otherwise, it could easily have use direct wording in the statute.

Second Argument: Despite that section INS § 301(g) was made to applied to person born on or after November 14, 1986. I strongly argue that only if you make a claim to us citizenship under section INS § 301(g) is when it should apply. In other words I am not making a claim that my biological mother is a U.S. Citizen under 301(g), but rather under INS § 309(b) in reference to INS § 301(g) to the residence requirement only.

The deportation order was made under the wrong set of law being that the Immigration Judge applied INS § 201(b). Similarity to the above argument that Section § 201(g) requires that the parent be married in order to claim that section. Here, my biological mother was born out of wedlock sect. INS § 201(g) do not applied. I exhausted any administrative remedies seeking relief by appealing to the BIA which I won, but had an unfavorable decision by Immigration Judge second time, this time the Immigration Judge ignore my Arguments and instead certified the case to the Board. I was also deprived of an opportunity for judicial review being that I was force to be remove from the United States, a matter that I could not control and the entry of the order was fundamentally unfair being it was determine under the set of law for the Immigration to issue an order of deportation which should be invalid.

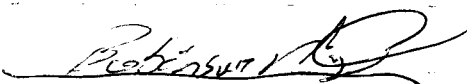
Now that I have brought this matter to your attention and a witness. I hope you will impartially make the appropriate decision to grant me the opportunity to bring my claim to U.S. Citizenship for a determination to be made and allow me to be release from custody.

This is an issue of law that needs to be interpreted and determine. Also, would like to add that my Attorney is not helping me at all and He wish to hide the fact that genuine issue of material fact exist to my nationality to u.s. citizenship.

I do Apologize for taken your time but I only like to have my day in Court and be heard. I pray that you will faithfully will do the right thing. Please grant me a hearing in this matter and grant me time to gather supporting case laws to back-up my Arguments.

I thank you again for your time and will look forward for an answer

Respectfully,



Robinson Martinez

# 264465

1145 E. Harrison St.  
Brownsville, Texas 78521

NOTICE: This correspondence was mailed from:

Cameron County Detention Center

Inmate's Name: Robinson Martinez

Inmate's I.D. & Cell: 264465

Address: 1145 E. Harrison St.  
Brownsville, Texas 77821

United States District Court  
Southern District of Texas  
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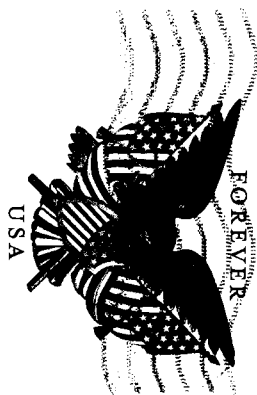
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David J. Bradley, Clerk of Court

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TO:

U.S. Magistrate Judge

Ronald G. Morgan

United States District Court

Southern District of Texas

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Brownsville, Texas 77820-7114