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

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 beautifull 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 citizen whether born or naturlize part are long time Permanent Resident Card Holder. 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 address and resolve Immediately by this court. This issue is a matter of Law that requires the U.S. District Court Interpretation to determine the issue being address so that no injustice will occure.

It seems that I am being prosecuted and accuse 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 INS 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(g) [8 USC 1401(g)] 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 intengently. 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 foregin 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 month 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 matter.

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 terme of the child's birth for transmiting citizenship, but rather applying the language of the statute to have become the trigger of transmiting 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 apping the law. I am also reling in the U.S. Supreme Court ruling of Ctheuran, in which the Supreme court held, that if a statute Say what it say, than it means what it say. In this case Section INS § 309(b) in reference to INS § 309(g) of the residence requirement means the current relevent section.

The word Shall in section 309(b) commands that INS 301(g) shall applied. NO other Intrepretation 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 benifit the law that refers despite its changes and adpotion. If Congress would Have mean otherwise, It could easly 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.

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The deportation order was made under the wrong set of law being that the Immigration Judge applied INS § 201(g). 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 ignor my Arguments and instead Certified the case to the Board. I was also deprive 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 foundamatally unfair being it was determine under the set of Law for the Immigration to issue an order of deportion which should be invaled.

Now that I Have brought this matter to your attention and a witness. I Hop you will impartially make the appropriate decission 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 Interpret 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

Robinson Martinez
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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.
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78521

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United States District Court
Southern District of Texas
~~FILED~~ Recvd
APR 20 2015
David J. Bradley, Clerk of Court

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