

RICHARD STEVEN RIESS
A88 664 582
1705 East Hanna Road
Eloy, Arizona 85231

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGRATION COURT
ELOY, ARIZONA

08 MAR -3 PM 1:53
RECEIVED
W

File No: A88 664 582)
In the matter of:)
Richard Steven Riess)
Phoenix, Arizona)

IN REMOVAL PROCEEDINGS

MOTION FOR RELIEF FROM UNLAWFUL DETENTION

The Respondent, Richard Steven Riess in pro se, respectfully requests of the court to be granted relief from what is clearly unlawful detention.


Section 287 of the Immigration and Nationality Act grants authority to detain a "person suspected of being an alien" only for the purpose of interrogation and only "briefly". Otherwise, all powers to execute an arrest and/or detention are specifically limited to "aliens". Therefore, the Bureau of Immigration and Customs Enforcement and the Department of Homeland Security have no authority to arrest and/or detain a person not first, or previously, proven to be an "alien".

Furthermore, at the time of my arrest, on 9/25/07, arresting IEA Jason Martin and SDDO Kristine Brisson failed to first obtain a valid Warrant for Arrest of Alien (Form I-200). This goes without saying as a requirement of the I-200 is the prior establishment of the respondent's alienage.

As the DHS admitted, in court, on February 6th, 2008 that they have not established alienage and, in fact, have no evidence of alienage it is quite clear that my detention is unauthorized, unlawful and unreasonable.

For the foregoing reasons, Respondent respectfully requests that the court grant relief by immediately ordering his release from such unlawful detention.

Respectfully submitted this 1st day of March, 2008.



Richard Steven Riess

EXHIBIT# 5
ID ONLY:
ADMITTED: 6/22/08
JUDGE LSW

CERTIFICATE OF SERVICE

I, Richard Steven Riess, hereby certify that a true and correct copy of the attached Motion for Relief From Unlawful Detention was served upon the interested party addressed below by placing a copy in a sealed envelope and mailed either by U.S. Postal mail or by Institutional Inter-house mail system.

Dated: March 1, 2008

Signed: 

Richard Steven Riess

Assistant Chief Counsel
U.S. Department of Homeland Security
Immigration and Customs Enforcement
1705 East Hanna Road
Eloy, Arizona 85231