

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 ADRIAN IGNACIO CAMPOS,)
)
 Defendant.)
 _____)

Case No. 11-40045-JAR

**MEMORANDUM AND ORDER DENYING DEFENDANT’S MOTION FOR EARLY
DEPORTATION**

This matter is before the Court on Defendant’s Request for Early Deportation by a Foreign Prisoner Pursuant to 8 U.S.C. § 1326 (Doc. 220). On May 8, 2012, Defendant Campos pled guilty to Conspiracy to Distribute Methamphetamine, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(A). On September 28, 2012, the Court sentenced Defendant to 65 months’ imprisonment. On June 6, 2013, Defendant filed the motion now before the Court, asking the Court to “transfer Defendant’s custody to The United State Immigration and Naturalization Service for deportation.”¹

Defendant argues that the Court grant his motion pursuant to 8 U.S.C. § 1326 and A.R.S. § 41-1604.14. But A.R.S. § 41-1604.14 is an Arizona state statute and does not apply in this case, and 8 U.S.C. § 1326 only addresses reentry of removed aliens, not expedited removal of aliens. Under another statute, 8 U.S.C. § 1228, expedited removal proceedings against an inmate may be commenced “before the alien's release from incarceration for the underlying aggravated felony,”² but that statute is clear that “nothing in this section shall be construed as **requiring** the

¹Doc. 220 at 2.

²8 U.S.C. § 1228(a).

Attorney General to effect the removal of any alien sentenced to actual incarceration, before release from the penitentiary or correctional institution where such alien is confined.”³

Moreover, “[n]othing in this section shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.”⁴ Thus, this statute does not grant Defendant the right to be removed on an expedited basis, before he finishes his sentence. It only gives the Attorney General the right to remove him, if the Attorney General so chooses.

IT IS THEREFORE ORDERED BY THE COURT that Defendant’s Request for Early Deportation by a Foreign Prisoner Pursuant to 8 U.S.C. § 1326 (Doc. 220) is DENIED.

IT IS SO ORDERED.

Dated: June 24, 2013

S/ Julie A. Robinson

JULIE A. ROBINSON

UNITED STATES DISTRICT JUDGE

³*Id.* § 1228(a)(3)(B) (emphasis added).

⁴*Id.* § 1228(a)(1).