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November 8, 2011

The Honorable Eric H. Holder  
Attorney General  
U.S. Department of Justice  
Washington, D.C. 20530

Dear Attorney General Holder:

In a letter dated October 26, 2011, I contacted you regarding the imprisonment of U.S. Border Patrol Agent Jesus E. Diaz and the justification by the Department of Justice for a two-year prison sentence for improperly restraining a 15-year-old drug smuggler. I am still awaiting your response as to why the Justice Department would actively pursue such a case against a U.S. Border Patrol Agent. However, it was more recently brought to my attention that the Justice Department is now requiring Agent Diaz and his family to pay a fine in the amount of \$6,870, due "immediately."

Understanding the process to collect payment when fines are imposed, the case involving Agent Diaz deserves special consideration under the circumstances. In two separate reviews, Agent Diaz was cleared of any wrong doing, yet a third review, reportedly initiated at the request of the Mexican government, remains the basis for the conviction. Given these contradictory reports and the overall lack of clarity on the Justice Department's case, including the decision to give the drug smuggler full immunity and other benefits, I ask that you take immediate action to waive any fine imposed on Agent Diaz and his family. If this is not something you are willing to do, I hope that you will at least give consideration to delaying payment pending the outcome of Agent Diaz's appeal.

I was also informed that, during court proceedings, U.S. District Court Judge Alia Moses indicated that the process for payment of any fines imposed on Agent Diaz would begin one month after his release from federal prison. Assuming this is accurate, additional clarification is needed from either your office or the U.S. Attorney's Office for the Western District of Texas.

The prosecution of Agent Diaz sets a dangerous precedent and creates unnecessary confusion among law enforcement on the border. We must not send a message to the men and women of the U.S. Border Patrol, as well as the smugglers and criminals that they are committed to apprehending, that they could face jail-time or such disproportionate sentencing for doing their jobs, regardless of the facts.

Sincerely,

A handwritten signature in blue ink, appearing to read "Duncan Hunter". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Duncan Hunter  
Member of Congress