

Falls Church, Virginia 22041

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File: D2006-073

Date:

In re: CARLOS E. MORALES, ATTORNEY

AUG 21 2008

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Bar Counsel

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ORDER:

PER CURIAM. The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for five years.

On January 26, 2006, the Supreme Court of Florida suspended the respondent from the practice of law, until further order of the court. Consequently, on May 9, 2006, the Office of General Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On May 11, 2006, the DHS asked that the respondent be similarly suspended from practice before that agency. Therefore, on May 19, 2006, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

On August 31, 2006, the Supreme Court of Florida disbarred the respondent from the practice of law. On June 1, 2008, the Office of General Counsel filed a Notice of Intent to Discipline, which was served on the respondent on or about July 9, 2008. The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. *See* 8 C.F.R. § 1003.105(c)(1). The respondent's failure to file a response within the time period prescribed in the Notice constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1003.105(d)(1), (2).

The Notice recommends that the respondent be suspended from practicing before the Board and the Immigration Courts, for a period of 5 years. The DHS asks that we extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct us to adopt the recommendation contained in the Notice, unless there are considerations that compel us to digress from that recommendation. 8 C.F.R. § 1003.105(d)(2). Since the recommendation is appropriate in light of the respondent's disbarment in Florida, we honor that recommendation. Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of five years.

After the suspension period expires, the respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS. *See* 8 C.F.R. § 1003.107(a). In order to be reinstated, the respondent must demonstrate that he meets the definition of an attorney or representative, as set forth in 8 C.F.R. § 1001.1(f) and (j). *Id.* Therefore, the respondent must show that he has been reinstated to practice law in Florida before he may be reinstated by the Board. *See* 8 C.F.R. § 1001.1(f) (stating that term “attorney” does not include any individual under order suspending him from the practice of law).

A handwritten signature in black ink, appearing to be 'D. M. A.', written over a horizontal line.

FOR THE BOARD