

NOT FOR PUBLICATION

U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

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MATTER OF:

Matthew T. LUENING, D2024-0019

Respondent

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**FILED**

JUN 13 2024

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Toinette M. Mitchell, Disciplinary Counsel

ON BEHALF OF EOIR: Paul A. Rodrigues, Disciplinary Counsel

IN PRACTITIONER DISCIPLINARY PROCEEDINGS  
On Motion from a Decision of the Board of Immigration Appeals

Before: Malphrus, Deputy Chief Appellate Immigration Judge; Clark, Appellate Immigration Judge; Creppy, Appellate Immigration Judge

Opinion by Creppy, Appellate Immigration Judge

CREPPY, Appellate Immigration Judge

The respondent was suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS") for 60 days, effective February 22, 2024, and remains suspended. On May 14, 2024, the respondent filed a motion seeking reinstatement to practice. The Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") and the Disciplinary Counsel for DHS oppose the respondent's motion for reinstatement. The respondent's motion will be denied.

On December 15, 2023, the Supreme Court of Wisconsin issued an order suspending the respondent from the practice of law in Wisconsin for 60 days, effective January 26, 2024. On February 5, 2024, the Disciplinary Counsel for EOIR and the Disciplinary Counsel for DHS jointly petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS. We granted the Joint Petition for Immediate Suspension on February 22, 2024.

The respondent did not file a timely answer to the Notice of Intent to Discipline ("NID") and did not dispute the allegations in the Notice. Given the respondent's 60-day suspension from the practice of law in Wisconsin, our April 18, 2024, final order of discipline suspended the respondent from practice before the Board, the Immigration Courts, and DHS for 60 days, effective February 22, 2024, the date of our immediate suspension order.

The respondent claims that he has been reinstated to the practice of law in Wisconsin and that he meets the definition of attorney contained in 8 C.F.R. § 1001.1(f). See 8 C.F.R.

§ 1003.107(a)(1) (discussing requirements for reinstatement). In support of his motion, he has presented evidence that he has been reinstated to the practice of law in Wisconsin (Respondent's Mot.) (attachment). *See* 8 C.F.R. § 1003.107(a)(1).

The Disciplinary Councils for EOIR and DHS do not dispute that the respondent meets the definition of attorney set forth in 8 C.F.R. § 1001.1(f). The Disciplinary Councils, however, oppose the respondent's motion for reinstatement on the ground that he has not complied with his period of suspension. In particular, the Disciplinary Councils maintain that the respondent has practiced before the U.S. Citizenship and Immigration Services ("USCIS") by preparing and filing documents related to seven clients with applications before USCIS between April and May 2024 (Joint Opp. at 2-3, Exhs. 1-7). In light of this evidence, the Disciplinary Councils ask the Board to deny the respondent's motion for reinstatement.

The respondent has not responded to the Disciplinary Councils' opposition or otherwise reconciled this evidence of his practicing law before DHS during the period of his suspension.

Based on the foregoing, we will deny the respondent's motion for reinstatement. *See* 8 C.F.R. § 1003.107(a)(3) (stating that, if a practitioner failed to comply with the terms of the suspension, the Board "shall deny" reinstatement and indicate the circumstances under which the practitioner may apply for reinstatement). We further order that the respondent should remain suspended for an additional 60 days, effective as of the date of this order, before moving again for reinstatement to practice. *Id.*

ORDER: The respondent's motion for reinstatement is denied.

FURTHER ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and DHS for 60 days, effective immediately upon issuance of this order.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior orders in his proceedings. The respondent must notify the Board of any further disciplinary action against him.

FURTHER ORDER: The contents of this order shall be made available to the public, including at the Immigration Courts and appropriate offices of the DHS.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.