

NOT FOR PUBLICATION

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

MATTER OF:

Augustine Carlos BATARA, D2024-0230

Respondent

FILED

OCT 23 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
Notice of Intent to Discipline Before the Board of Immigration Appeals

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

Opinion by Malphrus, Deputy Chief Appellate Immigration Judge

MALPHRUS, Deputy Chief Appellate Immigration Judge

The respondent will be suspended from the practice of law before the Board of Immigration Appeals, the Immigration Court, and the Department of Homeland Security ("DHS") for a period of 60 days, effective September 25, 2024.

On July 17, 2024, the Supreme Court of California issued an order suspending the respondent from the practice of law in California for one year, staying the execution of that period of suspension, and placing the respondent on probation for one year subject to conditions, including the condition that the respondent is suspended from the practice of law for the first 60 days, effective August 16, 2024. On September 10, 2024, the Disciplinary Counsel for the Executive Office for Immigration Review and 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 petition on September 25, 2024.

On October 8, 2024, the respondent filed an answer to the Notice of Intent to Discipline, stating he does not contest the allegations therein, including that he has been suspended in California. The respondent confirms he has no objection to reciprocal discipline in these proceedings. The respondent does not contend he provided timely notice of his suspension to the Disciplinary Counsels for EOIR and DHS. However, the respondent seeks clarification regarding the length and effective date of his suspension based on our September 25, 2024, decision.

The respondent does not ask for a hearing before the Office of the Chief Immigration Judge, and we discern no basis for a hearing. 8 C.F.R. § 1003.106(a)(1). Specifically, the respondent

does not contest that he has been suspended in California, and this fact is sufficient to establish that summary proceedings are appropriate. *See* 8 C.F.R. § 1003.103(b)(2); *see also* 8 C.F.R. § 1003.102(e). We therefore will proceed in summary disciplinary proceedings.

The Notice of Intent to Discipline includes the same proposed discipline, namely a 60-day suspension from practicing before the Board of Immigration Appeals, the Immigration Courts, and DHS. The proposed sanction is appropriate in light of the respondent's suspension in California. We therefore will honor the proposed discipline and will order the respondent suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS for a period of 60 days. Further, as the respondent did not comply with the notice requirements of 8 C.F.R. § 1003.103(c), we will deem his suspension to have commenced on September 25, 2024, the date of our immediate suspension order.

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS for a period of 60 days, effective September 25, 2024.

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

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

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