

NOT FOR PUBLICATION

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

MATTER OF:

Frank P. SPROULS, D2026-0226

Respondent

FILED

JUL 30 2026

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF EOIR: Nathan Henriksen, Disciplinary Counsel

ON BEHALF OF DHS: Amy S. Paulick, Disciplinary Counsel

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
Notice of Intent to Discipline Before the Board of Immigration Appeals

Before: Creppy, Appellate Immigration Judge; Mullane, Appellate Immigration Judge; Chaban,
Appellate Immigration Judge

Opinion by Mullane, Appellate Immigration Judge

MULLANE, Appellate Immigration Judge

The respondent will be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS") for 2 years, effective June 22, 2026.

On May 27, 2026, the United States Court of Appeals for the Ninth Circuit issued an order, adopting in full the Ninth Circuit Appellate Commissioner's Report and Recommendation ("Report and Recommendation"), denying the respondent's request for hearing, and suspending the respondent from the practice of law in the Ninth Circuit for a period of 2 years, effective May 27, 2026. On June 3, 2026, the Disciplinary Counsel for the Executive Office for Immigration Review and the Disciplinary Counsel for DHS filed a Joint Notice of Intent to Discipline ("NID"), as well as a Joint Petition for Immediate Suspension, based upon the respondent's suspension in the Ninth Circuit. We granted the Joint Petition for Immediate Suspension on June 22, 2026. *See* 8 C.F.R. §§ 1003.103(a)(1) and (4) (discussing grounds for immediate suspension).

On June 23, 2026, the respondent filed a motion to set aside the Board's immediate suspension order, but this filing was rejected because it was defective. The respondent subsequently resubmitted the motion with a purported corrected proof of service to the Disciplinary Counsel for

EOIR and the Disciplinary Counsel for DHS on July 1, 2026. Despite incongruities¹ in the respondent's proofs of service, we will address the merits of his motion to set aside his immediate suspension. On July 8, 2026, the respondent filed his "Corrected Response to [the] Joint Notice of Intent to Discipline," which we will deem as timely filed. *See* 8 C.F.R. § § 1003.105(d) (Board may extend time for answer). We will address the motion to set aside and the response to the NID in turn.

I. Motion to Set Aside the Immediate Suspension

The respondent moves to set aside the immediate suspension order, asserting that such a suspension would impose a "disproportionate hardship" on himself and his staff, and requesting that at "69 years of age[, he] . . . be allowed to gracefully enter [his] autumnal years" practicing immigration law (Respondent's Mot. at 2, 19). The respondent also argues that the immediate suspension order is "wildly disproportionate based on the alleged attorney er[r]or" as found in the Ninth Circuit's suspension order (Respondent's Mot. at 2, 7-19). The respondent underscores his exemplary work for over 30 years, the lack of harm to any client, and asserts there is an absence of risk of "recurrence" since he cannot practice before the Ninth Circuit (Respondent's Mot. at 3-4).

The regulations require the Board to enter an order immediately suspending a practitioner upon the filing of a petition for immediate suspension that is supported by a certified copy of a court record finding that the practitioner has been suspended or disbarred by any Federal court. 8 C.F.R. § § 1003.103(a)(1), (4). The record includes a certified copy of the order suspending the respondent from practice before the Ninth Circuit, and thus entry of an order immediately suspending the respondent from practice before the Board, the Immigration Courts, and DHS is proper. *Id.* The regulations, however, further state that the Board may set aside an order of immediate suspension upon a showing of good cause and when it appears in the interest of justice to do so. 8 C.F.R. § 1003.103(a)(4). What "good cause" entails, and whether setting aside would be in the interest of justice, would depend on the particular facts of each case.

After careful consideration of the respondent's claims and evidence accompanying his motion, we cannot conclude that the respondent has established good cause for setting aside the immediate suspension order. The respondent claims that he and his staff would suffer hardships as a result of his immediate suspension from practice before the Board, the Immigration Courts, and DHS. Generalized, unelaborated and uncorroborated claims of hardships are insufficient to set aside the immediate suspension order. Such speculations, along with the respondent's professed personal

¹ With his resubmitted motion to set aside the immediate suspension filed on July 1, 2026, the respondent submitted two proofs of service that did not describe the attached document as a "motion to set aside" but as a "RESPONSE TO JOINT NOTICE OF INTENT TO DISCIPLINE" (Respondent's Corrected Proof of Service to Nathan S. Hendrickson, by "overnight courier-Fed Ex," and to Amy Paulick, by "overnight courier-Fed Ex," dated June 29, 2026). However, the July 1, 2026, filing received by the Board did not include a document titled as such.

desire and choice to continue practicing immigration law, do not establish good cause for setting aside the immediate suspension order.

We are unpersuaded by the respondent's assurances that his suspension in the Ninth Circuit had "nothing to do" with his competency and fitness with regard to "quotidian" immigration matters (Respondent's Mot. at 2). All four cases at issue in the Ninth Circuit's disciplinary proceedings involved immigration cases that were dismissed by the Board, of which two were dismissed due to the respondent's failure to challenge dispositive determinations made by the Immigration Judge in his briefing before the Board (Respondent's Mot., "Exhibit C"). The respondent's unavailing effort to divorce the misconduct found by the Ninth Circuit from his immigration practice before the Board does not constitute good cause to set aside the immediate suspension order.

Moreover, and significantly, only attorneys and certain non-attorneys may represent individuals before EOIR and DHS, and "no other person or persons shall represent others in any case." 8 C.F.R. §§ 292.1(a)(1), (e), 1292.1(a), (e). An "attorney" who may represent individuals is defined in the regulations as,

any person who is eligible to practice law in and is a member in good standing of the bar of the highest court of any State, possession, territory, or Commonwealth of the United States, or of the District of Columbia, and is not under any order suspending, enjoining, restraining, disbaring, or otherwise restricting him in the practice of law.

8 C.F.R. § 1001.1(f). It is undisputed that the respondent is under an order of suspension restricting him from practicing law in the Ninth Circuit. It is not in the interest of justice to set aside the immediate suspension order where there is a current final order of suspension against the respondent that renders him ineligible to satisfy the regulatory definition of an "attorney" in 8 C.F.R. § 1001.1(f). *Matter of Rosenberg*, 24 I&N Dec. 744, 746 (BIA 2009). Should the respondent obtain a stay or other relief from the Ninth Circuit's order of suspension, this issue may be revisited and reconsidered. See 73 Fed. Reg. 76914, 76920 (December 18, 2008) ("If an immediate suspension was solely predicated upon a state bar suspension that was vacated, it would be in the interests of justice for the Board to set aside its immediate suspension order"). Accordingly, we will not set aside or vacate the immediate suspension order in this case.

II. Response to the Joint Notice of Intent to Discipline

The NID charges the respondent with being subject to summary discipline based on his 2-year suspension in the Ninth Circuit. The respondent in his response has not specifically admitted or denied the allegations in the NID, and thus, we will deem the allegations contained in the NID as admitted. 8 C.F.R. §§ 1003.105(c)(2). The respondent in his response to the NID has not requested, and thus has waived, the opportunity for a hearing. 8 C.F.R. § 1003.105(c)(3). The respondent has not claimed, nor has he made a prima facie showing that there is a material issue of fact in dispute regarding the basis for summary disciplinary proceedings, or with one more of the exceptions set forth in 8 C.F.R. § 1003.103(b)(2)(i)-(iii), such that would warrant a hearing.

8 C.F.R. §1003.106(a). Accordingly, we will retain jurisdiction and proceed in summary disciplinary proceedings. *Id.*

The certified copy of the May 27, 2026, decision from the Ninth Circuit ordering the respondent suspended from the practice of law in the Ninth Circuit for a period of 2 years, creates a “rebuttable presumption of the professional misconduct” and that disciplinary sanctions should follow. *See* 8 C.F.R. § 1003.103(b)(2); *see also Matter of Kronegold*, 25 I&N Dec. 157, 160 (BIA 2010); *Matter of Truong*, 24 I&N Dec. 52, 54 (BIA 2006); *Matter of Ramos*, 23 I&N Dec. 843, 845 (BIA 2005). This presumption can be rebutted only if the attorney demonstrates with “clear and convincing evidence” that the underlying disciplinary proceeding resulted in a deprivation of due process, that there was “an infirmity of proof” establishing the misconduct, or that discipline would result in grave “injustice.” *Matter of Kronegold*, 25 I&N Dec. at 160-61; *Matter of Gadda*, 23 I&N Dec. 645, 648 (BIA 2003). We cannot conclude that the respondent satisfied his burden of rebutting the presumption of misconduct and the imposition of disciplinary sanctions.

The respondent in his answer conceded that he was not deprived of due process in his Ninth Circuit disciplinary proceedings (Respondent’s Response at 20). Indeed, as acknowledged by the respondent, he was given an opportunity to respond to the order to show cause as to why he should not be disciplined or suspended from practice before the Ninth Circuit for repeatedly filing inadequate briefs before it, as well as an opportunity to file an objection to the Report and Recommendation to suspend him from practicing before the Ninth Circuit for 2 years (Respondent’s Response at 20, “Exhibit B,” “Exhibit D”²). Notice and an opportunity to be heard are clearly not at issue. *Matter of Truong*, 24 I&N Dec. at 54.

The respondent in his answer takes issue with the Ninth Circuit’s findings and imposed disciplinary sanction. The respondent argues that there was an infirmity of proof because the Ninth Circuit’s suspension order ignored his arguments in his response to the order to show cause and in his opposition to the Report and Recommendation (*see, e.g.*, Respondent’s Response at 4-16, 20-27). The respondent’s arguments and assertions are without merit.

The respondent’s own submissions show that the Appellate Commissioner in her Report and Recommendation, and the Ninth Circuit in its final order of suspension, considered and rejected the similar arguments and claims the respondent has presented before us in his response to the NID (Respondent’s Response at 4-16, “Exhibit B” at 4-14, “Exhibit C,” “Exhibit F”). Nevertheless, the respondent appears to continue to misapprehend the basis for the Board’s dismissal in two of the cases at issue before the Ninth Circuit despite the Report and Recommendation’s pointed explanations as to the deficiencies in his filings for these cases (*see* Respondent’s Response at 6-11, “Exhibit C”).

For instance, the respondent argued before the Ninth Circuit—and continues to argue in his response to the NID—that in one case, the Board erred in finding that he waived the issue of nexus

² We are unable to provide citations for the specific pages for the documents submitted by the respondent with his answer that are unpaginated.

in the proceedings before the Immigration Judge (Respondent's Response at 6-11, "Exhibit B" at 4-9). However, as explained in the Report and Recommendation, the Board dismissed the appeal because the dispositive issue of nexus was not challenged in the appeal before the Board (Respondent's Response, "Exhibit C," "Exhibit G"). Likewise, the Board dismissed another case because the respondent's appeal brief waived the dispositive issue of a government's inability or unwillingness to protect the applicant from private actors (Respondent's Response, "Exhibit C"). In his filings before the Ninth Circuit—and again before us in his response to the NID—the respondent overlooked the fact that he was found to have waived this issue in his appeal before the Board, and simply and irrelevantly, pointed to evidence that he claimed was submitted in the underlying immigration hearings regarding the issue of "ineffectual law enforcement" in El Salvador (Respondent's Response at 11-13, "Exhibit B" at 9 and internal exhibit D, "Exhibit C"). We note, moreover, that the respondent in his filings before the Ninth Circuit otherwise indicated that he "conceded errors and deficiencies" in his appellate practice (Respondent's Response, "Exhibit B" at 12, "Exhibit C," "Exhibit D"; Respondent's Mot., "Exhibit D" at 9).

In his response to the NID, the respondent alleges that the Ninth Circuit ignored his arguments that his prior discipline should not have been considered, that there is no possibility of recurrence, and that there is a disproportionality of punishment (Respondent's Response at 21-27). There is no indication that the Ninth Circuit ignored the foregoing arguments, and we observe that the Ninth Circuit in its final order referred to the respondent's assertions and claims he made in his opposition to the Report and Recommendation (Respondent's Response, "Exhibit C," "Exhibit F"). The respondent's arguments in this regard, moreover, pertain to the propriety of the sanction imposed and not his misconduct, the latter of which is the focus of the regulatory exception to reciprocal discipline in 8 C.F.R. § 1003.103(b)(2)(ii). On this record, the respondent has not satisfied his "heavy burden" of establishing, by "clear and convincing evidence" that "[t]here was such an infirmity of proof establishing the [respondent's] *professional misconduct*," such that we cannot accept the Ninth Circuit's decision as final (emphasis added). 8 C.F.R. § 1003.103(b)(2)(ii).

Finally, the respondent claims that imposing the reciprocal discipline of suspension would result in "grave injustice," asserting that the cases at issue in the Ninth Circuit's suspension order "are not particularly recent," his actions did not involve dishonesty, moral turpitude, or harm to past or future clients, and there is no possibility of recurrence (Respondent's Response at 27-30). The respondent contends that imposition of suspension will result in the "extinction" of his firm, loss of employment for his staff, and his clients would be denied his "exemplary representation" before the immigration agencies (Respondent's Response at 27-30).

The general claims of financial hardship and other difficulties that accompany a suspension from the practice of law do not equate to grave injustice. See *Matter of Kronegold*, 25 I&N Dec. at 162 ("If the financial hardship that accompanies suspension from the practice of law was in itself adequate to establish grave injustice, then almost any attorney whose livelihood was based on his legal practice could avoid similar reciprocal discipline."). The Ninth Circuit found, inter alia, that the respondent repeatedly filed deficient briefs, that he admitted that he pursued "marginal" petitions for review in part to prolong a petitioner's stay in the United States, that he demonstrated an "ongoing refusal to fully comprehend or acknowledge the deficiencies" in the cases at issue, and that the respondent has been disciplined multiple times by the Ninth Circuit and

the California Supreme Court (Respondent's Response, "Exhibit C"). The respondent has not submitted evidence contravening these findings.³ The respondent has not otherwise demonstrated that the Ninth Circuit's imposition of a 2-year period of suspension fell outside of the range possible sanctions that may be imposed in view of the totality of the foregoing factors. We cannot conclude that the respondent satisfied his burden of providing clear and convincing evidence that imposition of discipline would result in grave injustice. 8 C.F.R. § 1003.103(b)(2)(iii).

Disciplinary Counsels have established that the respondent is subject to reciprocal discipline due to his suspension in the Ninth Circuit. *See* 8 C.F.R. § 1003.103(b)(2); *see also* 8 C.F.R. § 1003.102(e). Disciplinary Counsels proposed sanction of a 2 year suspension is appropriate in light of the respondent's suspension in the Ninth Circuit. *See Matter of Kronegold*, 25 I&N Dec. at 161 (discussing our deferential approach and the imposition of identical reciprocal discipline against practitioners who have been suspended or disbarred). The respondent will therefore be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS for 2 years. The respondent's suspension will be effective as of June 22, 2026, the date of our immediate suspension order. *See* 8 C.F.R. § 1003.103(a)(4) (providing that time spent under immediate suspension may be credited toward period of suspension imposed under final administrative decision). The following orders will be entered.

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS for 2 years, effective June 22, 2026.

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.

³ While the respondent alleges that, as it pertains to a prior order of suspension ordered against him in 2011 by the California Supreme Court, he has since been "vindicated" by a development in case law on a "central issue," he has not submitted any evidence corroborating this claim; nor has he shown that he has received some form of action relieving him from the impact of the prior order of suspension in light of this alleged vindication (Respondent's Response at 21-22, "Exhibit C"). The respondent has not otherwise addressed the undisputed Ninth Circuit finding that in 2018, he was also suspended from the practice of law by the California Supreme Court for 2 years, with an actual suspension of 6 months (Respondent's Response, "Exhibit C").