



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Office of the Clerk
5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

Phil C. Nugent
1040 North Carrollton Ave
New Orleans, LA 70119

Paul A. Rodrigues
Acting Disciplinary Counsel
OGC/Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041

Re: Phil C. Nugent
D2018-0043

Date: April 3, 2018

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Donna Carr

Donna Carr
Chief Clerk

/HT
Enclosure

Panel Members:

GARRY MALPHRUS
MICHAEL CREPPY
KEITH HUNSUCKER

CC: Phil C. Nugent
12625 Memorial Dr., Apt 147
Houston, TX 77024

CC: Phil C. Nugent
2545 Esplanade Ave.
New Orleans, LA 70119

CC: Catherine M. O'Connell
Disciplinary Counsel
USCIS/Department of Homeland Security
11411 East Jefferson Ave.
Detroit, MI 48214

Falls Church, Virginia 22041

File: D2018-0043

Date: APR 3 2018

In re: Phil C. NUGENT, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Jennifer J. Barnes
Disciplinary Counsel

ON BEHALF OF DHS: Catherine M. O'Connell
Disciplinary Counsel

The respondent will be suspended from practice before the Board of Immigration Appeals (Board), the Immigration Courts, and the Department of Homeland Security (DHS) for 18 months.

On December 5, 2017, the Supreme Court of Louisiana suspended the respondent from the practice of law in Louisiana for 18 months, effective immediately. On February 13, 2018, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board and the Immigration Courts and stated that the respondent remained disbarred from the practice of law in Louisiana, as of the date of her filing. The Disciplinary Counsel for the DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on March 7, 2018. *See* 8 C.F.R. §§ 1003.103(a)(1) and (4) (2017) (discussing grounds for immediate suspension).

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. 8 C.F.R. § 1003.105. The respondent's failure to file a response within the time period prescribed in the Notice of Intent to Discipline 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).

The Notice of Intent to Discipline proposes that the respondent be suspended from practicing before the Board and the Immigration Courts for 18 months. The Disciplinary Counsel for the DHS asks the Board to extend that discipline to practice before that agency as well. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed sanction contained in the Notice of Intent to Discipline, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2).

The proposed sanction is appropriate in light of the respondent's suspension in Louisiana. We therefore will honor the proposed discipline and will order the respondent suspended from practice before the Board, the Immigration Courts, and the DHS for 18 months. Further, as the respondent is currently under our March 7, 2018, order of suspension, we will deem his suspension to have commenced on that date.


D2018-0043

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for 18 months. The suspension is deemed to have commenced on March 7, 2018.

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 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.

A handwritten signature in black ink, appearing to read "L. M. S.", is written above a horizontal line.

FOR THE BOARD