

Falls Church, Virginia 22041

File: D2018-0099

Date: JUL 09 2018

In re: Benjamin NDI a.k.a. Benjamin N. Ndi, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF EOIR: Paul Rodrigues
Acting Disciplinary Counsel

The respondent will be disbarred from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS").

On April 10, 2018, the Court of Appeals of Maryland disbarred the respondent, a "non-admitted attorney," from the practice of law in Maryland, effective immediately. In its Notice of Intent to Discipline, the Disciplinary Counsel for the DHS states that the respondent was admitted to the practice of law in New York on November 25, 2003.

On May 21, 2018, the Disciplinary Counsel for the DHS filed the Notice of Intent to Discipline.¹ 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. 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.

The Notice proposes that the respondent be disbarred from practicing before the DHS. *See* 8 C.F.R. § 1003.102(e) (practitioner subject to disciplinary sanctions if he is subject to a final order of disbarment). The Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") asks the Board to extend that discipline to practice before the Board and the Immigration Courts 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, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105. The proposed sanction is appropriate in light of the respondent's disbarment by the Court of Appeals of Maryland. Accordingly, the Board will honor that proposal.

¹ The Disciplinary Counsel for the DHS did not petition for the respondent's immediate suspension from practice under 8 C.F.R. § 1003.103(a)(4).

ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS. The suspension will commence 15 days after the date of this order. See 8 C.F.R. § 1003.105(d)(2).

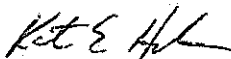
FURTHER ORDER: The respondent is instructed to notify the Board of any further disciplinary action against him.

FURTHER ORDER: The respondent shall promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been disbarred from practicing before these bodies.

FURTHER ORDER: The respondent shall maintain records to evidence compliance with this order.

FURTHER ORDER: The Board directs that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.

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



FOR THE BOARD