File: D2018-0049

Date: NOV 2 9 2018

In re: David CASTILLO, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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

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

ON BEHALF OF RESPONDENT: Pro se

The respondent, who has been suspended from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS") for a period of 30 days, effective June 15, 2018, has for the second time sought reinstatement to practice. The Disciplinary Counsel for the Executive Office of Immigration Review ("Disciplinary Counsel for EOIR") does not oppose the respondent's motion for reinstatement, which will be granted.

On February 8, 2018, the District 10 Grievance Committee, Evidentiary Panel 10-4, State Bar of Texas, issued an order suspending the respondent from the practice of law in that state for 30 days, effective June 1, 2018, to June 30, 2018.

On May 25, 2018, the Disciplinary Counsel for EOIR petitioned for the respondent's immediate suspension from practice before the Board and the Immigration Courts. The Disciplinary Counsel for the DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on June 15, 2018.

The respondent did not file a timely answer to the Notice of Intent to Discipline and did not dispute the allegations in the Notice. Given the respondent's 30-day suspension from the practice of law in Texas, our July 17, 2018, final order of discipline suspended the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 30 days, effective June 15, 2018, the date of our immediate suspension order.

The respondent sought to be reinstated to practice before the Board, the Immigration Courts and the DHS, and presented evidence that he is again authorized to practice law in Texas. *See* 8 C.F.R. § 1003.107(a)(1). The Disciplinary Counsel for EOIR agreed that the respondent now meets the definition of attorney as set forth in 8 C.F.R. § 1001.1(f).

The Disciplinary Counsel for EOIR nevertheless opposed the respondent's reinstatement because he did not comply with the terms of his suspension. We determined, on September 26, 2018, that the evidence submitted by the Disciplinary Counsel for EOIR established that the respondent had not complied with the Board's suspension order. Therefore, we denied the reinstatement motion. *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). Further, we agreed with the Disciplinary Counsel for EOIR that the respondent should remain suspended for an additional 30 days.

The respondent again asks to be reinstated to practice before the Board, the Immigration Courts and the DHS. The Disciplinary Counsel for EOIR does not oppose the respondent's reinstatement. The Disciplinary Counsel for EOIR agrees that the respondent meets the definition of attorney at 8 C.F.R. § 1001.1(f). The Disciplinary Counsel for EOIR also is unaware of any further instances of the respondent failing to comply with the terms of his suspension. We therefore will grant the respondent's motion for reinstatement.

ORDER: The respondent is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order.

FURTHER ORDER: This reinstatement should be reflected in any public notices maintained and disseminated by EOIR regarding attorney discipline.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS, the Immigration Courts or the Board, he must file a Notice of Appearance (Form G-28, Form EOIR-28 or Form EOIR-27), even in cases in which he was counsel prior to his suspension.

_____
FOR THE BOARD