

Falls Church, Virginia 22041

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File: D2019-0358

Date: JAN 21 2020

In re: Viney K. GUPTA, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Paul A. Rodrigues, 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, the Immigration Courts, and the Department of Homeland Security (DHS) for 6 months.

On October 10, 2019, the United States Court of Appeals for the Ninth Circuit issued an order suspending the respondent from practice before that court for 6 months, effective immediately. On November 6, 2019, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) and the Disciplinary Counsel for the DHS jointly petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. We granted the petition on November 18, 2019.

On November 25, 2019, the Disciplinary Counsel for EOIR and the Disciplinary Counsel for the DHS filed a joint Notice of Intent to Discipline charging that the respondent, having been subject to a final order of suspension in the Ninth Circuit, is subject to reciprocal discipline under 8 C.F.R. § 1003.102(e). 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 of Immigration Appeals, the Immigration Courts, and the DHS for 6 months. Because the respondent has failed to file an answer, the regulations direct us 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 6-month suspension from practice before the Ninth Circuit. 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 the DHS for 6 months. Further, as the respondent is currently under our November 18, 2019, order of suspension, we will deem his suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for 6 months, effective November 18, 2019.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of Immigration Appeals 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 of Immigration Appeals, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.



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FOR THE BOARD