

NOT FOR PUBLICATION

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

MATTER OF:

Esmeralda FLEMING, D2021-0144

Respondent

FILED

OCT 15 2021

ON BEHALF OF RESPONDENT: Pro se

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

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

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

Before: Creppy, Appellate Immigration Judge; Liebowitz, Appellate Immigration Judge
Hunsucker, Appellate Immigration Judge

Opinion by Appellate Immigration Judge Liebowitz

LIEBOWITZ, Appellate Immigration Judge

The respondent will be indefinitely suspended from practice before the Board of Immigration Appeals (Board), the Immigration Courts, and the Department of Homeland Security (DHS), effective August 26, 2021.

On June 23, 2021, the Supreme Court of Ohio issued a final order indefinitely suspending the respondent from the practice of law in Ohio, effective June 23, 2021. On July 26, 2021, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) and the Disciplinary Counsel for the DHS filed a Joint Notice of Intent to Discipline, as well as a Joint Petition for Immediate Suspension, based upon the respondent's indefinite suspension in Ohio. We granted the Joint Petition for Immediate Suspension on August 26, 2021.

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 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 indefinitely suspended from practice before the Board, the Immigration Courts, and the DHS, effective as of the date of the Board's immediate suspension order. Because the respondent failed to timely 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 indefinite suspension in Ohio. We will honor the proposed discipline and will order the respondent suspended from practice before the Board, the Immigration Courts, and the DHS for an indefinite period, effective August 26, 2021.

ORDER: The Board of Immigration Appeals hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for an indefinite period, effective August 26, 2021.

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 her.

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.