

NOT FOR PUBLICATION

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

MATTER OF:

Jason Alexander NIELSON, D2022-0136

Respondent

FILED

OCT 06 2022

ON BEHALF OF RESPONDENT: Pro se

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

ON BEHALF OF DHS: Toinette M. Mitchell, Disciplinary Counsel

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

Before: Malphrus, Deputy Chief Appellate Immigration Judge; Liebowitz, Appellate Immigration Judge; Brown, Temporary Appellate Immigration Judge

Opinion by Appellate Immigration Judge Liebowitz

LIEBOWITZ, Appellate Immigration Judge

The respondent will be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS") for 30 days.

On July 13, 2022, the Minnesota Supreme Court issued an order suspending the respondent from the practice of law in Minnesota for 30 days, effective July 27, 2022. On August 1, 2022, the Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") and the Disciplinary Counsel for DHS filed a Joint Notice of Intent to Discipline, as well as a Joint Petition for Immediate Suspension, based upon the respondent's suspension in Minnesota. We granted the Joint Petition for Immediate Suspension on August 15, 2022.

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 suspended from practice before the Board, the Immigration Courts, and 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,

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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 Minnesota. We will honor the proposed discipline and will order the respondent suspended from practice before the Board, the Immigration Courts, and DHS, for 30 days. Further, as the respondent is currently suspended under our August 15, 2022, order of suspension, we will deem his suspension to have commenced on that date. The following orders will be entered.

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, for 30 days, effective August 15, 2022.

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 DHS.

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