

NOT FOR PUBLICATION

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

MATTER OF:

Earnest N. BAILEY, D2023-0049

Respondent

FILED
APR 07 2023

ON BEHALF OF RESPONDENT: Pro se

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

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

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

On Petition for Immediate Suspension Before the Board of Immigration Appeals

Before: Malphrus, Chief Appellate Immigration Judge, Liebowitz, Appellate Immigration Judge,
Noferi, Temporary Appellate Immigration Judge¹

Opinion by Liebowitz, Appellate Immigration Judge

LIEBOWITZ, Appellate Immigration Judge

On February 15, 2023, the Disciplinary Hearing Commission of the North Carolina State Bar issued an order suspending the respondent from the practice of law indefinitely, effective 30 days after the date of service of the order.² On March 16, 2023, the Disciplinary Counsel for the Executive Office for Immigration Review and the Disciplinary Counsel for the Department of Homeland Security (“DHS”) jointly petitioned for the respondent’s immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS. The petition will be granted.³ See 8 C.F.R. §§ 1003.103(a)(1) and (4) (discussing grounds for immediate suspension).

ORDER: The petition is granted, and the respondent is hereby suspended from the practice of law before the Board of Immigration Appeals, the Immigration Courts, and DHS, pending final disposition of this proceeding. 8 C.F.R. § 1003.103(a)(4).

¹ Temporary Appellate Immigration Judges sit pursuant to appointment by the Attorney General. See 8 C.F.R. § 1003.1(a)(4)

² The respondent was served with the order by regular mail on February 15, 2023.

³ Upon good cause shown, the Board of Immigration Appeals may set aside the order of immediate suspension when it appears in the interest of justice to do so. 8 C.F.R. § 1003.103(a)(4).

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

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

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