

NOT FOR PUBLICATION

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

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MATTER OF:

Carlos MORENO, D2023-0044

Respondent

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**FILED**

MAY 04 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  
Notice of Intent to Discipline Before the Board of Immigration Appeals

Before: Malphrus, Chief Appellate Immigration Judge, Brown, Temporary Appellate  
Immigration Judge, Noferi, Temporary Appellate Immigration Judge<sup>1</sup>

Opinion by Malphrus, Chief Appellate Immigration Judge

MALPHRUS, Chief Appellate Immigration Judge

The respondent will be disbarred from practice before the Board of Immigration Appeals (“Board”), the Immigration Courts, and the Department of Homeland Security (“DHS”), effective immediately.

In Disciplinary Case No. 2017-0125, the Board issued a final order suspending the respondent from the practice of law before the Board, Immigration Courts and DHS for 4 years, effective August 1, 2017, based on the respondent’s 4-year suspension from the practice of law in the State of New York. The respondent has not been reinstated to practice and remains suspended since that time.

On February 21, 2023, the Supreme Court of the State of New York Appellate Division, First Judicial Department, issued a final order granting the Attorney Grievance Committee’s motion to strike the name of the respondent from the roll of attorneys based on the respondent’s felony conviction; and disbarring the respondent, effective nunc pro tunc to December 18, 2020. On March 2, 2023, Disciplinary Counsels for DHS and the Executive Office for Immigration Review filed a Joint Notice of Intent to Discipline, claiming that the respondent is subject to summary discipline based on his disbarment in New York. *See* 8 C.F.R. § 1003.102(e), 1003.103(b), 1003.106(a).

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



The respondent was required to file a timely answer to the allegations contained in the Joint Notice of Intent to Discipline but has failed to do so. 8 C.F.R. § 1003.105(d)(1). The respondent's failure to file a response within the time prescribed in the Joint 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)-(2).

The Joint Notice of Intent to Discipline proposes that the respondent be disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective immediately. Because the respondent did not file an answer, the regulations direct us to adopt the proposed sanction contained in the Joint 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 disbarment in New York. We will order the respondent disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective immediately.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective immediately.

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.