

NOT FOR PUBLICATION

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

MATTER OF:

Kevin Mbeh TABE, D2023-0084

Respondent

FILED

MAY 17 2023

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

On Petition for Immediate Suspension before the Board of Immigration Appeals

Before: Liebowitz, Appellate Immigration Judge, Brown, Temporary Appellate Immigration
Judge, Noferi, Temporary Appellate Immigration Judge¹

Opinion by Brown, Temporary Appellate Immigration Judge

BROWN, Temporary Appellate Immigration Judge

On February 27, 2023, the Supreme Court of Maryland issued an opinion suspending the respondent from the practice of law in Maryland for a period of 90 days, effective March 29, 2023. On April 20, 2023, the Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") and the Disciplinary Counsel for the Department of Homeland Security ("DHS") filed a Joint Notice of Intent to Discipline, and a Joint Petition for Immediate Suspension pending final resolution of these disciplinary proceedings.

On April 28, 2023, the respondent filed a response to the Joint Petition for Immediate Suspension, requesting that his suspension be stayed pending completion of these disciplinary proceedings. The respondent admits, inter alia, that he is under a suspension order from the Supreme Court of Maryland for 90 days, effective March 29, 2023. The respondent also admits and expresses regret for violating multiple state and federal rules of professional conduct that were the bases for the Supreme Court of Maryland's order of suspension. In requesting that his suspension be stayed, the respondent contends that despite his diligent efforts, he has not been able to secure counsel to take over cases scheduled for hearings in various immigration courts for the

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

months of April, May and June, and that an immediate suspension order will prejudice these cases. The respondent notes that he remains licensed to practice law in the state of New York.

The respondent's suspension in Maryland is a proper basis for immediately suspending him from practice before the Board, the Immigration Courts and DHS. *See* 8 C.F.R. § 1003.103(a)(1)-(2), (4). The regulations further require the Board to "forthwith enter an order immediately suspending the practitioner," upon the filing of a petition for immediate suspension and certified copy of a court record finding that the practitioner has been disciplined by the highest court of any state. *See* 8 C.F.R. § 1003.103(a)(1), (4).

While we appreciate the respondent's candor and remorse, we are compelled to grant the Disciplinary Counsels' Joint Petition for Immediate Suspension under the circumstances of this case and consistent with the regulations. We cannot find it to be in the "interest of justice" to set aside or stay the entry of an order of immediate suspension mandated by the regulations in order for the respondent to continue serving as counsel for clients with cases before the immigration courts throughout the country (including in Maryland), particularly where the underlying order suspending the respondent from the practice of law in Maryland involved misconduct and violations in his representation of multiple clients before the immigration courts (*see* Joint Petition for Immediate Suspension: Attachment 1). 8 C.F.R. § 1003.103(a)(4). Accordingly, the Board will grant Disciplinary Counsels' Joint Petition for Immediate Suspension. The following order will be entered.

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).

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 the DHS.