

**NOT FOR PUBLICATION**

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

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MATTER OF:

Kevin Mbeh TABE, D2023-0084

Respondent

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**FILED**

JUN 14 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**

Notice of Intent to Discipline Before the Board of Immigration Appeals

Before: Malphrus, Chief Appellate Immigration Judge, Liebowitz, 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 suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (“DHS”), for a period of 90 days, effective May 17, 2023.

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, as well as a Joint Petition for Immediate Suspension, based upon the respondent’s suspension in Maryland. We granted the Joint Petition for Immediate Suspension on May 17, 2023.

While the respondent filed a response to the Joint Petition for Immediate Suspension on April 28, 2023, he did not file a timely written answer to the allegations contained in the Joint Notice of Intent to Discipline, as provided in 8 C.F.R. § 1003.105(c). The respondent’s failure to file a written answer within the time period prescribed in the Notice of Intent to Discipline

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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)

constitutes an admission of the allegations therein, and no further evidence need be adduced. 8 C.F.R. § 1003.105(d)(1). Also, given this failure to file a written response, the respondent is precluded from requesting a hearing in the matter. 8 C.F.R. § 1003.105(d)(2).

Even if we construe the respondent's April 2023 filing as a written answer to the Joint Notice of Intent to Discipline, the respondent therein largely admits and does not deny the allegations set forth in the Joint Notice of Intent to Discipline. *See* 8 C.F.R. § 1003.105(c)(2) (providing that the answer to the Notice of Intent to Discipline shall specifically admit or deny each allegation, and every allegation not denied shall be deemed admitted). The respondent, moreover, has not requested a hearing, nor has he established that a hearing is warranted. 8 C.F.R. §§ 1003.105(c)(3), 1003.106(a). Based on the respondent's admissions, there is no material issue of fact in dispute in the respondent's case and summary disciplinary proceedings are appropriate. 8 C.F.R. § 1003.103(b)(2).

The Joint Notice of Intent to Discipline proposes that the respondent be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, for a period 90 days, effective as of the date of the Board's immediate suspension order. The proposed sanction is appropriate in light of the respondent's suspension in Maryland. We will therefore honor the proposed discipline and will order the respondent suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS for 90 days. Further, as the respondent is currently suspended under our May 17, 2023, order of suspension, we will deem his suspension to have commenced on that date.

**ORDER:** The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, for a period of 90 days, effective May 17, 2023.

**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.