

NOT FOR PUBLICATION

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

MATTER OF:

Herbert A. IGBANUGO, D2023-0109

Respondent

FILED

JUL 24 2023

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; Noferi, Temporary Appellate Immigration Judge¹

Opinion by Liebowitz, Appellate Immigration Judge

LIEBOWITZ, Appellate Immigration Judge

The respondent will be suspended indefinitely from the practice of law before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (“DHS”), effective May 10, 2023.

On April 26, 2023, the Supreme Court of Minnesota suspended the respondent from the practice of law in Minnesota indefinitely with no right to petition for reinstatement for 10 months. On May 15, 2023, the Disciplinary Counsel for the Executive Office for Immigration Review and the Disciplinary Counsel for DHS jointly petitioned for the respondent’s immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS. We granted the petition on May 18, 2023.

The respondent was required to file a timely answer to the allegations contained in the Amended Joint 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 prescribed in the Amended 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).

The Amended Joint Notice of Intent to Discipline proposes that the respondent be suspended indefinitely from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS with no right to petition for reinstatement for 10 months after his suspension becomes

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

effective. Because the respondent has failed to file an answer, the regulations direct us to adopt the proposed sanction contained in the Amended 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 suspension in Minnesota. We therefore will honor the proposed discipline and will order the respondent indefinitely suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS with no right to petition for reinstatement for 10 months after the effective date of his suspension. Further, as the respondent notified the Disciplinary Councils of his suspension in Minnesota in compliance with 8 C.F.R. § 1003.103(c), his suspension will be effective as of May 10, 2023, the date his suspension in Minnesota took effect.

ORDER: The Board hereby indefinitely suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective May 10, 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 not petition this Board for reinstatement to practice before the Board, the Immigration Courts, and DHS under 8 C.F.R. § 1003.107 until March 10, 2024, 10 months after his indefinite suspension took effect.