

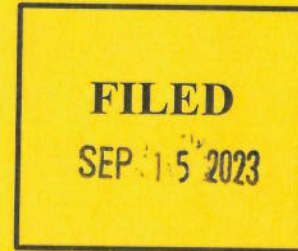
NOT FOR PUBLICATION

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

MATTER OF:

Nejla Kassandra LANE, D2023-0038

Respondent



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 Motion from a Decision of the Board of Immigration Appeals

Before: Clark, Appellate Immigration Judge; Creppy, Appellate Immigration Judge; Liebowitz,
Appellate Immigration Judge¹

Opinion by Liebowitz, Appellate Immigration Judge

LIEBOWITZ, Appellate Immigration Judge

The respondent was suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (“DHS”) for 6 months, effective March 14, 2023, and remains suspended. On August 9, 2023, the respondent filed a motion seeking an earlier effective date of suspension and/or reinstatement to practice. The Disciplinary Counsel for the Executive Office for Immigration Review (“EOIR”) and the Disciplinary Counsel for DHS oppose the respondent’s motion for reinstatement. The respondent’s motion will be denied.

On January 17, 2023, the Supreme Court of Illinois issued an order suspending the respondent from the practice of law for 9 months, with the suspension stayed after 6 months by a 6-month period of probation subject to conditions, effective February 7, 2023. On February 23, 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 March 14, 2023.

The respondent did not file a timely answer to the Notice of Intent to Discipline (“NID”) and did not dispute the allegations in the Notice. Given the respondent’s 6-month suspension from the

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

practice of law in Illinois, our April 17, 2023, final order of discipline suspended the respondent from practice before the Board, the Immigration Courts, and DHS for 6 months, effective March 14, 2023, the date of our immediate suspension order.

The respondent seeks an earlier effective date for her suspension and/or reinstatement based on "extenuating circumstances" which she describes in her motion (Respondent's Cover Letter; Respondent's Mot. at 1-11). While we sympathize with the respondent's circumstances, we are not able to circumvent the regulations for such circumstances. *See* 8 C.F.R. § 1003.107(a)(1) (discussing requirements for reinstatement).

In addition, the Disciplinary Counsels for EOIR and DHS object to reinstatement based on a number of grounds, which the respondent has not overcome. Specifically, the respondent's period of suspension has not expired, and she is not eligible to request early reinstatement because her period of suspension was for less than 1 year. *See* 8 C.F.R. §§ 1003.107(a)(1), (b)(1). Thus, her motion is premature.

Further, the respondent does not meet the federal regulatory definition of attorney at 8 C.F.R. § 1001.1(f) because she is currently under several orders of suspension, as acknowledged in her motion.

Based on the foregoing, we will deny the motion to reinstate.

ORDER: The respondent's motion for an earlier effective date of suspension and/or reinstatement is denied.