

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

In the Matter of)
)

SAMUEL REYES ESCAMILLA,)

Respondent.)
)

Disciplinary Case # D2001-127

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**RESPONSE OF GENERAL COUNSEL
TO RESPONDENT'S ANSWER TO PETITION FOR IMMEDIATE SUSPENSION
AND MOTION FOR RECONSIDERATION**

COMES NOW the Office of the General Counsel ("General Counsel"), Executive Office for Immigration Review ("EOIR"), by the undersigned Associate General Counsel, and respectfully submits this response to Respondent's "Answer to Petition for Immediate Suspension" ("Answer") and "Motion for Reconsideration" ("Motion") in the above-captioned proceeding.

1. On September 21, 2001, the General Counsel filed a Petition for Immediate Suspension ("Petition") and Notice of Intent to Discipline ("NID") with the Board of Immigration Appeals ("Board"), seeking reciprocal disciplinary action against Respondent based upon a Colorado Supreme Court order (effective July 16, 2001), imposing an actual suspension of three (3) months. By notice filed on October 5, 2001, the General Counsel advised that Respondent had been served with the Petition and NID.

2. By order dated October 12, 2001, the Board granted the Petition, thereby immediately suspending Respondent from the practice of law before the Board, Immigration Courts, and Immigration and Naturalization Service ("Service"), pending final disposition of the proceeding.

3. On October 22, 2001, the General Counsel received a copy of Respondent's Answer, together with supporting documentation, wherein he admits his underlying suspension in Colorado and requests an order "suspending [him] for a three month period effective July 16, 2001, and terminating on October 16, 2001." Answer at ¶ 4.

4. On October 31, 2001, the General Counsel received a copy of Respondent's Motion, wherein he advises, among other things, that he has not practiced before the Immigration and Naturalization Service during the effective period of his suspension in Colorado, and that he has "met all requirements for reinstatement to practice in the State of Colorado as well as before the Federal Courts of the United States." Motion at ¶¶ 4, 5.

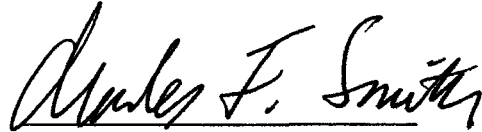
5. By letter received November 5, 2001, in response to a request of the General Counsel, the Colorado Supreme Court, Attorney Regulation Counsel, forwarded a copy of the Court's order reinstating Respondent, effective October 16, 2001. Attachment 1.

6. Having examined the Colorado Court's order of reinstatement, and in considering Respondent's representation in his Motion that he has not practiced immigration law during the effective period of his suspension in Colorado, the General Counsel does not oppose his request to

be reciprocally suspended *nunc pro tunc* to July 16, 2001, the effective date of his actual three (3) month suspension in Colorado. At this time, reciprocal (i.e., identical) discipline has been effected before EOIR, Respondent appears to meet the definition of attorney as provided at 8 C.F.R. § 1.1(f), and he is otherwise eligible for reinstatement to practice before the Board, Immigration Courts, and Service.

WHEREFORE, the General Counsel recommends that Respondent be immediately reinstated to practice before the Board, Immigration Courts, and Service.

Dated:



Charles F. Smith
Associate General Counsel

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