

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

2003 JUL 17 P 01

In the Matter of)
)
)

DAVID SMITH NUNES,)

Respondent.)
_____)

Disciplinary Case # D2000-018

**GOVERNMENT'S RESPONSE TO
RESPONDENT'S MOTION FOR REINSTATEMENT**

COMES NOW, the Office of the General Counsel ("General Counsel"), by the undersigned Bar Counsel, in response to Respondent's Motion for Reinstatement and states as follows:

1. On August 8, 2000, the General Counsel filed a Petition for Immediate Suspension and Notice of Intent to Discipline against Respondent pursuant to 8 C.F.R. §§ 1003.103(a)(1) and 1003.102(e)(1), respectively. In its filings, the General Counsel sought reciprocal discipline based upon an order entered April 29, 1999, by the Supreme Court of Florida, suspending Respondent from the practice of law for three (3) years and indefinitely thereafter until he proves rehabilitation.

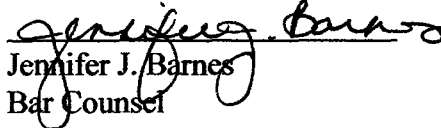
2. After a hearing in Miami, Florida, on July 23, 2000, Chief Immigration Judge Michael Creppy issued an order approving the settlement agreement entered into by the parties on that date, suspending Respondent from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Immigration and Naturalization Service ("Service") *nunc pro tunc* to April 29, 1999.

3. On or about July 17, 2003, Respondent filed a motion with the Board seeking reinstatement. In support of this motion, Respondent submitted a copy of an order from the Supreme Court of Florida, dated June 26, 2003, reinstating him to the practice of law in Florida.

4. Having examined the documents submitted by Respondent and confirming with The Florida Bar by telephone that Respondent was reinstated on June 26, 2003, the General Counsel does not oppose Respondent's motion for reinstatement. At this time, reciprocal discipline has been effected before EOIR and Respondent appears to meet the definition of attorney as provided at 8 C.F.R. § 1001.1(f).

WHEREFORE, the General Counsel recommends that Respondent be immediately reinstated to practice before the Board, the Immigration Courts, and the Department of Homeland Security (formerly known as the Immigration and Naturalization Service).

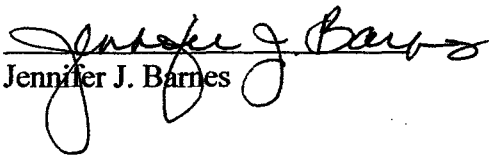
Dated: July 17, 2003


Jennifer J. Barnes
Bar Counsel

EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
Office of the General Counsel
5107 Leesburg Pike
Suite 2600
Falls Church, Virginia 22041
(703) 305-0470

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Government's Response to Respondent's Motion for Reinstatement, has been mailed first-class, postage pre-paid, to David Smith Nunes , Esquire, 3917 North Andrews Avenue, Fort Lauderdale, FL 33309 and hand-delivered to the Department of Homeland Security, Appellate Counsel's Office, 5113 Leesburg Pike, Room 309, Falls Church, VA 22041, this 17th day of July 2003.


Jennifer J. Barnes