

Falls Church, Virginia 22041

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File: D2008-158

Date:

In re: JOHN HIMMELSTEIN, ATTORNEY

OCT 20 2010

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF DHS: Rachel A. McCarthy, Disciplinary Counsel

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

The respondent's unopposed motion for reinstatement to practice, 8 C.F.R. § 1003.107, will be granted.

On June 30, 2008, the Supreme Judicial Court for Suffolk County, Massachusetts, suspended the respondent from the practice of law for one year and one day, effective in thirty days. Consequently, on July 18, 2008, the Department of Homeland Security (the "DHS") initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. The Disciplinary Counsel for the Executive Office for Immigration Review then asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts. Therefore, on August 1, 2008, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. On September 9, 2008, the Board issued a final order, suspending the respondent for one year and one day, effective August 1, 2008.

The respondent moves that the Board reinstate him to practice. The period of suspension has expired. The DHS does not oppose the petition for reinstatement, observing that the respondent has been reinstated to the practice of law in Massachusetts. The respondent will be reinstated to practice.

ORDER: The respondent is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order.

FURTHER ORDER: Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS or Board, he must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which he was formerly counsel, prior to his suspension.



FOR THE BOARD