

Falls Church, Virginia 22041

File: D2005-135

Date: JAN 31 2006

In re: LEROY ALLAN MARTIN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ORDER:

PER CURIAM. On May 19, 2005, the Supreme Court of California suspended the respondent from the practice of law in that state for a period of 2 years, with an actual suspension of 60 days.

Consequently, on September 12, 2005, the Office of General Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent. On October 28, 2005, we issued a final order suspending the respondent from practice for 60 days. We amended our order on December 29, 2005, so that the order of discipline against the respondent was effective *nunc pro tunc* to June 18, 2005, the effective date of the suspension order of the California Supreme Court in the respondent's case.

The respondent moves that we reinstate him to practice before the Board, the Immigration Courts, and the DHS. As noted in our December 29, 2005, decision, the respondent states that he was reinstated to practice law in California on September 20, 2005. The Office of General Counsel does not oppose the motion and states that it has confirmed, through the State Bar of California website, that the respondent has been reinstated to the California bar, where he is an active member. The Office of General Counsel states that the respondent appears to meet the definition of attorney as provided in 8 C.F.R. § 1001.1(f).

Given that the respondent's motion is unopposed, we find that the respondent should be and hereby is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order. Because the respondent has been reinstated, public notices regarding the respondent's suspension by the Board should be withdrawn. If the respondent wishes to represent a party before the DHS or Board, he must file a Notice of Appearance (Form EOIR-28 or Form EOIR-27), including any case in which he was formerly counsel, prior to his suspension.



FOR THE BOARD