

Falls Church, Virginia 22041

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File: D2011-203

Date: JAN 4 2012

In re: MANNY AGUJA, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF EOIR: Scott Anderson, Deputy Disciplinary Counsel

The respondent will be expelled from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS").

On April 25, 2011, in the United States District Court for the Northern District of Illinois, Eastern Division, the respondent pled guilty to the felony of conspiracy to commit marriage fraud, in violation of 18 U.S.C. § 371.

Consequently, on August 29, 2011, 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 (EOIR) then asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts.

Therefore, on September 15, 2011, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

The respondent made a filing with the Board on September 21, 2011, which sought to have the immediate suspension order set aside. The Board on November 2, 2011, declined to set aside the immediate suspension order. However, proceedings concerning the Notice of Intent to Discipline were stayed pending the conclusion of the direct appeal of the respondent's criminal conviction.

The respondent on December 14, 2011, filed a "Motion to Withdraw Motion, Withdraw Request For Hearing and Withdraw Opposition To Suspension." The respondent "now wishes to withdraw his motion, withdraw his opposition to the discipline he will receive in this case and withdraw his request for a hearing." The respondent notes that he has requested disbarment on consent from the Illinois Attorney Registration and Disciplinary Commission.

In light of the respondent's filing, we find it appropriate to issue a final order on the government's charges. 8 C.F.R. § 1003.106(a)(1)(in summary disciplinary proceedings, Board may issue a final order when the respondent's answer does not make a prima facie showing that there are any material issues of fact in dispute); *Matter of Salomon*, 25 I&N Dec. 559, 560 (BIA 2011).

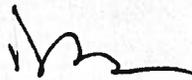
The respondent fails to show that there is any material issue of fact in dispute in this matter. As the DHS' proposed sanction of expulsion is appropriate, in light of the respondent's criminal record, the Board will honor that proposal. As the respondent is currently under our September 15, 2011, order of suspension, we will deem the respondent's expulsion to have commenced on that date.

ORDER: The Board hereby expels the respondent from practice before the Board, the Immigration Courts, and the DHS.

FURTHER ORDER: The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against him.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(b).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. See 8 C.F.R. § 1003.105(d)(2)(2010); *Matter of Kronegold*, 25 I&N Dec. 157, 163 (BIA 2010).



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FOR THE BOARD