

Falls Church, Virginia 22041

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File: D2007-337

Date: APR 6 - 2010

In re: ANTHONY NWOSU, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF EOIR: Scott Anderson, Deputy Disciplinary Counsel

ON BEHALF OF DHS: Eileen M. Connolly, Deputy Chief

The respondent's request for reinstatement to practice will be granted.

On July 17, 2007, the United States Court of Appeals for the Ninth Circuit suspended the respondent from the practice of law in that court for 18 months, "... for conduct unbecoming a member of the court's bar, effective on the filing date of this order." The court declined to reconsider its order on August 21, 2007. The March 16, 2006, Report and Recommendation of the Ninth Circuit Appellate Commissioner found clear and convincing evidence that the respondent had "made false or misleading statements to the court with the intent to deceive the court", and had also violated the court's rules by failing to maintain a current address with the court, filing defective briefs, and filing petitions for review before he became a member of the court's bar.

Consequently, on January 4, 2008, the Disciplinary Counsel for EOIR petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The DHS then asked that the respondent be similarly suspended from practice before that agency. Therefore, on January 18, 2008, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. A hearing was requested, and on May 21, 2008, an adjudicating official ordered the respondent suspended from the practice of law before the Board, Immigration Court, and DHS, for 18 months, effective January 18, 2008. The respondent did not appeal the decision of the adjudicating official to this Board.

The respondent filed a "Petition for Early Reinstatement" on March 16, 2009, and moved that he be reinstated to practice before the Board, the Immigration Courts, and the DHS. 8 C.F.R. § 1003.107(b). The Board denied this motion on March 25, 2009, based on the respondent's failure to meet the definition of attorney under 8 C.F.R. § 1001.1(f).

The respondent again moves that the Board reinstate him to practice. The respondent presents a January 22, 2010, order of the Ninth Circuit reinstating him on a probationary basis. The EOIR Disciplinary Counsel does not oppose the petition for reinstatement, observing that the respondent appears to be eligible for reinstatement and "... based solely on the provisions of [8 C.F.R. § 1003.107(a)], the EOIR Disciplinary Counsel does not see any grounds for objecting" to the respondent's request for reinstatement. 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.

A handwritten signature in black ink, appearing to be 'D. B. A.', written over a horizontal line.

FOR THE BOARD