

Falls Church, Virginia 22041

---

File: D2009-059

Date:

JUL 14 2009

In re: MICHAEL H. SNEED

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Scott Anderson, Deputy Disciplinary Counsel

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

The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for 2 years.

On February 24, 2009, the Supreme Court of Tennessee suspended the respondent from the practice of law for 18 months. Consequently, on March 25, 2009, the Disciplinary Counsel for the Executive Office for Immigration Review 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 April 17, 2009, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. On May 29, 2009, the Board declined to set aside the immediate suspension order, and stated that the respondent's answer would be due within 15 days. We cautioned that a failure to file an answer within the time period would constitute an admission of the allegations in the Notice of Intent to Discipline. 8 C.F.R. § 1003.105(d)(1).

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. *See* 8 C.F.R. § 1003.105(c)(1). The respondent's failure to file a response within the time period prescribed in the Notice, as extended, constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1003.105(d)(1), (2).

The EOIR Disciplinary Counsel alleges, and the respondent does not dispute, that the respondent submitted numerous Forms EOIR-28, "Notice of Entry of Appearance as Attorney", on which he failed to disclose that he had been suspended from the practice of law in Tennessee, and also appeared before an Immigration Judge on March 16, 2009, where he denied being suspended from the practice of law in Tennessee. 8 C.F.R. § 1003.102(f)(1); Notice of Intent to Discipline, at ¶¶ 6-9.

The Notice proposes that the respondent be suspended from practicing before the Board and the Immigration Courts for 2 years. The DHS asks that the Board extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2).

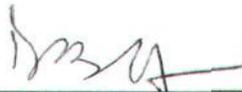
Since the proposed sanction is appropriate, in light of the respondent's suspension in Tennessee, as well as the respondent's submissions of appearance forms on which he claimed to be eligible to appear as an attorney in good standing, as well as the respondent's failure to divulge his suspension to an Immigration Judge, when he had been suspended from the practice of law in Tennessee, 8 C.F.R. §1003.102(f)(1), we will honor it. As the respondent is currently under our April 17, 2009, order of suspension, we will deem the respondent's suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 2 years.

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* 73 Fed. Reg. 76914, 76925 (December 18, 2008)(to be codified at 8 C.F.R. § 1003.105(d)(2)).



---

FOR THE BOARD