

Falls Church, Virginia 22041

File: D2001-120

Date: ~~_____~~ JAN 5 2010

In re: CHESTER LEE WHELESS, JR., ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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

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

On January 14, 1998, the respondent was disbarred from practice by the State Bar of Texas. Consequently, on September 21, 2001, the Disciplinary Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The Department of Homeland Security (the "DHS") then asked that the respondent be similarly suspended from practice before that agency. Therefore, on October 12, 2001, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. On January 28, 2002, the Board issued a final order, suspending the respondent from practice for 5 years.

The respondent moves that the Board reinstate him to practice. The EOIR Disciplinary Counsel does not oppose the petition for reinstatement, observing that "[a]ppropriate discipline has been effected before EOIR and the respondent appears to meet the definition of attorney as provided at 8 C.F.R. § 1101.1(f)". 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