

Falls Church, Virginia 22041

File: D2015-0106

Date: SEP 25 2015

In re: PENG TIAN MA, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF EOIR: Jennifer J. Barnes
Disciplinary Counsel

ON BEHALF OF DHS: Jeannette V. Dever
Associate Legal Advisor

The respondent, who has been suspended from practice before the Board, the Immigration Courts, and the Department of Homeland Security (the "DHS") for 60 days, effective July 17, 2015, has sought reinstatement to practice. The Disciplinary Counsel for the Executive Office of Immigration Review (EOIR) opposes the respondent's motion for reinstatement. The respondent's motion for reinstatement will be granted.

On May 14, 2015, the Supreme Court of Illinois issued an order suspending the respondent from the practice of law in that state for 60 days. Consequently, 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 Disciplinary Counsel for the DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on July 17, 2015. The respondent did not file a timely answer to the Notice of Intent to Discipline, and did not dispute the allegations in the Notice. Given the respondent's suspension from the practice of law in Illinois, our August 11, 2015, final order of discipline suspended the respondent from practice before the Board, the Immigration Courts, and the DHS, for 60 days, effective July 17, 2015, the date of our immediate suspension order.

The respondent now asks to be reinstated to practice before the Board, the Immigration Courts and the DHS, and presents evidence that he is again authorized to practice law in Illinois. As the respondent was suspended for less than one year, he may only seek reinstatement under 8 C.F.R. § 1003.107(a) (EOIR Opp. at 2). In order to be reinstated under 8 C.F.R. § 1003.107(a), the respondent's full period of suspension must have expired. *Id.* The EOIR Disciplinary Counsel has opposed the respondent's reinstatement solely on the ground that his period of suspension before the Board, the Immigration Courts, and the DHS has not expired. While the respondent's motion has been pending, however, his 60-day period of suspension, which commenced on July 17, 2015, has expired. The respondent therefore is eligible to be reinstated to practice by the Board at this time. *Id.* We therefore grant the respondent's motion for reinstatement.

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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, the Immigration Courts or Board, he must file a Notice of Appearance (Form G-28, Form EOIR-28 or Form EOIR-27) even in cases in which he was counsel prior to his suspension.

A handwritten signature in black ink, appearing to be "J. M. ...", is written above a horizontal line.

FOR THE BOARD