

Falls Church, Virginia 22041

File: D2016-0095

Date:

JUL 06 2016

In re: MATTHEW BRENNAN CLEARY, III, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Jennifer J. Barnes
Disciplinary Counsel

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

The respondent will be disbarred from practice before the Board of Immigration Appeals (“Board”), the Immigration Courts, and the Department of Homeland Security (“DHS”).

The respondent was disbarred from the practice of law in Florida on February 2, 2016, by the Supreme Court of Florida, after being held in contempt of the court. On May 19, 2016, the Disciplinary Counsel for the Executive Office for Immigration Review (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 *Department* of Homeland Security then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on June 16, 2016.

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. The respondent’s failure to file a response within the time period prescribed in the Notice 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.

The Notice of Intent to Discipline proposes that the respondent be disbarred from practicing before the Board and the Immigration Courts. The Disciplinary Counsel for the DHS asks the Board to extend that discipline to practice before that agency 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.

The proposed sanction is appropriate, in light of the fact that the respondent was disbarred from the practice of law in Florida on February 2, 2016, by the Supreme Court of Florida, after being held in contempt of the court. Further, as the respondent is currently under our June 16, 2016, order of suspension, we will deem the respondent’s disbarment to have commenced on that date.

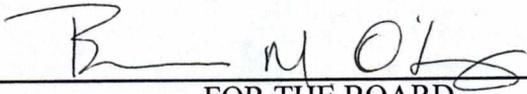
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ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS. The disbarment is deemed to have commenced on June 16, 2016.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must 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, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order becomes effective immediately. 8 C.F.R. § 1003.105(d)(2).



FOR THE BOARD