

Falls Church, Virginia 22041

File: D2016-0184

Date: OCT 25 2016

In re: ERNESTO MALDONADO, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Catherine M. O'Connell
Disciplinary Counsel

ON BEHALF OF EOIR: Jennifer J. Barnes
Disciplinary Counsel

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

On April 11, 2016, the Board of Disciplinary Appeals appointed by the Supreme Court of Texas entered an "Agreed Judgment Of Indefinite Disability Suspension" concerning the respondent. The Disciplinary Counsel for the DHS petitioned for the respondent's immediate suspension from practice before that agency on August 26, 2016. The Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") then asked that the respondent be similarly suspended from practice before the Board and the Immigration Courts. We granted the petition on September 14, 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 indefinitely suspended from practicing before the DHS. The Disciplinary Counsel for EOIR asks the Board to extend that discipline to practice before the Board and the Immigration Courts 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.

Because the proposed sanction is appropriate, in light of the fact that on April 11, 2016, the Board of Disciplinary Appeals appointed by the Supreme Court of Texas entered an "Agreed Judgment Of Indefinite Disability Suspension" concerning the respondent, the Board will honor that proposal. Further, as the respondent is currently under our September 14, 2016, order of suspension, we will deem the respondent's indefinite suspension to have commenced on that date.

ORDER: The Board hereby indefinitely suspends the respondent from practice before the Board, the Immigration Courts, and the DHS. The indefinite suspension is deemed to have commenced on September 14, 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 contents of the order shall be made available to the public, including at the Immigration Courts and appropriate offices of the DHS.

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.



FOR THE BOARD