

Falls Church, Virginia 22041

File: D2016-0112

Date: DEC 09 2016

In re: MICHELLE RENEE MLADEK, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE (AMENDED)¹

ON BEHALF OF EOIR: Jennifer J. Barnes
Disciplinary Counsel

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

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

On May 9, 2016, the Supreme Court of New Mexico indefinitely suspended the respondent, for a minimum of 12 months, from the practice of law in New Mexico. The Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") petitioned for the respondent's immediate suspension from practice before the Board and the Immigration Courts on September 28, 2016. The DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on October 21, 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 of Intent to Discipline 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).

The Notice of Intent to Discipline proposes that the respondent be suspended indefinitely from practicing before the Board and the Immigration Courts. 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 of Intent to Discipline, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2). The proposed sanction is appropriate, in light of the

¹ The Board issued a final order of discipline in this matter on November 22, 2016. The first order at the end of our decision stated that the respondent's suspension is deemed to have commenced on October 24, 2016. The sentence should have read that the respondent's suspension is deemed to have commenced on October 21, 2016. We therefore are issuing an amended order correcting the misstatement. The remainder of the decision remains unchanged.

respondent's indefinite suspension in New Mexico. 8 C.F.R. § 1003.101(a)(2) (suspension is a disciplinary sanction that may be imposed by the Board); 8 C.F.R. § 1003.102(e) (practitioner who has been suspended is subject to discipline by the Board). Further, as the respondent is currently under our October 21, 2016, order of suspension, we will deem the respondent's suspension to have commenced on that date.

ORDER: The Board indefinitely suspends the respondent from practice before the Board, the Immigration Courts, and the DHS. The suspension is deemed to have commenced on October 21, 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 her.

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