

Falls Church, Virginia 22041

File: D2016-0265

Date: **DEC 22 2016**

In re: ALEXANDER MELNIKOV, 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 suspended from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS") for a period of 180 days.

On July 28, 2016, the State of Michigan Attorney Discipline Board issued a final order suspending the respondent from the practice of law in Michigan for 180 days, effective August 19, 2016. On November 1, 2016, 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. The DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on November 22, 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 from practicing before the Board and the Immigration Courts for 180 days. 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 respondent's 180-day suspension in Michigan. 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 November 22, 2016, order of suspension, we will deem the respondent's suspension to have commenced on that date.

ORDER: The Board suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for 180 days. The suspension is deemed to have commenced on November 22, 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