

Falls Church, Virginia 22041

File: D2017-0098

Date: **JUN 22 2017**

In re: MATTHEW D. MULLER, 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 disbarred from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS").

On September 29, 2016, the respondent pled guilty to kidnapping in violation of 18 U.S.C. § 1201. On March 16, 2017, the United States District Court for the Eastern District of California entered a judgment against the respondent on the basis of his plea. The Disciplinary Counsel for the DHS then petitioned for the respondent's immediate suspension from practice before that agency on April 17, 2017. The Disciplinary Counsel for the Executive Office for Immigration Review ("Disciplinary Counsel for EOIR") asked that the respondent be similarly suspended from practice before the Board and the Immigration Courts. We granted the petition on June 1, 2017.

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. 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 disbarred 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 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 conviction for kidnapping, a serious crime as defined in 8 C.F.R. § 1003.102(h). Further, as the respondent is currently under our June 1, 2017, order of suspension, we will deem his disbarment to have commenced on that date.

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 1, 2017.

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.

A handwritten signature in black ink, appearing to read "William B. Smith", is written above a horizontal line.

FOR THE BOARD