

Falls Church, Virginia 22041

File: D2016-0195

Date: **SEP 25 2017**

In re: Jeffery TONEY, ATTORNEY¹

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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

ON BEHALF OF EOIR: Jennifer J. Barnes
Disciplinary Counsel

The respondent, who has been suspended from practice before the Board of Immigration Appeals (Board), the Immigration Courts, and the Department of Homeland Security (DHS) for a period of 90 days, effective October 27, 2016, has sought reinstatement to practice. The Disciplinary Counsel for the Department of Homeland Security (Disciplinary Counsel for the DHS) does not oppose the respondent's motion for reinstatement. The respondent's motion for reinstatement will be granted.

On July 7, 2016, the Supreme Court of Florida issued an order suspending the respondent from the practice of law in that state for 90 days, effective 30 days from the date of the order. Consequently, on September 23, 2016, the Disciplinary Counsel for the DHS petitioned for the respondent's immediate suspension from practice before that agency. 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 October 27, 2016.

The respondent did not file a timely answer to the Notice of Intent to Discipline and did not dispute the allegations in the Notice. Given the respondent's 90-day suspension from the practice of law in Florida, our November 22, 2016, final order of discipline suspended the respondent from practice before the Board, the Immigration Courts, and the DHS for 90 days, effective October 27, 2016, the date of our immediate suspension order.

The respondent now asks to be reinstated to practice before the Board, the Immigration Courts and the DHS, and presents evidence that he is again authorized to practice law in Florida. The respondent also has submitted evidence that he is currently a member in good standing of the Alabama State Bar. The respondent now meets the definition of attorney as set forth in 8 C.F.R. § 1001.1(f) (2017) and has complied with the reinstatement requirements set forth in 8 C.F.R. § 1003.107. Further, the Disciplinary Counsel for the DHS does not oppose his reinstatement. We

¹ The respondent was identified in the Notice of Intent to Discipline, the Petition for Immediate Suspension, and our prior orders as Jeffery Toney. The respondent identifies himself in his current motion as Jeffery D. Toney, Sr.

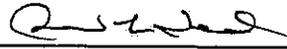
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therefore grant the respondent's motion for reinstatement and reinstate the respondent to practice before the Board, the Immigration Courts and the DHS, effective immediately.

ORDER: The respondent is reinstated to practice before the Board, the Immigration Courts, and the DHS, effective immediately upon the issuance of this order.

FURTHER ORDER: Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement.

FURTHER ORDER: If the respondent wishes to represent a party before the Immigration Courts, the Board, or the DHS, he must file a Notice of Appearance (Form EOIR-28, Form EOIR-27, or Form G-28) even in cases in which he was counsel prior to his suspension.



FOR THE BOARD