

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Mark E. SCABAVEA, D2025-0002

Respondent

FILED

MAR 11 2025

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF EOIR: Paul A. Rodrigues, Disciplinary Counsel

ON BEHALF OF DHS: Amy S. Paulick, Disciplinary Counsel

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
Notice of Intent to Discipline Before the Board of Immigration Appeals

Before: Clark, Appellate Immigration Judge, Creppy, Appellate Immigration Judge; Liebowitz,
Appellate Immigration Judge

Opinion by Creppy, Appellate Immigration Judge

CREPPY, Appellate Immigration Judge

AMENDED DECISION¹

The respondent will be disbarred from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS"), effective January 29, 2025.

On December 20, 2024, the Supreme Court of the State of Colorado issued an order disbarring the respondent from the practice of law in Colorado. On January 13, 2025, the Disciplinary Counsel for the Executive Office for Immigration Review and the Disciplinary Counsel for DHS jointly petitioned for the respondent's immediate suspension from practice before the Board, the Immigration Courts, and DHS. We granted the Joint Petition for Immediate Suspension on January 29, 2025.

The respondent was required to file a timely answer to the allegations contained in the Joint Notice of Intent to Discipline but has failed to do so. 8 C.F.R. § 1003.105(d)(1). The respondent's failure to file a response within the time prescribed in the Joint 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)-(2).

¹ This amended decision is issued to correct a drafting error concerning the jurisdiction in which the respondent has been disbarred.

The Joint Notice of Intent to Discipline proposes that the respondent be disbarred from practice before the Board, the Immigration Courts, and DHS, effective as of the date of our immediate suspension order. Because the respondent did not file an answer, the regulations direct us to adopt the proposed sanction contained in the Joint Notice of Intent to Discipline, unless there are considerations that compel us to diverge from that proposal. 8 C.F.R. § 1003.105(d)(2).

The proposed sanction is appropriate in light of the respondent's disbarment in Colorado. We will honor the proposed discipline and will order the respondent disbarred from practice before the Board, the Immigration Courts, and DHS, effective January 29, 2025.

ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and DHS, effective January 29, 2025.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our January 29, 2025, immediate suspension 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 DHS.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, the Immigration Courts, and DHS under 8 C.F.R. § 1003.107.

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