

Falls Church, Virginia 22041

File: D2019-0017

Date: MAR 22 2019

In re: Gabriel Gerardo CASTILLO, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

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

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

On September 15, 2016, the Supreme Court of California issued a final order suspending the respondent from the practice of law in that state for 90 days. On November 2, 2016, the Disciplinary Counsel for the Executive Office for Immigration Review (Disciplinary Counsel for EOIR) petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals 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 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 California, our January 23, 2017, final order of discipline suspended the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for a period of 90 days, effective November 22, 2016, the date of our immediate suspension order.

The respondent subsequently filed two motions for reinstatement. We denied both motions due to the respondent's failure to comply with our order of suspension, and the respondent remains suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS.

On October 18, 2018, the California Supreme Court ordered the respondent disbarred from the practice of law in California, effective November 17, 2018. On January 31, 2019, the Disciplinary Counsel for EOIR filed a Notice of Intent to Discipline charging that, due to the respondent's final order of disbarment in California, the respondent is subject to reciprocal discipline under 8 C.F.R. § 1003.102(e). The Disciplinary Counsel for the DHS filed a motion to join for reciprocal discipline.

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 Board of Immigration Appeals and the Immigration Courts. The Disciplinary Counsel for the DHS asks us to extend that discipline to practice before that agency as well. Because the respondent has failed to file an answer, the regulations direct us 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 disbarment in California. We therefore will honor the proposed discipline and will order the respondent disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. Further, as the respondent has not been reinstated to practice before the Board of Immigration Appeals, the Immigration Courts, or the DHS since our January 23, 2017, order of suspension, his disbarment will commence immediately upon issuance of this order.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. The disbarment is effective immediately upon issuance of this order.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of Immigration Appeals 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 of Immigration Appeals, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.



FOR THE BOARD