

Falls Church, Virginia 22041

File: D2020-0001

Date: FEB 27 2020

In re: J. Marcos PERALES PINA, 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 March 8, 2019, the Supreme Court of New Mexico issued a final order suspending the respondent from the practice of law in New Mexico for 1 year, effective March 15, 2019. On July 11, 2019, 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 Immigration Courts and the Board of Immigration Appeals. The Disciplinary Counsel for the DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on July 29, 2019.

Further, when the respondent did not file a timely response to the allegations contained in the Notice of Intent to Discipline, we issued a final order suspending the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for 1 year, effective April 15, 2019, the date the respondent provided untimely notice concerning his New Mexico suspension to the Disciplinary Counsel for EOIR.¹ 8 C.F.R. § 1003.103(c).

On November 6, 2019, the Supreme Court of New Mexico issued an order disbarring the respondent from the practice of law in New Mexico, effective immediately, for contempt of court in failing to comply with and attempting to circumvent its suspension order. On January 7, 2020, the Disciplinary Counsel for EOIR and the Disciplinary Counsel for the DHS filed a joint Notice of Intent to Discipline charging that the respondent, having been subject to a final order of disbarment, is subject to reciprocal discipline under 8 C.F.R. § 1003.102(e).

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).

¹ Our July 29, 2019, immediate suspension order and our September 4, 2019, final order were issued in disciplinary case number 2019-0194.

The Notice of Intent to Discipline proposes that the respondent be disbarred from practicing before the Board of Immigration Appeals, the Immigration Courts, and the DHS. 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 New Mexico. 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, the respondent's disbarment will begin 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 commences immediately.

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 "Daniel J. Hanin", is written over a horizontal line.

FOR THE BOARD