

NOT FOR PUBLICATION

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

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MATTER OF:

David MENDEZ, D2021-0222

Respondent

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**FILED**

FEB 03 2022

ON BEHALF OF RESPONDENT: Pro se

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

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

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

Before: Creppy, Appellate Immigration Judge; Brown, Temporary Appellate Immigration Judge;  
Manuel, Temporary Appellate Immigration Judge<sup>1</sup>

Opinion by Appellate Immigration Judge Creppy

CREPPY, Appellate Immigration Judge

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 December 21, 2021.

On August 19, 2021, the Supreme Court of Florida issued an order disbarring the respondent from the practice of law in Florida, effective September 18, 2021. On November 18, 2021, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) and the Disciplinary Counsel for the Department of Homeland Security (DHS) filed a Joint Notice of Intent to Discipline, as well as a Joint Petition for Immediate Suspension, based upon the respondent's disbarment in Florida. We granted the Joint Petition for Immediate Suspension on December 21, 2021.

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

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<sup>1</sup> Temporary Appellate Judges sit pursuant to appointment by the Attorney General. *See generally* 8 C.F.R. § 1003.103.1(a)(1), (4).

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 practice before the Board, the Immigration Courts, and the DHS, effective as of the date of the Board's immediate suspension order. Because the respondent failed to timely 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 Florida. We will honor the proposed discipline and will order the respondent disbarred from practice before the Board, the Immigration Courts, and the DHS, effective December 21, 2021.

ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS, effective December 21, 2021.

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.