

NOT FOR PUBLICATION

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

MATTER OF:

John K. DVORAK, D2011-0443

Respondent

FILED

FEB 14 2023

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

ON BEHALF OF DHS: Toinetter M. Mitchell, Disciplinary Counsel

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
On Motion from a Decision of the Board of Immigration Appeals

Before: Malphrus, Chief Appellate Immigration Judge, Liebowitz, Appellate Immigration Judge,
Noferi, Temporary Appellate Immigration Judge¹

Opinion by Malphrus, Chief Appellate Immigration Judge

MALPHRUS, Chief Appellate Immigration Judge

In a decision dated March 1, 2012, we suspended the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS") for 3 years, effective 15 days from the date of the order. The respondent now has filed a motion for reinstatement, which will be granted.

The respondent has presented evidence showing that he has been reinstated to the practice of law in Massachusetts and before the United States Court of Appeals for the First Circuit (Respondent's Mot.) (unpaginated). He further maintains that he is an attorney in good standing in Massachusetts and that he meets the definition of attorney contained in 8 C.F.R. § 1001.1(f). *See* 8 C.F.R. § 1003.107(a)(1) (discussing requirements for reinstatement).

The Disciplinary Counsels for the Executive Office for Immigration Review and DHS initially opposed the respondent's reinstatement because they claimed that he did not meet the definition of attorney contained in 8 C.F.R. § 1001.1(f). While they acknowledged that the respondent had presented evidence showing he is an attorney in good standing in Massachusetts, they argued that he was not eligible to practice in Massachusetts because he was in inactive status.

¹ Temporary Appellate Immigration Judges sit pursuant to appointment by the Attorney General. *See* 8 C.F.R. § 1003.1(a)(4)

Upon receiving the Disciplinary Counsels' opposition, the respondent changed his status in Massachusetts to active and has submitted proof of his current active status (Respondent's Response, Exh. 1). The Disciplinary Counsels have not responded to the respondent's new submission. The evidence, however, does establish that the respondent meets the definition of attorney contained in 8 C.F.R. § 1001.1(f). The record further contains no evidence to indicate that the respondent did not comply with the terms of his suspension. We therefore will grant the respondent's motion for reinstatement. *See* 8 C.F.R. § 1003.107(a)(3).

ORDER: The respondent is reinstated to practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, as of the date of this order.

FURTHER ORDER: This reinstatement should be reflected in any public notices maintained and disseminated by the Executive Office for Immigration Review regarding attorney discipline.

FURTHER ORDER: If the respondent wishes to represent a party before DHS, the Immigration Courts, or the Board, he must file a Notice of Appearance (Form G-28, Form EOIR-26, or Form EOIR-27) even in cases in which he was counsel prior to his suspension.