

NOT FOR PUBLICATION

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

MATTER OF:

Patrick WAKE, D2023-0102

Respondent

FILED

JUN 27 2023

ON BEHALF OF RESPONDENT: Pro se

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

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

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

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

Opinion by Noferi, Temporary Appellate Immigration Judge

NOFERI, Temporary 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 immediately.

Our records show that on April 21, 2021, the Board issued an order suspending the respondent from practice before the Board, the Immigration Courts, and DHS, for one year and one day, effective March 3, 2021, in light of the Supreme Court of Colorado’s order suspending the respondent from the practice of law in Colorado for the same length of time, effective February 3, 2020 (Case No. D2021-0019). Our records do not show that the respondent has been reinstated to practice before the Board, the Immigration Courts, and DHS.

On May 4, 2023, the Disciplinary Counsels filed a Joint Notice of Intent to Discipline, claiming that the respondent is subject to summary discipline based on his recent disbarment in Colorado. *See* 8 C.F.R. § 1003.102(e), 1003.103(b), 1003.106(a). The Disciplinary Counsels filed a certified copy of the Order and Notice of Disbarment issued by the Supreme Court, State of Colorado, on April 27, 2023, ordering the respondent disbarred from the practice of law in Colorado, effective immediately.

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

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).

The Joint Notice of Intent to Discipline proposes that the respondent be disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective immediately. 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 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 Colorado. We will order the respondent disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective immediately.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective 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 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.