

Falls Church, Virginia 22041

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File: D2007-271

Date:

NOV 15 2007

In re: BARRY R. NAGER, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Bar Counsel

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ORDER:

PER CURIAM. The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for 90 days.

On August 30, 2007, the Supreme Court of Florida suspended the respondent from the practice of law for 90 days. Consequently, on September 24, 2007, the Office of General Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On September 28, 2007, the DHS asked that the respondent be similarly suspended from practice before that agency. Therefore, on October 16, 2007, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

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(c)(1). The respondent's failure to file a response within the time period prescribed in the Notice 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 Notice recommends that the respondent be suspended from practicing before the Board and the Immigration Courts for 90 days. The DHS asks that the Board extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the recommendation contained in the Notice, unless there are considerations that compel us to digress from that recommendation. 8 C.F.R. § 1003.105(d)(2).

Since the recommendation is appropriate, given the respondent's suspension in Florida, the Board will honor that recommendation. Accordingly, the Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 90 days.

As the respondent is currently under the Board's October 16, 2007, order of suspension, the respondent's suspension will be deemed to have commenced on that date. The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against him. The respondent may seek reinstatement under appropriate circumstances. 8 C.F.R. § 1003.107(b).



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FOR THE BOARD