

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF IMMIGRATION JUDGE
5107 LEESBURG PIKE, SUITE 1800
FALLS CHURCH, VA 22041

In the Matter of:
MARTIN RESENDEZ GUAJARDO

Case No: D2007-319

Respondent.

IN DISCIPLINARY PROCEEDINGS

ON BEHALF OF RESPONDENT:

ON BEHALF OF THE GOVERNMENT:

PRO SE

JENNIFER J. BARNES
Bar Counsel
Executive Office for Immigration Review
U.S. Department of Justice

ORDER OF THE IMMIGRATION JUDGE

ORDER: It is hereby ordered that:

1. The ground(s) _____ set forth in the Notice of Intent to Discipline have not been established by clear, convincing, and unequivocal evidence and are, hereby, dismissed.
2. The ground(s) _____ set forth in the Notice of Intent to Discipline have been established by clear, convincing, and unequivocal evidence. Any remaining ground(s) set forth in the Notice of Intent to Discipline have not been established by clear, convincing, and unequivocal evidence and are, hereby, dismissed.

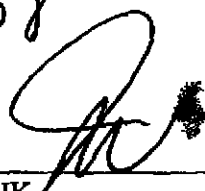
The following disciplinary sanction shall be imposed:

- Practitioner shall be permanently expelled from practice before:
- The Board of Immigration Appeals and the Immigration Courts
 - The Immigration and Naturalization Service
 - Both
- Practitioner shall be suspended from practice before:
- The Board of Immigration Appeals and the Immigration Courts
 - The Immigration and Naturalization Service
 - Both
- Until 1 yr. From March 5, 2008

Practitioner shall be publically/privately censured

Other appropriate disciplinary sanction

Date: Oct. 1, 2008



IRA E. BANK
U.S. Immigration Judge

APPEAL WAIVED/RESERVED

APPEAL DUE BY: *none*

EOIR 45

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL PERSONAL SERVICE (P)

TO: PRACTITIONER [] PRACTITIONER'S ATT/REP DHS/EOIR

DATE: 10-6-08 BY: COURT STAFF *[Signature]*

✓
✓
✓

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT**

<p>In the Matter of</p> <p style="text-align: center;">MARTIN RESENDEZ GUAJARDO,</p> <p style="text-align: center;">Respondent.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Disciplinary Case No. D2007-319</p>
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SETTLEMENT AGREEMENT

Respondent, *pro se*, and the Office of the General Counsel (OGC), Executive Office for Immigration Review (EOIR), by the undersigned Bar Counsel, hereby agree that it would be in the best interests of both parties to affect a speedy resolution to the above-captioned case. Accordingly, the parties adopt the following terms and conditions of this settlement agreement.

1. Respondent agrees that he has carefully read and fully understands all of the terms and conditions of this settlement agreement, and that he is freely and voluntarily entering into this settlement agreement. Respondent declares that he is not subject to coercion or duress, and that he is fully aware of the implications of entering into this settlement agreement.
2. Respondent acknowledges that under 8 C.F.R. § 1003.106(a)(1)(iii), he has the right to be represented by counsel, at no expense to the government, and that Respondent has had an opportunity to engage counsel, but decided to represent himself.
3. Respondent knowingly waives his right, under 8 C.F.R. § 1003.106, to a hearing on the charge in the February 14, 2008 Notice of Intent to Discipline (NID). Respondent also knowingly waives his right to file an appeal with the Board of Immigration Appeals (Board) in this matter.
4. Respondent acknowledges that OGC has met its burden of proving that Respondent resigned from a federal court with an admission of misconduct under 8 C.F.R. § 1003.102(e)(1). Respondent acknowledges that the U.S. Court of Appeals for the Ninth Circuit (Ninth Circuit) issued a November 1, 2007 order in which it: 1) accepted Respondent's resignation from the Ninth Circuit Bar; 2) found that Respondent admitted violating the court's rules and orders; and 3) prohibited Respondent from the practice of law before the Ninth Circuit.

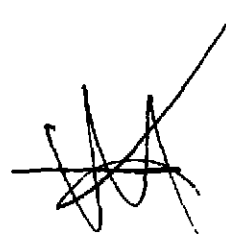
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5. To date, Respondent has not been reinstated to the practice of law before the Ninth Circuit.
6. Therefore, Respondent consents to be suspended for a period of one (1) year from the date of the Board's March 5, 2008 immediate suspension order. OGC agrees to accept a one (1) year suspension of Respondent in lieu of the indefinite suspension that OGC proposed in the NID.
7. Respondent agrees that his suspension will continue until he is reinstated to practice by the Board under 8 C.F.R. § 1003.107. OGC agrees to credit Respondent for the time he has already served under the Board's March 5, 2008 immediate suspension order. See 8 C.F.R. § 1003.103(a)(2). Therefore, OGC agrees not to oppose a petition for reinstatement if Respondent files that petition on or after March 5, 2009, and Respondent can meet the definition of an "attorney" as stated in 8 C.F.R. § 1001.1(f). See 8 C.F.R. § 1003.107(a).
8. Respondent agrees not to file any administrative or court challenge to this agreement.
9. The terms set forth herein constitute the sole agreement between the parties in this matter. The parties agree that prior writings, conversations, communications, perceptions, or impressions shall not form the basis for any inference or conclusions that this settlement agreement extends beyond that which is stated within the four corners of this instrument.
10. Any fees, costs, or expenses incurred by either party relating to the above-captioned case are solely the responsibility of the party that incurred them.
11. The parties understand that this settlement agreement will become effective on the date that the Adjudicating Official approves and signs this settlement agreement.
12. Respondent agrees for himself, his successors, and his assigns, to release and forever discharge the U.S. Department of Justice, EOIR, and its officers, agents, and employees, in their official or individual capacities, from any and all claims, liabilities, actions, causes of action, and rights, known and unknown, related to the above-captioned case, up to and including the execution of this settlement agreement.

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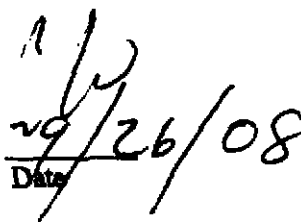
The parties, by their signatures below, agree to the terms and conditions in this settlement agreement, which contains three (3) pages.

On behalf of EOIR, OGC:

Respondent:


 Jennifer J. Barnes
 Bar Counsel
 Office of the General Counsel
 Executive Office for Immigration
 Review
 U.S. Department of Justice
 5107 Leesburg Pike, Suite 2600
 Falls Church, VA 22041


 Date: 9/29/08
 Martin Resendez Guajardo
 555 Clay Street
 San Francisco, CA 94111


 Date: 9/26/08

Order of Adjudicating Official


This matter having come before the undersigned Immigration Judge, serving as the Adjudicating Official in the above-captioned proceedings, IT IS HEREBY ORDERED AS FOLLOWS:

The parties' settlement agreement is hereby APPROVED.

Respondent is SUSPENDED from practice before the Board of Immigration Appeals, the Immigration Court, and the Department of Homeland Security for a period of one (1) year from March 5, 2008.

Respondent's suspension shall remain in effect until Respondent secures an order from the Board of Immigration Appeals reinstating him to practice.

ENTERED AS AN ORDER this 1st day of October, 2008 in Los Angeles, California.


 Ira E. Bank
 Immigration Judge

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