

Falls Church, Virginia 22041

File: D2008-285

Date: FEB 11 2009

In re: MOHAMMED SHYLLON, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Rachel A. McCarthy, Bar Counsel

ON BEHALF OF EOIR: Jennifer J. Barnes, Bar Counsel

The respondent will be expelled from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS").

On May 17, 2007, the Disciplinary Hearing Commission of the North Carolina State Bar entered a consent order suspending the respondent from the practice of law for 1 year, effective May 12, 2007.

Consequently, on December 15, 2008, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. The Disciplinary Counsel for the Executive Office for Immigration Review then asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts. Therefore, on December 22, 2008, 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); 1292.3(e)(3)(ii). 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. § 1292.3(e)(3)(ii).

The DHS alleges, and the respondent does not dispute, that the respondent failed to notify it that he had been suspended from the practice of law in North Carolina, as required by 8 C.F.R. § 292.3(c)(4). Notice of Intent to Discipline, at ¶ 5. Moreover, the DHS alleges, and the respondent does not dispute, that after May 12, 2007, the respondent submitted 34 applications or petitions associated with "Notice of Entry of Appearance or Representative" forms (Forms G-28) to the DHS, on which he failed to disclose that he had been suspended from the practice of law in North Carolina. 8 C.F.R. §§ 1292.3; 1003.102(f); Notice of Intent to Discipline, at ¶ 6.

The Notice proposes that the respondent be expelled from practice before the DHS. The Disciplinary Counsel for EOIR asks that we extend that discipline to practice before the Board and Immigration Courts as well. As the respondent failed to file a timely answer, the regulations direct us to adopt the proposed sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. §§ 1003.105(d)(2); 1292.3(e)(3)(ii).

Since the proposed sanction is appropriate in light of the respondent's suspension in North Carolina, 8 C.F.R. §§ 1292.3; 1003.102(e)(1), Notice of Intent to Discipline, at ¶ 7, as well as the respondent's submissions of appearance forms to the DHS on which he claimed to be eligible to appear as an attorney in good standing, when he had been suspended from the practice of law in North Carolina, 8 C.F.R. §§ 1292.3; 1003.102(f), Notice of Intent to Discipline, at ¶ 8, we will honor it. Accordingly, we hereby expel the respondent from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under our December 22, 2008, order of suspension, we will deem the respondent's expulsion to have commenced on that date.

ORDER: The Board hereby expels the respondent from practice before the Board, the Immigration Courts, and the DHS.

FURTHER ORDER: 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.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(b).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. *See* 73 Fed. Reg. 76914, 76925 (December 18, 2008)(to be codified at 8 C.F.R. § 1003.105(d)(2)).



FOR THE BOARD