

Falls Church, Virginia 22041

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File: D2008-282

Date:

MAR - 6 2009

In re: BRIAN C. CASTERLINE, 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, Disciplinary Counsel

The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for 2 years and 11 months.

On May 27, 2008, the Michigan Attorney Discipline Board issued a "Notice of Automatic Suspension" against the respondent. On September 23, 2008, the Michigan Attorney Discipline Board revoked the respondent's license to practice law in Michigan until further order. On October 17, 2008, the Michigan Attorney Discipline Board suspended the respondent from the practice of law for 2 years and 11 months, commencing November 8, 2008. Consequently, on November 29, 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, we 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 Notice recommends that the respondent be suspended from practice before the DHS, for 2 years and 11 months. The Disciplinary Counsel for the Executive Office for Immigration Review 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 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); 1292.3(e)(3)(ii).

Since the recommendation is appropriate in light of the respondent's suspension in Michigan, we will honor it. As the respondent is currently under our December 22, 2008, order of suspension, we will deem the respondent's suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 2 years and 11 months.

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)).



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FOR THE BOARD