

Falls Church, Virginia 22041

File: D2008-281

Date:

JUN 28 2010

In re: MICHAEL MITRY HADEED, JR., ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF EOIR: Scott Anderson, Deputy Disciplinary Counsel

ON BEHALF OF RESPONDENT: Gregory M. Wade, Esquire

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

On February 13, 2009, in the United States District Court for the Eastern District of Virginia, the respondent was found guilty of a "serious crime" within the meaning of 8 C.F.R. § 1003.102(h), relating to his immigration law practice. That is, the respondent was found guilty of one count of conspiracy to commit immigration fraud and one count of false statements, in violation of 18 U.S.C. §§ 371, 1001 and 2.

Consequently, on February 27, 2009, 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 (EOIR) then asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts. Therefore, on March 11, 2009, 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. 8 C.F.R. §§ 1003.105(c)(1); 1292.3(e)(3)(ii). The respondent filed an answer, and then sought to have the immediate suspension order set aside. The respondent argued that he was not "convicted" of the crime, because although the jury found him guilty, the judge had not entered a judgment in the matter, and the respondent had filed a motion for acquittal, and if necessary he planned to file a direct appeal to the United States Court of Appeals for the Fourth Circuit. The Board on May 5, 2009, denied the respondent's request to set aside the immediate suspension order. Further proceedings concerning the government's Notice of Intent to Discipline were stayed "until the conclusion of the direct appeal of the respondent's criminal conviction," 8 C.F.R. § 1292.3(c)(3).

The DHS has now filed a "Motion To Set Aside Order Staying Proceedings In This Matter And For Entry Of Final Order of Discipline", and presents evidence that the respondent's conviction was affirmed by the Fourth Circuit on April 30, 2010.

✓ We find it appropriate to issue a final order on the government's charges. *See* 73 Fed. Reg. 76914, 76925 (December 18, 2008); codified at 8 C.F.R. § 1003.106(a)(1)(2010)(in summary disciplinary proceedings, Board may issue a final order when the respondent's answer does not make a prima facie showing that there are any material issues of fact in dispute). The respondent fails to show that there is any material issue of fact in dispute in this matter. As the DHS' proposed sanction of expulsion is appropriate, in light of the respondent's criminal record, the Board will honor that proposal.

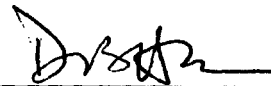
ORDER: The DHS Disciplinary Counsel's "Motion To Set Aside Order Staying Proceedings In This Matter And For Entry Of Final Order of Discipline", is granted.

FURTHER 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* 8 C.F.R. § 1003.105(d)(2)(2010); *Matter of Kronegold*, 25 I&N Dec. 157, 163 (BIA 2010).



FOR THE BOARD