

Falls Church, Virginia 22041

File: D2016-0167

Date: **SEP 21 2016**

In re: TIMOTHY D. MYERS, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Jennifer J. Barnes
Disciplinary Counsel

ON BEHALF OF DHS: Jeannette V. Dever
Associate Legal Advisor

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

On June 20, 2016, the State Bar Court of California issued an Order Entering Default and an Order Enrolling Inactive (Rule 5.80 – Failure to File Timely Response) against the respondent. The default order was effective upon filing of the order and the inactive enrollment was effective 3 days after service of the order. Consequently, on July 28, 2016, the Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") petitioned for the respondent's immediate suspension from practice before the Board and the Immigration Courts. The DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on August 24, 2016.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline ("NOID") but has failed to do so. *See* 8 C.F.R. § 1003.105. The respondent's failure to file a response within the time period prescribed in the NOID 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.

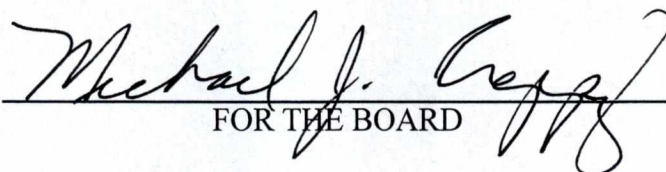
The NOID proposes that the respondent be suspended indefinitely from practicing before the Board and the Immigration Courts. The DHS asks the Board to extend that discipline to practice before that agency as well. Because the respondent has failed to file an answer, the regulations direct the Board to 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. The proposed sanction is appropriate, in light of the respondent's suspension by the State Bar Court of California. Further, as the respondent is currently under our August 24, 2016, order of suspension, we will deem the respondent's suspension to have commenced on that date.

ORDER: The Board hereby indefinitely suspends the respondent from practice before the Board, the Immigration Courts, and the DHS. The suspension is deemed to have commenced on August 24, 2016.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of any further disciplinary action against him.

FURTHER ORDER: The contents of the order shall be made available to the public, including at the Immigration Courts and appropriate offices of the DHS.

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


FOR THE BOARD