

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Matthew S. FURNESS, D2022-0011

Respondent

FILED

MAR 16 2022

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF EOIR: Paul A. Rodrigues, Disciplinary Counsel

ON BEHALF OF DHS: Catherine M. O'Connell, Disciplinary Counsel

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
Notice of Intent to Discipline before the Board of Immigration Appeals

Before: Liebowitz, Appellate Immigration Judge; Brown, Temporary Appellate Immigration Judge; Manuel, Temporary Appellate Immigration¹

Opinion by Temporary Appellate Immigration Judge Brown

BROWN, Temporary Appellate Immigration Judge

The respondent will be suspended from practice before the Board of Immigration Appeals (Board), the Immigration Courts, and the Department of Homeland Security (DHS), for a period of 12 months, effective February 3, 2022.

On December 20, 2021, the Supreme Court of Washington issued an order suspending the respondent from the practice of law in Washington for a period of 12 months, effective December 27, 2021. On January 24, 2022, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) and the Disciplinary Counsel for the Department of Homeland Security (DHS) filed a Joint Notice of Intent to Discipline, as well as a Joint Petition for Immediate Suspension, based upon the respondent's suspension in Washington. We granted the Joint Petition for Immediate Suspension on February 3, 2022.

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. The respondent's failure to file a response within the time period prescribed in the Notice of Intent to Discipline 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(d)(1).

¹ Temporary Appellate Immigration Judges sit pursuant to appointment by the Attorney General. *See generally* 8 C.F.R. § 1003.1(a)(1), (4).

The Notice of Intent to Discipline proposes that the respondent be suspended from practice before the Board, the Immigration Courts, and the DHS, for 12 months, effective as of the date of the Board's immediate suspension order. Because the respondent failed to timely file an answer, the regulations direct us to adopt the proposed sanction contained in the Notice of Intent to Discipline, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2).

The proposed sanction is appropriate in light of the respondent's suspension in Washington. We will honor the proposed discipline and will order the respondent suspended from practice before the Board, the Immigration Courts, and the DHS, for 12 months, effective February 3, 2022. The following orders will be entered.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for a period of 12 months, effective as of February 3, 2022.

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.