

Falls Church, Virginia 22041

File: D2015-0222

Date: OCT 24 2017

In re: Marijan CVJETICANIN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF EOIR: Jennifer J. Barnes
Disciplinary Counsel

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

On June 29, 2015, in the United States District Court for the District of New Jersey, a jury found the respondent guilty of a "serious crime" within the meaning of 8 C.F.R. § 1003.102 (h) (2017). That is, the respondent was convicted of nine counts of mail fraud in connection with immigration benefits petitions.

The Disciplinary Counsel for the DHS on September 21, 2015, petitioned for the respondent's immediate suspension from practice before that agency. 8 C.F.R. § 1003.103(a) (Board shall immediately suspend from practice individual who has been found guilty of a serious crime). The Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") then asked that the respondent be similarly suspended from practice before the Board of Immigration Appeals and the Immigration Courts.

After considering the respondent's filings, we granted the petition for immediate suspension on November 2, 2015. This order also stayed the proceedings concerning the DHS' Notice of Intent to Discipline, until the conclusion of the direct appeal of the respondent's criminal conviction. 8 C.F.R. § 1003.103 (b).

The DHS Disciplinary Counsel on October 2, 2017, filed a "Motion for Entry of Final Order." The DHS Disciplinary Counsel presents evidence that on July 21, 2017, the United States Court of Appeals for the Third Circuit affirmed the decision of the District Court, concerning the respondent's conviction. *See also United States v. Cvjeticanin*, __ F. App'x __, 2017 WL 3098133 (3d Cir. July 21, 2017). The Third Circuit on October 3, 2017, denied the respondent's petition for en banc and panel rehearing.

The DHS Disciplinary Counsel's motion will be granted, and the Board will enter a final order of discipline in this case. The proposed sanction of disbarment is appropriate in light of the circumstances. Accordingly, the Board will honor that proposal. As the respondent is currently under our November 2, 2015, order of suspension, we will deem the respondent's disbarment to have commenced on that date.

ORDER: The DHS Disciplinary Counsel's "Motion for Entry of Final Order" is granted.

FURTHER ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS. The disbarment is deemed to have commenced on November 2, 2015.

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