

**UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS**

No. 04-8002

IN RE MICHAEL R. SMALLS, MEMBER OF THE BAR

Before FARLEY, GREENE, and HAGEL, *Judges*

**ORDER**

The Court received credible evidence that attorney Michael R. Smalls (respondent) had been convicted by a United States district court of a serious crime, as defined in Rule 7(b)(3) of the Court's Rules of Admission and Practice, and sentenced to imprisonment for a term of five years. On February 19, 2004, the Clerk of the Court, pursuant to Rule 7(b)(1)(A), imposed a temporary nondisciplinary suspension from practice on the respondent and referred the matter to this panel.

Rule 5(b) of the Court's Rules of Admission and Practice provides that "[d]isbarment is presumed appropriate for a practitioner convicted of a serious crime." Pursuant to Rule 7(b)(2), on May 19, 2004, the Court ordered the respondent to show cause, within 30 days thereafter, why he should not be disbarred from practice before this Court. The respondent was advised that a failure to respond to this order would be deemed to be consent to disbarment. The respondent has not responded to the order.

Accordingly, pursuant to Rule 7(b)(2), it is

ORDERED that the February 19, 2004, temporary nondisciplinary suspension is terminated. It is further

ORDERED that Michael R. Smalls is disbarred from practice before this Court.

DATED: July 9, 2004

PER CURIAM.