

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2016-35

In re: **MIRTA DESIR**  
**Florida Bar # 90103**

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FILED by	ks	D.C.
ELECTRONIC		
<b>July 11, 2016</b>		
<small>STEVEN M. LARIMORE CLERK U.S. DIST. CT. S. D. OF FLA. - MIAMI</small>		

**ORDER OF SUSPENSION**

The Supreme Court of Florida has entered Orders of Suspension dated February 22, 2016 and May 13, 2016, suspending Mirta Desir from the practice of law. *See The Florida Bar v. Desir*, No. SC15-2177, 2016 WL 698526 (Fla. Feb. 22, 2016) and *The Florida Bar v. Desir*, No. SC16-619, 2016 WL 2849233 (Fla. May 13, 2016). The suspensions were predicated on The Florida Bar’s Petitions for Contempt and Order to Show Cause and the attorney’s failure to file a response to the Supreme Court of Florida’s Orders to Show Cause. The Clerk attempted to serve Desir by certified mail with an Order to Show Cause why this Court should not impose the same discipline, accompanied by the Supreme Court of Florida’s Orders of Suspension. Service at Desir’s address on record with the court and Florida Bar was returned with the message “Box Closed No Forwarding Order on File – Return To Sender – Not Deliverable As Addressed – Unable to Forward.”

Rule 5(a) of the Rules Governing Attorney Discipline, Local Rules of the United States District Court for the Southern District of Florida, requires that “[a]n attorney admitted to practice before this Court shall, upon being subjected to suspension or disbarment . . . promptly inform the Clerk of the Court of such action.” Rule 5(d) provides in pertinent part that after expiration of the time for submitting a response to an Order to Show Cause, “the Court may impose the identical discipline or may impose any other sanction the Court may deem appropriate.” Even if service is contested, Local Rule 11.1(g) imposes upon the members of this Bar an obligation to provide updated contact information to the Clerk within seven days of any change and that “the failure to comply shall not constitute grounds for relief from deadlines imposed by Rule or by the Court.” This obligation to maintain current contact information is reiterated in the Court’s CM/ECF Administrative Procedures Manual, section 3D,

compliance with which is mandated by Local Rule 5.1. Given this background, pursuant to Rule 5(a) and (d), Local Rule 11.1(g), and the Court's inherent power to regulate membership in its bar for the protection of the public interest, *see Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (“[A] federal court has the power to control admission to its bar and to discipline attorneys who appear before it.”),

IT IS ORDERED that said attorney be suspended from practice in this Court, effective immediately. The attorney may not resume the practice of law before this Court until reinstated by order of this Court. *See* Rule 9(a). The Clerk of Court shall strike this attorney from the roll of attorneys eligible to practice in the United States District Court for the Southern District of Florida, and shall also immediately revoke the attorney's CM/ECF password.

IT IS FURTHER ORDERED by this Court that said attorney advise the Clerk of Court of all pending cases before this Court in which she is counsel or co-counsel of record.

IT IS FURTHER ORDERED by this Court that the Clerk of Court attempt to serve by certified mail a copy of this Order of Suspension upon the attorney at her court record address and her Florida Bar address.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 11th day of July, 2016.



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K. MICHAEL MOORE  
CHIEF UNITED STATES DISTRICT JUDGE

c: All Southern District Judges  
All Southern District Bankruptcy Judges  
All Southern District Magistrate Judges  
United States Attorney  
Circuit Executive  
Federal Public Defender  
Clerks of Court – District, Bankruptcy and 11<sup>th</sup> Circuit  
Florida Bar and National Lawyer Regulatory Data Bank  
Library  
Mirta Desir