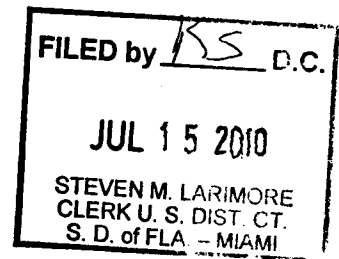


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2010-88

In re: GUILLERMO ENRIQUE PENA  
FLORIDA BAR # 890359

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ORDER OF DISBARMENT

The Supreme Court of Florida has disbarred the above-named attorney from practicing law in Florida, effective *nunc pro tunc*, July 13, 2005, following a January 19, 2007, order. *See The Florida Bar v. Pena*, 949 So. 2d 200 (Fla. 2007). That disbarment was predicated on a report of the referee. The Clerk attempted to serve attorney Pena 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 Order of Disbarment. Service at his court record and Florida Bar address were returned "Return to Sender" and "Undeliverable," but received at the address of his counsel named in the report of the referee.


Rule 5(d) of the Rules Governing Attorney Discipline, Local Rules of the United States District Court for the Southern District of Florida, 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." Although the Clerk of Court has not been able to effect service at Pena's address of record, Administrative Order 2005-38 imposes upon the members of this Bar an obligation to provide in writing updated contact information to the Clerk within five business days of any change, and orders that "the failure of counsel . . . to provide such information to the Clerk . . . 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 5.5. Given this background, pursuant to Rule 5(d), Administrative Order 2005-38, 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 disbarred from practice in this Court, effective immediately. 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 the Court of all pending cases before this Court in which he 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 Disbarment upon the attorney at his court record address.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this  day of July, 2010.

  
FEDERICO A. MORENO  
CHIEF UNITED STATES DISTRICT JUDGE

c: Honorable Joel F. Dubina, Chief Judge, Eleventh Circuit  
All Miami Eleventh Circuit Court of Appeals Judges  
All Southern District Judges  
All Southern District Magistrate Judges  
United States Attorney  
Circuit Executive  
Federal Public Defender  
Clerk of Court  
Clerk of Court, 11<sup>th</sup> Circuit  
National Lawyer Regulatory Data Bank  
Florida Bar  
Attorney Admissions Clerk  
Library  
Guillermo Enrique Pena