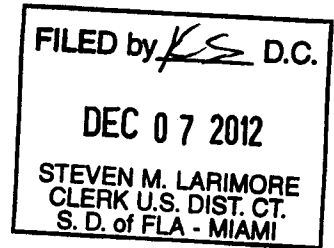


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2012-93

IN RE: **JOHNNY KINCAIDE, JR.**  
**Florida Bar # 155802**

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**ORDER OF SUSPENSION**

The Supreme Court of Florida has entered an Order of Suspension dated August 21, 2012, suspending Johnny Kincaide, Jr. from the practice of law. *See The Florida Bar v. Kincaide*, No. SC12-1695, 2012 WL 3600097 (Fla. Aug. 21, 2012). The suspension was predicated on The Florida Bar's Petition for Emergency Suspension. The Clerk attempted to serve attorney Kincaide 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 Suspension. Service at at Kincaide's court record address was returned "Forward Time Expired - Return to Sender" with an updated address provided by the Postal Service.

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 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 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 Suspension upon the attorney at the address provided by the Postal Service.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 5<sup>th</sup> day of December, 2012.

  
FEDERICO A. MORENO  
CHIEF UNITED STATES DISTRICT JUDGE

Copies furnished as follows:

- c: Honorable Joel F. Dubina, Chief Judge, Eleventh Circuit
- All Miami Eleventh Circuit Court of Appeals Judges
- All Southern District Judges
- All Southern District Bankruptcy 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
- Southern District Bankruptcy Court
- National Lawyer Regulatory Data Bank
- Florida Bar
- Attorney Admissions Clerk
- Library
- Johnny Kincaide, Jr.