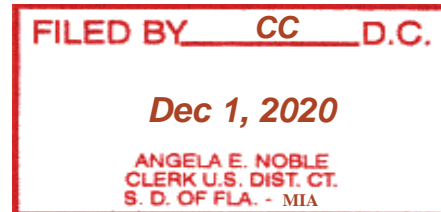**UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2020-94
CASE # 20-MC-24457

IN RE: STEVEN ALLEN SMILACK
      FLORIDA BAR # 111139

_____/

FILED BY_____CC_____D.C.

Dec 1, 2020

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIA

ORDER OF SUSPENSION

On October 28, 2020, the Supreme Court of Florida entered an Order of Suspension, suspending Steven Allen Smilack from the practice of law. *See The Florida Bar v. Smilack*, No. SC18-445, 2020 WL 6306036 (Fla. Oct. 28, 2020) (ECF No. 1). The suspension was predicated on a Report of Referee. The Clerk attempted to serve attorney Smilack 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. (ECF No. 2). Service at Smilack's court record address was returned – "Forward Time Exp Rtn to Send" with notification of Smilack's Florida Bar address. Service at Smilack's Florida Bar address was signed with an illegible signature without notation as to "agent" or "addressee." By letter dated November 12, 2020, Smilack informed the Court of his suspension by the Florida Supreme Court. (ECF No. 3).

Rule 8(a) of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys, 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 reprimand, discipline, suspension, or disbarment by a court of any state . . . promptly inform the Clerk of the Court of such action." Rule 8(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 8(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 12(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 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 his Florida Bar address.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this __1st__

day of December, 2020.

K. MICHAEL MOORE
CHIEF UNITED STATES DISTRICT JUDGE

Copies furnished as follows: See attached

c: All South Florida 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
            Clerks of Court – District, Bankruptcy and 11th Circuit
            Florida Bar and National Lawyer Regulatory Data Bank
            Library
            Steven Allen Smilack