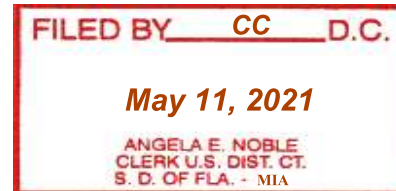


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2021-42
CASE NO. 21-MC-21241

IN RE: DAMIEN ARANGUREN
FLORIDA BAR # 71401



ORDER OF SUSPENSION

On March 30, 2021, the Supreme Court of Florida entered an Order of Suspension suspending Damien Aranguren from the practice of law. *See The Florida Bar v. Aranguren*, No. SC21-468, 2021 WL 1203992 (Fla. Mar. 30, 2021) (ECF No. 1). The suspension was predicated on a Notice of Determination or Judgment of Guilt, which disclosed that Aranguren entered pleas of nolo contendere to criminal charges in two separate cases. (ECF No. 2). In *State v. Aranguren*, Case No. 20-CF-002496 (Fla. 5th Cir. Ct. Mar. 10, 2021), Aranguren pled to one count of Grand Theft (Statutory Theft), a third degree felony, and one count of Trespass to Structure, a second degree misdemeanor on March 10, 2021, before the Circuit Court of the Fifth Judicial Circuit, in and for Marion County, Florida. In that same Court and on the same date, in *State v. Aranguren*, Case No. 20-CF-002497 (Fla. 5th Cir. Ct. Mar. 10, 2021), Aranguren pled to two counts of Grand Theft (Statutory Theft), a third degree felony, and to one count of Trespass in Occupied Structure or Conveyance, a first degree misdemeanor. Adjudication was withheld in both cases.

Rule 7(a)(1) 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 “[w]here a criminal proceeding results in an adjudication being withheld, the Court

shall issue an Order to Show Cause for the attorney to respond within thirty (30) days before the issuance of any discipline.” Pursuant to Rule 7(a)(1), the Clerk attempted to serve attorney Aranguren 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. 3). Service at Aranguren’s Florida Bar address was returned – “Return To Sender – Unclaimed – Unable to Forward.” Service at attorney’s court record address was returned – “Return to Sender—Attempted Not Known—Unable to Forward” along with the notation that the “letter [sic] opened postage must be paid to return” and a return receipt that was signed with an illegible signature and without the notation as to “agent” or “addressee.”

In a letter to the Clerk of Court dated April 12, 2021, Aranguren informed the Court that he has “a case/cases currently pending before this Court wherein I am the attorney of record” and also enclosed a copy of the Florida Supreme Court Order of Suspension. (ECF No. 4).

Rule 7(a) provides that “[u]pon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted in any court of the United States . . . of any serious crime . . . the Court shall enter an order immediately suspending that attorney.” A “serious crime” has been defined by Rule 7(b) to “include any felony.” 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 7(a) and (b), 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 as to which “case/cases currently pending before this Court” that he is the attorney of record, as indicated in his letter dated April 12, 2021. *See* (ECF No. 4) at 1.

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 court record and Florida Bar addresses.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 11th day of May, 2021.



K. MICHAEL MOORE
CHIEF UNITED STATES DISTRICT JUDGE

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
Damien Aranguren