

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2021-91
CASE # 21-MC-23027

IN RE: DAVID MENDEZ
FLORIDA BAR # 26464

FILED BY CW D.C.

Oct 26, 2021

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

ORDER OF DISBARMENT

On August 19, 2021, the Supreme Court of Florida entered an Order of Disbarment, disbaring David Mendez from the practice of law. *See The Florida Bar v. Mendez*, No. SC21-281, 2021 WL 3671138 (Fla. Aug. 19, 2021) [ECF No. 1]. The disbarment was predicated on an uncontested report of the referee.

The Clerk attempted to serve Mr. Mendez 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. (*See* [ECF No. 2]). The return receipt for service at Mr. Mendez's court record address was returned unsigned. Service at Mr. Mendez's Florida Bar address was returned – "Return to Sender—Attempted—Not Known—Unable to Forward." A second attempt was made to both addresses on September 20, 2021, with the same result.

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." *Id.* (alterations added). Rule 8(d) provides 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." *Id.*

Even if service is contested, Local Rule 11.1(g) imposes upon the members of the Bar an

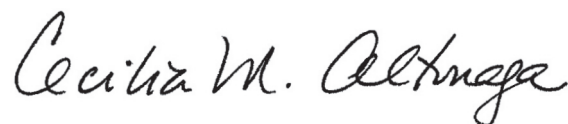
obligation to provide updated contact information to the Clerk within seven days of any change; “the failure to comply shall not constitute grounds for relief from deadlines imposed by Rule or by the Court.” *Id.* This obligation to maintain current contact information is reiterated in the Court’s CM/ECF Administrative Procedures Manual, section 3D; compliance is mandated by Local Rule 5.1. Given this background, pursuant to Rules 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.” (alteration added)),

IT IS ORDERED that Mr. Mendez is disbarred from practice in this Court, effective immediately. Mr. Mendez may not resume the practice of law before this Court until reinstated by court order. *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 that Mr. Mendez shall 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 that the Clerk of Court attempt to serve by certified mail a copy of this Order of Disbarment upon Mr. Mendez at his court record and Florida Bar addresses.

DONE AND ORDERED in Miami, Florida, this 26th day of October, 2021.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

Copies furnished as follows:
See attached

c: All South Florida Eleventh Circuit Court of Appeals Judges
All Southern District of Florida District Judges, Bankruptcy Judges, and Magistrate Judges
United States Attorney
Circuit Executive
Federal Public Defender
Clerks of Court – District, Bankruptcy, and Eleventh Circuit
Florida Bar and National Lawyer Regulatory Data Bank
Library
David Mendez