

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2010-119

IN RE: DONALD J. THOMAS
FLORIDA BAR # 834599

FILED by KS D.C.

SEP 20 2010

STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. - MIAMI

ORDER OF SUSPENSION

On April 20, 2010, the Supreme Court of Florida suspended the above-named attorney from practicing law in Florida based upon a Petition for Emergency Suspension filed by The Florida Bar on April 13, 2010. *See The Florida Bar v. Thomas*, 36 So. 3d 85 (Fla. April 20, 2010). Subsequently, on June 29, 2010, attorney Thomas filed a Guilty Plea for Consent Judgment, approved by The Florida Bar Board of Governors' designated reviewer, in which a ninety day suspension would be imposed effective, *nunc pro tunc*, June 20, 2010. After a report of referee was filed recommending that the Guilty Plea for Consent Judgment be approved, the Florida Supreme Court entered an order on September 1, 2010, approving the Guilty Plea for Consent Judgment and suspending Thomas from the practice of law for ninety days effective, *nunc pro tunc*, June 20, 2010. *See The Florida Bar v. Thomas*, No. SC10-944, 2010 WL 3432293 (Fla. Sept. 1, 2010). Before the Florida Supreme Court's September 1, 2010 order, the Clerk attempted to serve attorney Thomas by certified mail with an Order to Show Cause filed July 29, 2010, why this Court should not impose the same discipline, accompanied by the Supreme Court of Florida's April 20th Order of Suspension. Service at his court record address was returned "Unable to Forward" and service at his Florida Bar address was signed for by his "agent."

On August 30, 2010, attorney Thomas filed a Response to Order to Show Cause, informing the Court of his Guilty Plea for Consent Judgment pending approval by the Florida Supreme Court. 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 "[a]fter consideration of the response

called for by the order [to show cause] . . . the Court may impose the identical discipline or may impose any other sanction the Court may deem appropriate.” Given this background, pursuant to Rule 5(d) 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 for ninety days effective, *nunc pro tunc*, June 20, 2010. 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 court record address.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 16th day of September, 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, 11th Circuit
- National Lawyer Regulatory Data Bank
- Florida Bar
- Attorney Admissions Clerk
- Library
- Donald J. Thomas