

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2015-75

In re: MATTHEW BRENNAN CLEARY, III
FLORIDA BAR # 754501

FILED by <u>ks</u> D.C. ELECTRONIC
November 4, 2015
STEVEN M. LARIMORE CLERK U.S. DIST. CT. S. D. OF FLA. · MIAMI

ORDER OF SUSPENSION

The Supreme Court of Florida has entered an Order of Suspension dated October 2, 2015, suspending Matthew Brennan Cleary, III from the practice of law for ninety-one (91) days. *See The Florida Bar v. Cleary, III*, No. SC15-1031, 2015 WL 5783097 (Fla. Oct. 2, 2015). That Order of Suspension was predicated on an uncontested report of the referee, which was based upon a Conditional Plea for Consent Judgment.

Rule 6(b) of the Rules Governing Attorney Discipline, Local Rules of the United States District Court for the Southern District of Florida, provides that “[a]n attorney . . . who shall be suspended . . . on consent . . . from the bar of any state . . . while an investigation into allegations of misconduct is pending shall . . . cease to be permitted to practice before this Court and be stricken from the roll of attorneys admitted to practice before this Court.” Under these circumstances involving suspension on consent, service of an Order to Show Cause is unnecessary and the attorney may be immediately suspended.

Pursuant to Rule 6(b) and the inherent authority of this Court to oversee officers admitted to membership in its bar, *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, for a period of ninety-one (91) days. The attorney may not resume the practice of law before this Court until reinstated by order of this Court. *See* Rule 9(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 court record address.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 4th day of November, 2015.

 Kevin Michael Moore
2015.11.04 08:44:25 -05'00'

K. MICHAEL MOORE
CHIEF UNITED STATES DISTRICT JUDGE

cc: 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
Matthew Brennan Cleary, III