

Appendix “C”

Supreme Court of Florida

THURSDAY, AUGUST 5, 2021

CASE NO.: SC20-1570

Lower Tribunal No(s).:

1D19-2163; 042019CA000261CAAXMX

DAVID CHARLES SUSSMAN vs. MARK S. INCH, ETC., ET AL.

Petitioner(s)

Respondent(s)

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

No motion for rehearing will be entertained by the Court. See Fla. R. App. P. 9.330(d)(2).

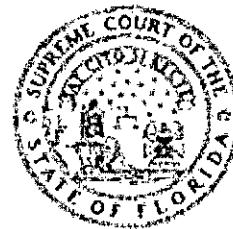
POLSTON, LAWSON, MUÑIZ, COURIEL, and GROSSHANS, JJ., concur.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



dl

Served:

LANCE ERIC NEFF
DAVID CHARLES SUSSMAN
HON. DENNY THOMPSON, CLERK
HON. KRISTINA SAMUELS, CLERK
HON. DAVID P. KREIDER, JUDGE

GECELYNE S. DIXON

Appendix “A”

**DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Telephone No. (850)488-6151**

September 30, 2020

**CASE NO.: 1D19-2163
L.T. No.: 04-2019-CA-000261**

David Charles Sussman v. Mark S. Inch, Secretary, Florida Department of Corrections

Appellant / Petitioner(s), Appellee / Respondent(s)

BY ORDER OF THE COURT:

We previously warned Petitioner that he would be barred from further pro-se filings in this Court if he continued to file meritless cases. *Sussman v. Dep't of Corr.*, 257 So. 3d 604 (Fla. 1st DCA 2018). We found that this case was meritless, and ordered Petitioner to show cause why he should not be barred from further pro se filings, and why this matter should not be referred to the Department of Corrections for disciplinary action.

We find that Petitioner has failed to show any meritorious reason why he should not be barred from pro-se filings in this Court. Petitioner's repeated meritless filings are a hindrance to this Court's ability to devote its resources to the timely consideration of genuine disputes and legitimate, colorable claims. See *Pettway v. McNeil*, 987 So. 2d 20, 22-23 (Fla. 2008); see also *Ferris v. State*, 100 So. 3d 142, 144-45 (Fla. 1st DCA 2012) (Wetherell, J., concurring) (explaining meritless filings require the Court to expend scarce judicial resources unnecessarily).

We prohibit Petitioner from filing with this Court, and instruct the Clerk of this Court to reject, any future pro-se pleadings, petitions, motions, documents, papers, or other submissions by David Charles Sussman, DC# J06481, unless signed by a member in good standing of The Florida Bar. This prohibition includes any response or motion directed to this Order. If Petitioner violates this Order, he may be subject to further sanctions.

We also hereby direct the Clerk to forward a certified copy of this Order to the facility in which Petitioner is incarcerated for any disciplinary action that may be considered appropriate.

I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

Served:

Hon. Ashley Moody, AG
Lance Eric Neff, GC

Gecelyne S. Dixon, AAG
David Charles Sussman

Appendix “B”

DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Telephone No. (850)488-6151

August 25, 2020 → DL 9/14/20

OVER

CASE NO.: 1D19-2163
L.T. No.: 04-2019-CA-000261

David Charles Sussman v. Mark S. Inch, Secretary, Florida Department of Corrections

Appellant / Petitioner(s), Appellee / Respondent(s)

BY ORDER OF THE COURT:

This Court's records reflect that Petitioner has filed nineteen appeals or petitions in this Court in addition to this one. See First District Case Nos. 06-0039, 06- 0117, 06-3614, 06-3896, 06-5041, 08-1811, 11-6939, 13-4743, 16-0596, 17-3701, 17-3704, 17-3706, 17-3707, 17-3770, 17-4070, 17- 5356, 19-1452, 19-2147, 20-0277. Only the final three remain pending. This Court has only granted relief once by reversing a pro se bar order supported by insufficient evidence and notice while allowing the trial court to re-impose sanctions on remand if it could show an abuse of the judicial process. *Sussman v. Dep't of Corr.*, 276 So. 3d 68, 69 (Fla. 1st DCA 2019). We have also previously warned Petitioner that "abusive, repetitive, malicious, or frivolous filings will result in sanctions such as a bar on pro se filing in this court or referral to prison officials for disciplinary proceedings." *Sussman v. Dep't of Corr.*, 257 So. 3d 604, 605 (Fla. 1st DCA 2018).

Petitioner's filings, like all papers filed in this Court, require the Court to expend scarce judicial resources. See *May v. Barthe*, 934 So. 2d 1184, 1186–87 (Fla. 2006). Part of our responsibility is "to see that these resources are allocated in a way that promotes the interests of justice." *Id.* at 1817 (quoting *In re McDonald*, 489 U.S. 180, 184 (1989)). This Court is imbued with the inherent power to sanction litigants who abuse the legal system. *Id.* We find Petitioner has reached the point of deserving to be sanctioned.

9/14/20 Accordingly, pursuant to *State v. Spencer*, 751 So. 2d 47, 48–49 (Fla. 1999), Petitioner shall show cause within 20 days of the date of this order why sanctions should not be imposed on him, including a prohibition on further pro se filings in this Court.

Petitioner is advised that the failure to comply with the terms of this order within the time allowed may result in the imposition of sanctions without further opportunity to be heard. See Fla. R. App. P. 9.410

I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

**Additional material
from this filing is
available in the
Clerk's Office.**