

Supreme Court of Florida

FRIDAY, FEBRUARY 9, 2018

CASE NO.: SC17-2088

Lower Tribunal No(s):

3D17-1404;

132017CA001962000001

ABEL FLORES GONZALEZ

vs.

STATE OF FLORIDA, ET AL.

Petitioner(s)

Respondent(s)

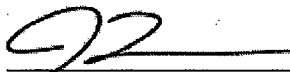
This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that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

LABARGA, C.J., and QUINCE, CANADY, POLSTON, and LAWSON, JJ.,
concur.

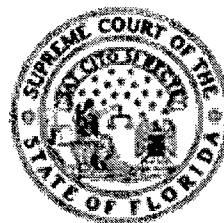
A True Copy

Test:



John A. Tomasino

Clerk, Supreme Court



db

Served:

TIERNAN COLE
W. HAMPTON JOHNSON IV
CARROL Y. CHERRY EATON
ABEL FLORES GONZALEZ

HON. PEDRO P. ECHARTE, JR., JUDGE
HON. HARVEY RUVIN, CLERK
HON. MARY CAY BLANKS, CLERK

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA

THIRD DISTRICT

NOVEMBER 16, 2017

ABEL FLORES GONZALEZ
Appellant(s)/Petitioner(s),

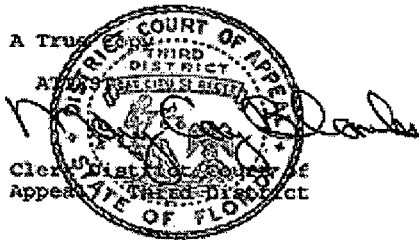
CASE NO.: 3D17-1404

vs.

L.T. NO.: 17-1962

STATE OF FLORIDA, et al.,
Appellee(s)/Respondent(s),

Upon consideration, appellant's pro se motion for rehearing,
clarification and certification is hereby denied. SUAREZ, LAGOA and EMAS,
JJ., concur.



cc:

Office Of Attorney General
Tiernan Cole

Carrol Y. Cherry Eaton
Abel Flores Gonzalez

W. Hampton Johnson, Iv

la

Third District Court of Appeal

State of Florida

Opinion filed November 1, 2017.

Not final until disposition of timely filed motion for rehearing.

No. 3D17-1404

Lower Tribunal No. 17-1962

Abel Flores Gonzalez,
Appellant,

vs.

State of Florida, et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Pedro P. Echarte, Jr., Judge.

Abel Flores Gonzalez, in proper person.

Pamela Jo Bondi, Attorney General, and Carrol Y. Cherry Eaton (Fort Lauderdale), Senior Assistant Attorney General; Johnson, Anselmo, Murdoch, Burke, Piper & Hochman and W. Hampton Johnson, IV (Fort Lauderdale), for appellees.

Before SUAREZ, LAGOA, and EMAS, JJ.

PER CURIAM.

Affirmed. See §§ 768.28(6)(a) and (b), Fla. Stat. (2017) (providing that pre-suit notice is a condition precedent to instituting a tort action against the State or one of its agencies); Gladstone v. Smith, 729 So. 2d 1002, 1005 (Fla. 4th DCA 1999) (holding that “where no viable cause of action is asserted after repeated opportunities to amend, dismissal is appropriate”) (citing Nodal-Tarafa v. ARDC Corp., 579 So. 2d 414 (Fla. 3d DCA 1991)).

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO. 17-001962 CA 01 (09)

ABEL FLORES GONZALEZ,

Plaintiff,

v.

STATE OF FLORIDA, MIAMI GARDENS
POLICE DEPT., ILEANA VALDEZ,
DEPARTMENT OF FINANCIAL SERVICES,
CHIEF CYNTHIA DAWSON MECHANIC,

Defendants.

FINAL ORDER OF DISMISSAL

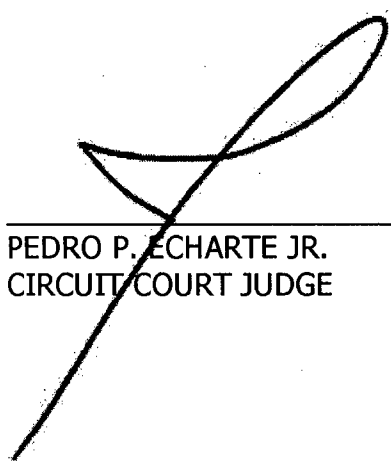
THIS CAUSE having come before the Court on the CITY OF MIAMI GARDENS' ("City") Motion to Dismiss Plaintiff's Second Amended Complaint, and ILEANA VALDEZ and CHIEF CYNTHIA DAWSON MECHANIC'S ("Valdez and Dawson,") Motion to Dismiss Plaintiff's Second Amended Complaint, and the Court having heard argument of the parties and being otherwise fully advised in the premises, hereby:

ORDERED AND ADJUDGED as follows: The City and Valdez and Dawson's motions to dismiss are **GRANTED WITH PREJUDICE**.

Plaintiff's Second Amended Complaint against the City and Valdez and Dawson is dismissed with prejudice for Plaintiff's repeated failure to file a legally sufficient pleading, including failing, indeed refusing, to properly place the City on notice pursuant

to Fla. Stat. § 768.28, and failing to state a cause of action against Valdez and Dawson. Plaintiff shall take nothing from this action and the City, Valdez, and Dawson shall proceed without day.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 05/30/17.



PEDRO P. ECHARTE JR.
CIRCUIT COURT JUDGE

FINAL ORDERS AS TO ALL PARTIES
SRS DISPOSITION NUMBER 12
THE COURT DISMISSES THIS CASE AGAINST
ANY PARTY NOT LISTED IN THIS FINAL ORDER
OR PREVIOUS ORDER(S). THIS CASE IS CLOSED
AS TO ALL PARTIES.
Judge's Initials PPE

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitter. The movant shall IMMEDIATELY serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of Court.

Signed original order sent electronically to the Clerk of Courts for filing in the Court file.

Copies Furnished To:

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