

RECEIVED THIS 18 DAY OF Aug 1980
ANY EXECUTIVE ORDER ON 19 DAY OF Aug 1980
JACKSON COUNTY, FLORIDA
DELIVERING A TRUE COPY
OF TO THE WITHIN
Robert McCray

(5)
CHARLES J. BRUNER, JR.
JACKSON COUNTY, FLORIDA
BY R. Bruner

In Circuit Court
JACKSON COUNTY, FLORIDA

Vs.

WITNESS SUBPOENA
ORIGINAL

TO _____
JACKSON COUNTY, FLORIDA

Filed _____ 19__

RAYMOND R. BRUNER
Clerk Circuit Court

By _____
Deputy Clerk.

Attorney

351095

IN THE CIRCUIT COURT OF JACKSON COUNTY, FLORIDA
STATE OF FLORIDA,

FILED & REC. JACKSON CO. FL.

-vs-

'80 SEP 26 AM 7 58

ELBERT JOHNSON

Defendant

CASE NO. 80-0036

CERTIFIED A TRUE COPY

JUDGMENT



DALE RABON GUTHRIE
CLERK CIRCUIT COURT
JACKSON COUNTY, FLORIDA

By Janice Hoppell D.C.

You, Elbert Johnson

court, attended by your attorney, H. Guy Green,

and you having (1) been tried and found guilty of (~~XXXXXXXXXXXXXX~~)

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ ARMED ROBBERY

the court adjudges that you are guilty of said offense.

DONE AND ADJUDGED in open court at Marianna, Jackson County,

Florida, this the 25 day of September, 1980.

FILED

Sept 25 1980

EVA W. ANDERSON, CLERK CIRCUIT COURT
JACKSON COUNTY, FLORIDA

(Fingerprints)

Robert L. McGary Jr.
Judge

1. Right	2. Right	3. Right	4. Right	5. Right
6. Left	7. Left	8. Left	9. Left	10. Left

I hereby certify that the above and foregoing fingerprints on
this judgment are the fingerprints of the defendant, Elbert

Johnson, and that they were placed

thereon by said defendant in my presence, in open court, this the

25 day of September, 1980.

Robert L. McGary Jr.
Judge

IN THE CIRCUIT COURT OF THE
FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR JACKSON COUNTY, FLORIDA

STATE OF FLORIDA

vs.

ELBERT JOHNSON,

Defendant.

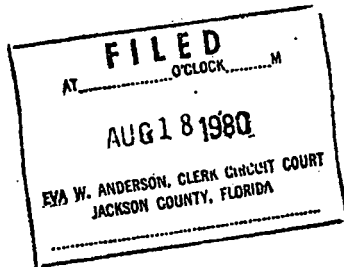
CASE NOS. 80-365 and 80-366

O R D E R

THIS CAUSE having come to be heard on a Motion by
J. Paul Griffith, Assistant State Attorney, to consolidate
the above cases having being advised by defense counsel that
he has no objection to said consolidation and the Court having
been fully advised in the premises, it is therefore

ORDERED AND ADJUDGED that Case Nos. 80-365 and 80-366
be consolidated for trial.

DONE AND ORDERED in Chambers at Marianna, Jackson County,
Florida, this 18th day of August, A.D., 1980.



Robert L. McHenry Jr.
CIRCUIT JUDGE

O.R. 232 Page 245 Eva W. Anderson,
Clerk, Circuit Court, By *[Signature]* O.C.

JACKSON COUNTY CLERK OF COURT 10/09/2017 10:57

3413843

FILED & REC. JACKSON CO. CL.

*80 AUG 18 PM 2 52

COMPLETED

APPENDIX "C"

STATE OF FLORIDA

UNIFORM COMMITMENT TO CUSTODY
OF DEPARTMENT OF CORRECTIONS

FOURTEENTH JUDICIAL CIRCUIT OF FLORIDA

(Court)

JACKSON

County.

SEPTEMBER

Term, 19 80

Conviction for ARMED ROBBERY

(Offense)

Date of Conviction April 29, 1980

Date of Sentence Imposed September 25, 1980 Sentenced pursuant to F.S. Section 812.13

Term of Sentence FOR AND DURING A PERIOD OF ONE HUNDRED (100) YEARS. THIS SENTENCE IS TO BEGIN AT THE EXPIRATION OF SENTENCE IN CASE NO. 6-80-356.

Jail Credit NO CREDIT FOR JAIL TIME GIVEN SINCE DEFENDANT WAS SERVING TIME UNDER PREVIOUS COMMITMENT.
STATE OF FLORIDA,

Plaintiff,

vs.

ELBERT JOHNSON

Defendant.

FILED

SEP 25 1980

EVA W. ANDERSON, CLERK CIRCUIT COURT
BY JACKSON COUNTY, FLORIDA D.C.

Case No. 6-79-636

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA, TO THE SHERIFF OF SAID COUNTY AND THE DEPARTMENT OF CORRECTIONS OF SAID STATE, GREETING:

The above named defendant having been duly charged with the above named offense in the above styled Court, and he having been duly convicted and adjudged guilty of and sentenced for said offense by said Court, as appears from the attached certified copies of

INFORMATION

(Indictment)

(Information)

judgment and sentence, which are hereby made parts hereof;

Now, therefore, this is to command you, the said Sheriff, to take and keep and, within a reasonable time after receiving this commitment, safely deliver the said defendant into the custody of the Department of Corrections of the State of Florida; and this is to command you, the said Department of Corrections, by and through your secretary, superintendents, wardens, and other officials, to keep and safely imprison the said defendant for the term of said sentence in the institution in the state correctional system to which you, the said Department of Corrections, may cause the said defendant to be conveyed or

JACKSON COUNTY CLERK OF COURT 03/23/2020 12:27

WITNESS the Honorable ROBERT L. McCRARY, JR.,

Judge of said Court, as also EVA W. ANDERSON

Clerk, and the Seal thereof, this 25 day of September, 1980

EVA W. ANDERSON

Clerk of said Court

By *William MacCallister*

(To be used in committing defendants under indeterminate sentences as well as under sentences of imprisonment for definite periods.)

D.C.

RECEIVED

STATE OF FLORIDA,
COUNTY OF JACKSON.

AUG 18 1980

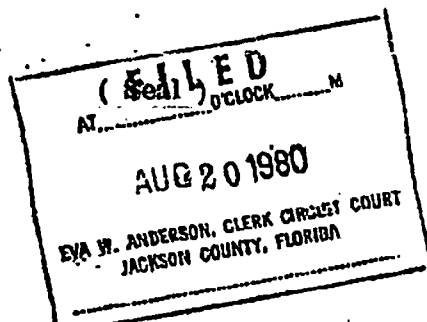
Case No. 80-365

JACKSON COUNTY
SHERIFF'S OFFICE

To ...Judge Robert L. McCrary, Circuit Judge, Jackson County Courthouse...
...Please call this office at 526-3851 (collect) on Friday, August 22, 1980,
...to verify exact time of trial..... GREETINGS:

YOU ARE HEREBY COMMANDED to be and appear before the Judge of Circuit Court for the
Fourteenth Judicial Circuit of Florida, at the Court House in Marianna, at 9:00 o'clock A.M.,
on the 25th day of August 1980 to testify and the truth to speak
in behalf of the Plaintiff
in a certain matter before said Court pending and undetermined.

Wherein State of Florida is Plaintiff
and Elbert Johnson is Defendant
and this you shall in no wise omit.



EVA W. ANDERSON
WITNESS Clerk of our said
Court and Seal of said Court, at the Court House
at Marianna, Jackson County, aforesaid, this 18
day of August A. D., 1980.

EVA W. ANDERSON
By Dale Rabon, Deputy Clerk.
COMPLETED

IN THE CIRCUIT COURT OF THE
FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR JACKSON COUNTY,
FLORIDA

CASE NO. 80-366

STATE OF FLORIDA

-vs-

ELBERT JOHNSON,

Defendant.

VERDICT

WE, THE JURY, FIND THE DEFENDANT, GUILTY OF ESCAPE, SO
SAY WE ALL.

DATED THIS 25TH DAY OF AUGUST, 1980.

Anna M. Granberry
FOREMAN

*Filed before me
Aug 25, 1980
George L. Berke
Dep. C.*



CERTIFIED TRUE COPY
1-14
DALE RABON GUTHRIE
CLERK CIRCUIT COURT
JACKSON COUNTY, FLORIDA
[Signature]
Deputy Clerk

FILED	
AT	O'CLOCK M
AUG 25 1980	
EVA W. ANDERSON, CLERK CIRCUIT COURT JACKSON COUNTY, FLORIDA	

JACKSON COUNTY CLERK OF COURT 03/23/2020 12:37
JACKSON COUNTY CLERK OF COURT 05/05/2020 11:34

APPENDIX "6"

Circuit Court of Jackson County

STATE OF FLORIDA

STATE OF FLORIDA

Vs.

INFORMATION CHARGING:

BATTERY

ELBERT JOHNSON

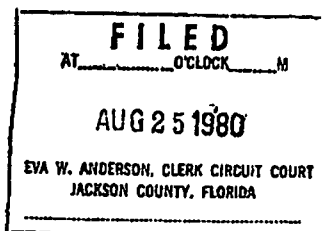
FLORIDA STATUTE NUMBER 784.03

CASE NO. 80-365CF

Defendant.

J. PAUL GRIFFITH, as Assistant State
~~Attorney~~ State Attorney for the Fourteenth Judicial Circuit of Florida, prosecuting for said State in
the County of Jackson, under oath informs the Court that ELBERT JOHNSON
or about 29th day of May 1980, in JACKSON COUNTY, Florida,

unlawfully commit battery upon Louis Seay, Sr., by actually and
intentionally touching or striking said person against said person's
will in violation of Florida Statutes Chapter 784.03, in such cases made
and provided and against the peace and dignity of the State of Florida.



J. Paul Griffith, as Assistant

~~LEON EXONES~~ State Attorney for the Fourteenth Judicial Circuit of Florida, under oath, says that
the allegations set forth in this INFORMATION are based on facts that have been sworn to as true, and which,
if true, would constitute the offense therein charged, and this INFORMATION is filed in good faith.

Notary Public, State of Florida at Large

My Commission Expires Oct. 30, 1983

Bound By American Fire & Casualty Company

Sworn to and subscribed before me this

August 25 1980

Sandra A. Smith

JACKSON COUNTY CLERK OF COURT 10/09/2017 10:55

The Defendant, being duly arraigned upon this INFORMATION, pleaded Not Guilty

WITNESS my hand and official seal this 25th 7 August 1980

Eva W. Anderson
RAYMOND R. BRUNER
Clerk of the Circuit Court

BY George L. Best
Deputy Clerk

*Filed Without Objection
this Aug 25, 1980
Approved Mr. Melvin
[Signature]*

APPENDIX "H"

Circuit Court of Jackson County

STATE OF FLORIDA

STATE OF FLORIDA

Vs.

INFORMATION CHARGING:

ELBERT JOHNSON

ESCAPE

CASE NO. 80-366

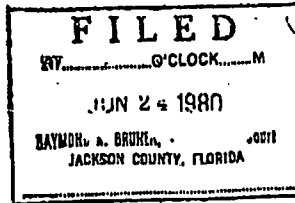
FLORIDA STATUTE NUMBER 944.40

Defendant.

EDWARD A. MILLER, as Chief Assistant State Attorney
for the Fourteenth Judicial Circuit of Florida, prosecuting for said State in
the County of Jackson, under oath informs the Court that ELBERT JOHNSON
or about 29th day of May, 1978, in JACKSON COUNTY, Florida,
while bring a prisoner confined at the Jackson County Jail, in
Marianna, Florida, unlawfully and feloniously escape or attempt
to escape said confinement, contrary to Florida Statutes Chapter
944.40, in such cases made and provided and against the peace and
dignity of the State of Florida.



CERTIFIED TRUE COPY
DALE RABON BUTHRIE
CLERK CIRCUIT COURT
JACKSON COUNTY, FLORIDA
By: [Signature]
Deputy Clerk



EDWARD A. MILLER, Chief Assistant State Attorney
for the Fourteenth Judicial Circuit of Florida, under oath, says that
the allegations set forth in this INFORMATION are based on facts that have been sworn to as true, and which,
if true, would constitute the offense therein charged, and this INFORMATION is filed in good faith.

Sworn to and subscribed before me this

June 24

19 80

Edward A. Miller
CHIEF ASSIST. STATE ATTORNEY

JACKSON COUNTY CLERK OF COURT 05/23/2020 12:37

The Defendant, being duly arraigned upon this INFORMATION, pleaded not guilty

WITNESS my hand and official seal this

July 14, 1980

[Signature]
RAYMOND A. BRUNER
Clerk of the Circuit Court

BY [Signature]
Deputy Clerk

JACKSON COUNTY CLERK OF COURT 05/05/2020 11:34

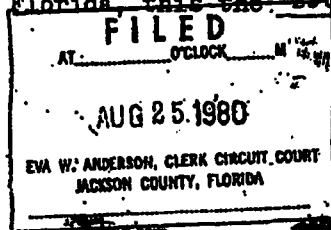
IN THE Circuit Court OF Jackson COUNTY, FLORIDA
STATE OF FLORIDA, FILED & REC. JACKSON CO. FL.
Plaintiff
-vs- '80 SEP 9 PM 2 26 CASE NO. 80- 365
ELBERT JOHNSON Defendant

JUDGMENT

You, ELBERT JOHNSON, being now before the
court, attended by your attorney, H. Guy Green,
and you having (1) been tried and found guilty of (2) pleaded guilty
to (3) pleaded nolo contendere to Battery

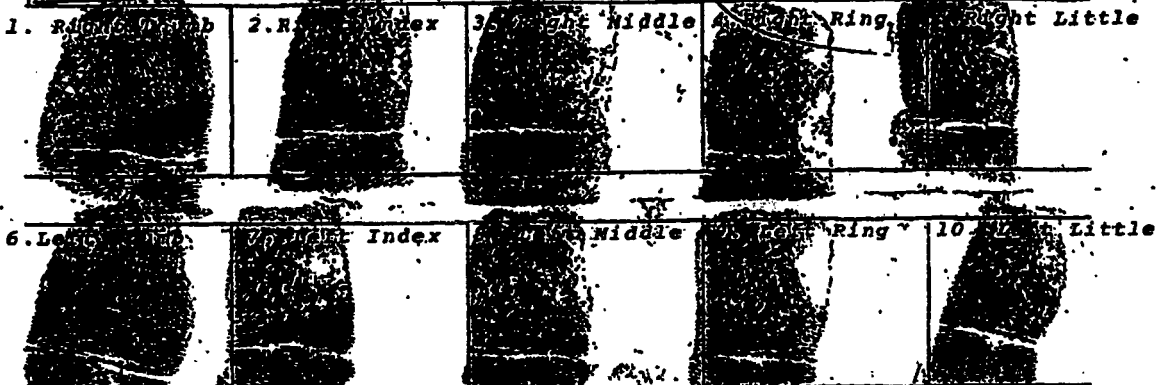
the court adjudges that you are guilty of said offense.

DONE AND ADJUDGED in open court at Marianna,
Florida, this the 25th day of August, 1980.



[Signature]
Judge

(Fingerprints)

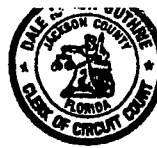


JACKSON COUNTY CLERK OF COURT 10/09/2017 11:7

I hereby certify that the above and foregoing fingerprints on
this judgment are the fingerprints of the defendant, ELBERT JOHNSON,
and that they were placed
thereon by said defendant in my presence, in open court, this the
25th day of August, 1980.

[Signature] Defendant
[Signature] Judge
OR-233
Clerk, Circuit
APPENDIX "J"

Defendant



DALE RABON GUTHRIE
CLERK CIRCUIT COURT
JACKSON COUNTY, FLORIDA

By [Signature]
Deputy Clerk

JUDGMENT

You, ELBERT JOHNSON, being now before the court, attended by your attorney, H. Guy Green and you having (1) been tried and found guilty of (2) pleaded guilty to (3) pleaded nolo contendere to Escape

FILED

CLOCK

AUG 25 1980

EVA W. ANDERSON, CLERK CIRCUIT COURT
JACKSON COUNTY, FLORIDA

the court adjudges that you are guilty of said offense.

DONE AND ADJUDGED in open court at Marianna, Florida, this the 25th day of August, 1980.

del.

[Signature]
Judge

(Fingerprints)

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little

I hereby certify that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, _____

_____ ELBERT JOHNSON, and that they were placed thereon by said defendant in my presence, in open court, this the 25th day of August, 1980.

[Signature]
Defendant

[Signature]
Judge

O.R. 233 P. 106
Clerk, Circuit APPENDIX "K"

FILED

351093

IN THE CIRCUIT COURT OF JACKSON COUNTY, FLORIDA
STATE OF FLORIDA, FILED & REC. JACKSON CO. FL.

-VS-

ELBERT JOHNSON

FILED & REC. JACKSON CO. FL

Plaintiff
SEP 26 AM 7 56

CASE NO. 80-356

Defendant

JUDGMENT

You, Elbert Johnson, being now before the
court, attended by your attorney, H. Guy Green,
and you having (1) been tried and found guilty of ~~(XXXXXINMURDERXXXXXXXXXX)~~
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ Assault with Attempt to Commit
Second Degree Murder

DONE AND ADJUDGED in open court at Marianna, Jackson County,
Florida, this the 25 day of September, 1980.

WILLIAMS

SEP 25 1980

EVA W. ANDERSON, CLERK CIRCUIT COURT
JACKSON COUNTY, FLORIDA

Robert L. McCaughey
Judge

(Fingerprints)

1. Left Thumb	2. Left Index	3. Left Middle	4. Left Ring	5. Left Little
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little

JACKSON, JUNE CLERK JR 30003 05/11/2022 11:07

_____ is hereby certify that the above and foregoing fingerprints on

this judgment are the fingerprints of the defendant, Elbert

Johnson

and that they were placed

thereon by said defendant in my presence, in open court, this the

25 day of September, 1980.

O.R. 234 Page 210 Eva W. Anderson,
Clerk, Circuit Court, By Dale Rabon P. et

Robert L. McGraw
Judge

APPENDIX "L"

STATE OF FLORIDA

UNIFORM COMMITMENT TO CUSTODY
OF DEPARTMENT OF CORRECTIONS

FOURTEENTH JUDICIAL CIRCUIT OF FLORIDA

(Court)

JACKSON

County.

SEPTEMBER

Term, 1980

Conviction for ARMED ROBBERY

(Offense)

Date of Conviction April 29, 1980

Date of Sentence Imposed September 25, 1980 Sentenced pursuant to F.S. Section 812.13

Term of Sentence FOR AND DURING A PERIOD OF ONE HUNDRED (100) YEARS. THIS SENTENCE IS TO BEGIN AT THE EXPIRATION OF SENTENCE IN CASE NO. 6-80-356.

Jail Credit NO CREDIT FOR JAIL TIME GIVEN SINCE DEFENDANT WAS SERVING TIME UNDER PREVIOUS COMMITMENT.
STATE OF FLORIDA,

Plaintiff,

vs.

ELBERT JOHNSON

Defendant.

FILED

SEP 25 1980

EVA W. ANDERSON, CLERK CIRCUIT COURT
BY JACKSON COUNTY, FLORIDA D.C.

Case No. 6-79-636

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA, TO THE SHERIFF OF SAID COUNTY AND THE DEPARTMENT OF CORRECTIONS OF SAID STATE, GREETING:

The above named defendant having been duly charged with the above named offense in the above styled Court, and he having been duly convicted and adjudged guilty of and sentenced for said offense by said Court, as appears from the attached certified copies of

INFORMATION

(Indictment)

(Information)

judgment and sentence, which are hereby made parts hereof;

Now, therefore, this is to command you, the said Sheriff, to take and keep and, within a reasonable time after receiving this commitment, safely deliver the said defendant into the custody of the Department of Corrections of the State of Florida; and this is to command you, the said Department of Corrections, by and through your secretary, superintendents, wardens, and other officials, to keep and safely imprison the said defendant for the term of said sentence in the institution in the state correctional system to which you, the said Department of Corrections, may cause the said defendant to be conveyed or

JACKSON COUNTY CLERK OF COURT 03/23/2020 11:34 for the same. Herein fail not.

WITNESS the Honorable ROBERT L. McCrary, JR.

Judge of said Court, as also EVA W. ANDERSON

Clerk, and the Seal thereof, this 25 day of September, 1980

EVA W. ANDERSON

Clerk of said Court

By *[Signature]*

(To be used in committing defendants under indeterminate sentences as well as under sentences of imprisonment for definite periods.)

D.C.

IN THE CIRCUIT COURT
OF THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR JACKSON COUNTY, FLORIDA
CRIMINAL DIVISION

CASE NO.: 79-636 CF, 80-356 CF
80-366 CF, 80-365 CF

STATE OF FLORIDA,
Plaintiff,

v.

ELBERT JOHNSON,
Defendant.

ORDER BARRING FURTHER PRO SE FILINGS

THIS MATTER is before the Court on the Court's Order Dismissing Motion to Correct Illegal Sentence as Unauthorized and Order Directing Defendant to Show Cause Why Sanctions shall not be Imposed filed June 7, 2022, in which this Court directed the Defendant Elbert Johnson to show cause within 30 days why he should not be barred from submitting further pro se pleadings in the circuit court of the Fourteenth Judicial Circuit in and for Jackson County, Florida. Having considered said Motion, court files and records, Defendant's Motion to Correct Illegal Sentence filed April 22, 2022, the Defendant's Motion for Rehearing on Order Dismissing Defendant's 3.800(a) Motion to Correct Illegal Sentence as Unauthorized filed June 24, 2022,¹ and being otherwise fully advised, this Court finds as follows:

On February 28, 1997, this Court entered an Order in Jackson Co. Case No. 79-636 CF barring the Defendant from filing any further pro se challenges to his conviction in this Court due to multiple successive post conviction motions filed in the past. Pursuant to an opinion issued on October 10, 1997, the First DCA in case no. 97-1126 per curiam affirmed the trial court's ruling. *See Johnson v. State*, 700 So. 2d 690 (Fla. 1st DCA 1997).

Defendant has filed numerous post conviction motions without success. Further, Defendant continues to attack his convictions and sentences despite the Court's pro se bar in Case No. 79-636 CF by including other Jackson County case numbers. In fact, the First DCA pro se barred the Defendant in all of his Jackson County Case Numbers pursuant to an Order issued on July 30, 2021 in Case 1D20-1440.

On April 22, 2022, Defendant filed a Motion to Correct Illegal Sentence essentially alleging that he is serving an illegal sentence. Specifically, Defendant was attacking the

¹ By separate Order, the Court denied the Defendant's Motion for Rehearing.

Elbert Johnson
#013118
Wakulla Correctional Inst.
110 Melaleuca Dr.
Crawfordville FL 32327-4963
Date: October 12, 2022



DISTRICT COURT OF APPEAL
FIRST DISTRICT
STATE OF FLORIDA
TALLAHASSEE, FLORIDA 32399-0950
(850) 488-6151

KRISTINA SAMUELS
CLERK OF THE COURT

DANA SHARMAN
CHIEF DEPUTY CLERK

In response to your Petition for Writ of Mandamus, received by this office on October 4, 2022, please see paragraph(s) marked below.

There will be no action on the document dated/entitled _____ in that it does not contain a proper certificate of service showing a copy has been served on opposing counsel. Only documents properly styled in this Court and served on opposing counsel will be considered by the Court. This Court does not provide service of documents for litigants. You must serve a copy of your documents on opposing counsel yourself.

Examples of a certificate of service:

By Attorney or Pro Se (Non-Inmate Litigant)

I certify that a copy hereof has been furnished to
(opposing counsel names) by (delivery/mail) on (date).

_____ (signature)

(name)

(address)

(phone number)

Florida Bar No. _____ (Omit if Pro Se)

By Pro Se Inmate:

I certify that I placed this document in the hands of
(insert name of institutional official) for mailing to
(opposing counsel names) on (date).

_____ (signature)

(name)

(address)

(prison identification number)

It is improper to address matters directly to a judge of this Court. Judges are not permitted to provide legal advice, separate advisory opinions, or respond to general questions of the law except in cases properly brought before them. Correspondence such as yours are referred to me by the judges for a response, and they are placed in the correspondence file and not provided to the Court for consideration.

All parties, whether represented by counsel or not, are required to comply with the Florida Rules of Appellate Procedure. The rules can be found in law libraries and are accessed online at: <https://www.media.floridabar.org/uploads/2019/11/Appellate-Court-Rules-01-01-19-Updated-11-26-19.pdf> This Court cannot provide copies of the rules or forms.

I am not authorized to give legal advice. It is suggested that you contact your attorney, counsel of your choosing, the attorney who represented you below, a law clerk at the institution where you are housed, or a legal aid organization. If you have access to the internet, you may also want to refer to the Appellate Practice Section of The Florida Bar's Pro Se Handbook available online at <http://prose.flabarappellate.org>.

X Pursuant to this Court's order dated July 30, 2021, in case 1D20-1440, I am not permitted to submit to the Court any pro se filings filed by you that are related to Jackson County Circuit Court case numbers 79-636CF, 80-365CF, 80-366CF, 80-556CF, 95-1227, or 97-725. Therefore, your petition has been placed in a correspondence file, unfiled and without action. If you want to initiate a case in this Court, the notice of appeal or petition must be filed by a member in good standing of The Florida Bar.

Sincerely,

Kristina Samuels
Clerk of the Court

X cc: Hon. Clayton Rooks III
Office of Attorney General
Office of State Attorney for Jackson County

APPENDIX "O"

Supreme Court of Florida

MONDAY, FEBRUARY 13, 2023

CASE NO.: SC22-1816

Lower Tribunal No(s):
321979CF000636CFAXMX

ELBERT JOHNSON

vs. STATE OF FLORIDA

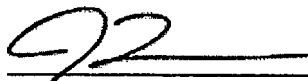
Petitioner(s)

Respondent(s)

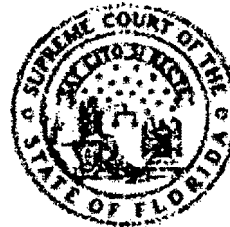
To the extent that Petitioner seeks a petition for writ of prohibition, the petition is hereby denied because petitioner has failed to demonstrate that a lower court is attempting to act in excess of its jurisdiction. See *Mandico v. Taos Constr., Inc.*, 605 So. 2d 850 (Fla. 1992); *English v. McCrary*, 348 So. 2d 293 (Fla. 1977). To the extent that Petitioner seeks a petition for writ of habeas corpus, the petition is denied as procedurally barred. A petition for extraordinary relief is not a second appeal and cannot be used to litigate or relitigate issues that were or could have been raised on direct appeal or in prior postconviction proceedings. See *Denson v. State*, 775 So. 2d 288, 290 (Fla. 2000); *Breedlove v. Singletary*, 595 So. 2d 8, 10 (Fla. 1992). No motion for rehearing will be entertained.

POLSTON, LABARGA, COURIEL, GROSSHANS, and FRANCIS, JJ.,
concur.

A True Copy
Test:



John A. Tomasino
Clerk, Supreme Court



ks
Served:
TRISHA MEGGS PATE
ELBERT JOHNSON
HON. CLAYTON O. ROOKS III, CLERK

APPENDIX "P"

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-14166

In re: ELBERT JOHNSON,

Petitioner.

On Petition for a Writ of Habeas Corpus, 28 U.S.C. § 2241, Peti-
tion for a Writ of Habeas Corpus, 28 U.S.C. § 2254, or Motion to
Vacate, Set Aside, or Correct Sentence, 28 U.S.C. § 2255

ORDER:

Pursuant to Fed. R. App. P. 22(a), an application for an
original writ of habeas corpus must be made to the appropriate

APPENDIX "q"

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
OFFICE OF THE CLERK

JESSICA J. LYUBLANOVITS
CLERK OF COURT
1 NORTH PALAFOX STREET
PENSACOLA, FLORIDA 32502-5658
850.435.8440
850.433.5972 FAX

ELIZABETH LAWRENCE
CHIEF DEPUTY
111 N. ADAMS STREET
TALLAHASSEE, FL 32301-7717

Visit our web site at www.flnd.uscourts.gov

Reply to: Panama City Division

January 3, 2024

MEMORANDUM

TO: Pro Se Litigant(s)

FROM: U.S. District Court Clerk's Office

SUBJECT: JOHNSON v. STATE OF FLORIDA 5:24-cv-00003-MCR-ZCB.

1. Your **Petition** has been received from the US Court of Appeals and filed in the Panama City Division and assigned case number 3:24-CV-00003-MCR-ZCB. Refer to this number on all future pleadings and correspondence and include the judge's initials following the number.
2. The U.S. Magistrate Judge assigned to your case will perform all initial screening and processing, in accordance with the local rules of this district (N.D. Fla. Loc. R. 72.2 and 72.3). If you are asking to proceed *in forma pauperis* (IFP), the Magistrate Judge will enter an order granting or denying your request. If IFP is granted, the Magistrate Judge may direct that your complaint or petition be served on the opposing party and the costs of service will be prepaid in accordance with 28 USC § 1915.

The mission of the Office of the Clerk of the Northern District of Florida is to provide superior service to the public and the Court.

Gainesville Division
401 SE 1st Avenue, STE 243
Gainesville, Florida 32601
352.360.2400
352.380.2424 FAX

Pensacola Division
1 North Palafox Street
Pensacola, Florida 32502-5658
850.435.8440
850.433.5972 FAX

Tallahassee Division
111 N. Adams Street
Tallahassee, Florida 32301-7717
850.521.3501
850.521.3656 FAX

Panama City Division

APPENDIX "R"

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

ELBERT JOHNSON,
Petitioner,

vs.

Case No.: 5:24cv3/MCR/ZCB

RICKY D. DIXON,¹
Respondent.

ORDER

Petitioner, an inmate of the Florida Department of Corrections proceeding *pro se*, has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 1). The habeas petition was not filed on the Court-approved form, as required by the Local Rules. See N.D. Fla. Loc. R. 5.7(A). Petitioner must file an amended petition on the form. He is advised that the amended petition must include all of his claims and should not refer to his initial petition. Allegations in a prior pleading

¹ Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts states that the petition must name as respondent the state officer who has custody of the petitioner. Because Petitioner is an inmate of the Florida Department of Corrections (FDOC) the proper respondent is Ricky D. Dixon, Secretary of the FDOC.

certificate approved for use in this Court. The Clerk should place this case number on the forms.

2. On or before February 2, 2024, Petitioner must file an amended petition on the Court-approved form. Also within that time, Petitioner must:

- a. submit payment in the amount of \$5.00; OR
- b. file a complete application for leave to proceed *in forma pauperis* on the Court-approved form.

3. Petitioner's failure to comply with an order of the Court will result in a recommendation of dismissal of this case.

~~DONE AND ORDERED~~ this the 3rd day of January 2024.

/s/ Zachary C. Bolitho

Zachary C. Bolitho
United States Magistrate Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

ELBERT JOHNSON

VS

5:24-cv-3-MCR-ZCB

RICKY D. DIXON

JUDGMENT

Pursuant to and at the direction of the Court the amended § 2254 petition is
DISMISSED for lack of jurisdiction because it is a second or successive petition that
was filed without the Eleventh Circuits permission.

JESSICA J. LYUBLANOVITS,
CLERK OF COURT

June 4, 2024

/s/ A'Donna Bridges, Deputy Clerk

APPENDIX "T"

Elbert Johnson, a Florida prisoner whose 28 U.S.C. § 2254 petition was dismissed by the district court as impermissibly successive, moves this Court for leave to proceed *in forma pauperis* on appeal. As Johnson has submitted a financial affidavit reflecting that he is indigent, the only remaining issue is whether his appeal is frivolous. See 28 U.S.C. § 1915. An action "is frivolous if it is without arguable merit in either law or fact." *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001).

A state prisoner who wishes to file a successive habeas corpus petition must move the court of appeals for an order authorizing the district court to consider such a petition. See 28 U.S.C. § 2244(b)(3)(A). A district court lacks jurisdiction to consider a successive petition not authorized by such an order. *Burton v. Stewart*, 549 U.S. 147, 157 (2007).

— A petition is successive if it challenges the same judgment as the first, and the first denial was on the merits or with prejudice. *Guenther v. Holt*, 173 F.3d 1328, 1329 (11th Cir. 1999). There is no equitable exception to the general ban on unauthorized successive petitions. *In re Davis*, 565 F.3d 810, 825 (11th Cir. 2009).

Here, the district court correctly determined that Johnson's petition was successive, and his appeal, accordingly, is frivolous. See 28 U.S.C. §§ 1915, 2244(b)(3)(A). After being convicted in 1980, Johnson filed § 2254 petitions in 1986 and 1987 challenging the same criminal convictions, both of which were denied, and he has since filed several additional petitions, which have been dismissed as unauthorized or successive. See *Guenther*, 173 F.3d at 1329.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.call.uscourts.gov

February 06, 2025

Elbert Johnson
Walton CI - Inmate Legal Mail
691 INSTITUTION RD
DEFUNIAK SPRINGS, FL 32433

Appeal Number: 24-12113-D
Case Style: Elbert Johnson v. Secretary, Florida Department of Corrections
District Court Docket No: 5:24-cv-00003-MCR-ZCB

NO ACTION / DEFICIENCY NOTICE

Notice that no action will be taken on Motion to supplement the pending motion[10394890-2] filed by Appellant Elbert Johnson.

Reason(s) no action being taken on filing(s): on 1/22/2025 the motion to proceed in forma pauperis was DENIED. Additionally, the filing is deficient for failure to comply with this Court's rules on Certificates of Interested Persons and Corporate Disclosure Statements. See 11th Cir. R. 26.1-1.

No deadlines will be extended as a result of your deficient filing.

- not including a CIP in your filing. See 11th Cir. R. 26.1-1(a)(1).

ACTION REQUIRED

For motions for reconsideration or petitions for rehearing that are not permitted, no action is required or permitted. Your filing will not be considered.

For mistaken filings, to have your document considered, **you must file the document in the correct court.**

For all other deficiencies, to have your document considered, **you must refile the entire document** after all the deficiencies identified above have been corrected and **you must include**

APPENDIX "Y"

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.call.uscourts.gov

February 11, 2025

Clerk - Northern District of Florida
U.S. District Court
30 W GOVERNMENT ST
PANAMA CITY, FL 32601

Appeal Number: 24-12113-D
Case Style: Elbert Johnson v. Secretary, Florida Department of Corrections
District Court Docket No: 5:24-cv-00003-MCR-ZCB

The enclosed copy of the Clerk's Order of Dismissal for failure to prosecute in the above referenced appeal is issued as the mandate of this court. See 11th Cir. R. 41-4.

Any pending motions are now rendered moot in light of the attached order.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

Enclosure(s)

DIS-2 Letter and Entry of Dismissal

APPENDIX "W"

