

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

PETER RUSSELL KUGLER,

Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D10-2408

ALVIN J. JOOSTEN,

Appellee.

Opinion filed March 23, 2011.

An appeal from the Circuit Court for Gilchrist County.
Stanley H. Griffis, III, Judge.

Peter Russell Kugler, pro se, Appellant.

No appearance, for Appellee.

PER CURIAM.

Peter Russell Kugler appeals an order summarily denying his motion to vacate or dissolve a permanent injunction for protection against repeat violence entered in 2003. He alleged that he no longer poses a threat to the petitioner, Alvin

J. Joosten, and that the injunction is preventing him from participating in a prison Reality House A.A. program. The trial court erred in denying this legally sufficient motion without affording appellant a meaningful opportunity to be heard. Raymonvil v. Lewis, 46 So. 3d 139 (Fla. 5th DCA 2010); McCormick v. Shannon, 32 So. 3d 787 (Fla. 2d DCA 2010); Colarusso v. Lupetine, 28 So. 3d 238 (Fla. 4th DCA 2010).

REVERSED and REMANDED for further proceedings.

BENTON, C.J., WEBSTER, and VAN NORTWICK, JJ., CONCUR.