

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D20-3066

BRIAN KEITH KOEHLER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
Tatiana Salvador, Judge.

September 28, 2022

PER CURIAM.

Brian Koehler appeals an order barring Koehler from any further pro se filings in his criminal case below. Courts must follow certain procedures when they consider barring pro se filings in a case. *See Spencer v. State*, 717 So. 2d 95 (Fla. 1st DCA 1998). “Courts may, upon a demonstration of egregious abuse of the judicial process, restrict parties from filing pro se pleadings with the court.” *Id.* at 96. Before the imposition of sanctions, “the trial court must issue an order to show cause which initiates a separate proceeding independent of the [postconviction] action.” *Id.*

Here, the lower court properly issued an order to show cause. After Koehler failed to show cause in his answer to the order, the lower court barred him from future pro se filings related to the

underlying case. He had filed approximately twenty-seven previous claims in his case and all of them were dismissed or denied with no relief on appeal. Koehler was also warned about his repetitive filings even before the order to show cause was issued. Koehler's filings have been repetitive, frivolous and abusive. The lower court properly followed *Spencer's* procedural requirements and did not abuse its discretion in barring further filings from Koehler. Accordingly, we affirm.

AFFIRMED.

LEWIS, TANENBAUM, and LONG, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Brian Keith Koehler, pro se, Appellant.

Ashley Moody, Attorney General, and Barbara Debelius, Assistant Attorney General, Tallahassee, for Appellee.