NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED

)
Appellee.)
U.S. BANK N.A., as Trustee,)
V.) Case No. 2D13-3973
Appellant,))
KEVIN C. BERTRAM,)
	SECOND DISTRICT
	OF FLORIDA
	IN THE DISTRICT COURT OF APPEAL

Opinion filed July 9, 2014.

Appeal from the Circuit Court for Pinellas County; Bruce Boyer, Judge.

Kevin C. Bertram, pro se.

Jeremy W. Harris, Masimba M. Mutamba and Khari E. Taustin of Morris, Laing, Evans, Brock & Kenney, Chtd., West Palm Beach, for Appellee.

PER CURIAM.

Kevin C. Bertram appeals the final order discharging his notice of lis pendens and denying his motion for relief from the final judgment of foreclosure.

Because we find no merit in Bertram's arguments on appeal, we affirm.

However, to the extent that the order on appeal may bar Bertram from further filings in the circuit court, we reverse. The record does not reflect that the circuit

court provided Bertram with notice or an opportunity to respond. See Owens v. Forte, 135 So. 3d 445, 445 (Fla. 2d DCA 2014) (citing State v. Spencer, 751 So. 2d 47, 48-49 (Fla. 1999) (requiring that pro se litigants receive notice and opportunity to respond before restricting their access to courts); and Delgado v. Hearn, 805 So. 2d 1017, 1018 (Fla. 2d DCA 2001) (applying Spencer to civil causes of action filed by pro se litigants)). Although we do not pass on whether Bertram's filings rise to the level of an abuse of process, "due process requires that courts first provide notice and an opportunity to respond before imposing this extreme sanction." Delgado, 805 So. 2d at 1018. Accordingly, we reverse the portion of the order barring Bertram from further pro se filings in the circuit court.

Affirmed in part and reversed in part.

ALTENBERND, WALLACE, and SLEET, JJ., Concur.