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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DAVID L. SHIERLING,)
Appellant,)
V.) Case No. 2D09-2922
WILLIE E. HALL,)
Appellee.)))

Opinion filed November 10, 2010.

Appeal pursuant to Fla. R. App. P. 9.130 from the Circuit Court for Polk County; J. Dale Durrance, Judge.

David L. Shierling, pro se.

No appearance for Appellee.

SILBERMAN, Judge.

David L. Shierling seeks review of the trial court's order denying his motion to modify a final judgment of injunction for protection against repeat violence which prohibits him from going within 500 feet of the residence or 100 feet of the automobile of Willie E. Hall, Shierling's next-door neighbor. Shierling argues that the court abused its discretion in refusing to modify the injunction so he could move back into his home but still have no contact with Hall. We recognize the difficult position in which the permanent injunction puts Shierling because it effectively precludes him from living in

his home with his family. However, Shierling did not present any evidence or argument that would support a finding that the denial of his motion constituted an abuse of discretion. See Simonik v. Patterson, 752 So. 2d 692, 692-93 (Fla. 3d DCA 2000). Accordingly, we affirm. We note that this affirmance does not preclude Shierling from moving to modify the injunction in the future should he be able to present evidence that warrants modification.

Affirmed.

ALTENBERND and BLACK, JJ., Concur.