

# Third District Court of Appeal

## State of Florida

Opinion filed July 24, 2019.  
Not final until disposition of timely filed motion for rehearing.

---

No. 3D19-1298  
Lower Tribunal No. 76-2337

---

**Alan Dale Owens,**  
Petitioner,

vs.

**The State of Florida,**  
Respondent.

A Case of Original Jurisdiction – Habeas Corpus.

Alan Dale Owens, in proper person.

Ashley Moody, Attorney General, for respondent.

Before EMAS, C.J., and LOGUE and SCALES, JJ.

PER CURIAM.

Alan Dale Owens has filed a pro se petition for writ of habeas corpus, purporting to raise a variety of challenges to the judgment and sentence imposed in

circuit court case number 76-2337. However, each of the claims in his petition must first be raised in the trial court, rather than as an original proceeding in this Court.<sup>1</sup> For that reason, we dismiss the petition, and note that it appears Owens filed the petition in an attempt to evade the trial court's 2014 order prohibiting Owens from filing further pro se pleadings and requiring that future pleadings filed in the trial court be reviewed and signed by a duly licensed member of The Florida Bar in good standing.

### **ORDER TO SHOW CAUSE**

Further, we note this is at least the seventeenth separate pro se appeal or original proceeding Owens has filed with this Court, related to circuit court case number 76-2337.<sup>2</sup> As Owens himself acknowledges, this Court has on each occasion affirmed the circuit court or otherwise denied Owens the relief sought. Owens has engaged in the filing of meritless, frivolous and successive claims, continuing to seek relief from this Court on the same claim raised in the instant petition, notwithstanding repeated adverse determinations. Owens has filed the

---

<sup>1</sup> We express no opinion on the relative merits of these claims, nor whether such claims are untimely or are otherwise procedurally barred.

<sup>2</sup> See Owens v. State, 3D18-564; Owens v. State, 3D13-2503; Owens v. State, 3D12-2297; Owens v. State, 3D10-1809; Owens v. State, 3D08-1198; Owens v. State, 3D08-1044; Owens v. State, 3D07-3026; Owens v. State, 3D07-918; Owens v. State, 3D06-1176; Owens v. State, 3D04-2782; Owens v. State, 3D04-2559; Owens v. State, 3D04-2085; Owens v. State, 3D03-2451; Owens v. State, 3D99-1414; Owens v. State, 87-815; Owens v. State, 3D83-2844;

instant petition with this Court (rather than filing it with the trial court) in an apparent attempt to evade the trial court's order requiring that all future pleadings filed in the trial court be reviewed and signed by a duly licensed member of The Florida Bar in good standing. Owens' actions have caused this Court to expend precious and finite judicial resources which could otherwise be devoted to cases raising legitimate claims. Hedrick v. State, 6 So. 3d 688, 691 (Fla. 4th DCA 2009) (noting: "A legitimate claim that may merit relief is more likely to be overlooked if buried within a forest of frivolous claims.")

While pro se parties must be afforded a genuine and adequate opportunity to exercise their constitutional right of access to the courts, that right is not unfettered. The right to proceed pro se may be forfeited where it is determined, after proper notice and an opportunity to be heard, that the party has abused the judicial process by the continued filing of successive or meritless collateral claims in a criminal proceeding. State v. Spencer, 751 So. 2d 47 (Fla. 1999). As our sister court aptly put it, there comes a point when "enough is enough." Isley v. State, 652 So. 2d 409, 410 (Fla. 5th DCA 1995). Although termination of the right to proceed pro se will undoubtedly impose a burden on a litigant who may be unable to afford counsel, courts must strike a balance between the pro se litigant's right to participate in the judicial process and the courts' authority to protect the judicial process from abuse.

Therefore, Petitioner Alan Dale Owens (also known as Allen Dale Owens) is hereby directed to show cause, within forty-five days from the date of this opinion, why he should not be prohibited from filing with this Court any further pro se appeals, pleadings, motions, or petitions relating to his convictions, judgments and sentences in circuit court case number 76-2337. Absent a showing of good cause, we intend to direct the Clerk of the Third District Court of Appeal to refuse to accept any such papers relating to circuit court case number 76-2337 unless they have been reviewed and signed by an attorney who is a duly licensed member of The Florida Bar in good standing.

Additionally, and absent a showing of good cause, any such further and unauthorized pro se filings by this defendant will subject him to appropriate sanctions, including the issuance of written findings forwarded to the Florida Department of Corrections for its consideration of disciplinary action, including the forfeiture of gain time. See § 944.279(1), Fla. Stat. (2019).