

# Third District Court of Appeal

State of Florida

Opinion filed May 1, 2024.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D23-2162  
Lower Tribunal No. F91-19322

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**Derrick Emile Lewis,**  
Petitioner,

vs.

**Ricky D. Dixon, etc., et al.,**  
Respondents.

A Case of Original Jurisdiction – Habeas Corpus.

Derrick Emile Lewis, in proper person.

Ashley Moody, Attorney General, and Richard L. Polin, Chief Assistant Attorney General, for respondent, the Secretary of the Florida Department of Corrections.

Before FERNANDEZ, SCALES and MILLER, JJ.

On Order to Show Cause

PER CURIAM.

Derrick Emile Lewis (“Petitioner”), representing himself, petitioned this Court for a writ of habeas corpus. On February 16, 2024, we denied his petition and issued an order to show cause why Petitioner should not be prohibited from submitting any further self-represented filings with this Court related to lower tribunal case number F91-19322.<sup>1</sup>

Although our order to show cause gave Petitioner forty-five days to respond, Petitioner did not file a response. Accordingly, Petitioner has not shown good cause.

The access to courts provision of the Florida Constitution – Article I, Section 21 – provides an avenue for an incarcerated person in Florida to challenge the legal basis for his or her incarceration; however, this constitutional right may be forfeited if that person abuses the judicial process.

Jimenez v. State, 196 So. 3d 499, 501 (Fla. 3d DCA 2016). Our responsibility

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<sup>1</sup> In 1993, Petitioner pleaded guilty to the offenses of second-degree murder, burglary with an assault, and arson. He was sentenced to forty years in prison on the second degree murder charge and twenty years each on the burglary and arson charges, all sentences to run consecutively. Immediately, he began to file a series of post-conviction motions. In Lewis v. State, 911 So. 2d 238, 239-40 (Fla. 3d DCA 2005), this Court catalogued eleven post-conviction motions between 1994 and 2004. Since then, we note the filing of an additional eight post-conviction motions, including the instant one. As recently as 2019, in denying another habeas corpus petition, this Court warned Petitioner that “further meritless pro se filings may result in this Court issuing” a show cause order. Lewis v. State, 298 So. 3d 36 (Fla. 3d DCA 2019) (table). Nonetheless, since then, Petitioner has filed two more cases in this Court.

is to balance the incarcerated person's right to access to courts with the need of this Court to devote its finite resources to legitimate appeals and petitions. State v. Spencer, 751 So. 2d 47, 48 (Fla. 1999). Accordingly, after notice in the form of an order to show cause and an opportunity for the incarcerated person to respond, a court may prevent further filings. Id.; see Whipple v. State, 112 So. 3d 540, 540 (Fla. 3d DCA 2013).

We conclude that Petitioner has not demonstrated good cause to justify further self-represented filings of appeals, petitions, motions or other pleadings with this Court related to lower tribunal case number F91-19322. We direct the Clerk of the Third District Court of Appeal not to accept any further filings from Petitioner related to this circuit court case number, unless such a filing has been reviewed and signed by an attorney who is a licensed member of the Florida Bar in good standing.

Any such further and unauthorized self-represented filings by Petitioner will subject him to sanctions, including the issuance of written findings forwarded to the Florida Department of Corrections for consideration of disciplinary action, including forfeiture of gain time. See § 944.279, Fla. Stat. (2023).

Order issued.