

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NO.: CVA1 10-08
Lower Court Case No.: 2009-SP-000002-O

DARRYL MAURICE YOUNG,
Appellant,

v.

LEON B. CHEEK III and JEFFREY M. FLEMING,
Appellees.

Appeal from the County Court,
For Orange County,
John E. Jordan, County Judge.

Darryl Maurice Young, Pro Se,
for Appellant.

Shelley B. Cridlin, Assistant Attorney General,
for Appellee.

Before POWELL, THORPE, WHITEHEAD, J.J.

PER CURIAM.

FINAL ORDER AFFIRMING TRIAL COURT

Appellant Darryl Maurice Young, a state prisoner, appeals the trial court's Order Dismissing Case With Prejudice, entered on January 14, 2010. This Court has jurisdiction pursuant to Florida Rule of Appellate Procedure 9.030(c)(1)(A). The Court dispenses with oral argument pursuant to Florida Rule of Appellate Procedure 9.320. After reviewing the parties' briefs, the appellate record, and applicable legal authorities, the Court hereby finds as follows:

The Court adopts Appellee's Answer Brief as the opinion of the Court. A copy of the Answer Brief is incorporated by reference herein and attached hereto.

Based on the foregoing, it is hereby **ORDERED AND ADJUDGED** that the trial court's Order Dismissing Case With Prejudice, entered on January 14, 2010, is **AFFIRMED**. Further, the Court takes judicial notice of Appellant's affidavit attached to the Reply Brief averring that he has filed some twenty-nine (29) actions in federal and state courts in Florida. The Court has reviewed ten of those cases and hereby finds that those cases, like the instant case, are without merit and appear to be frivolous and not filed in good faith. Therefore, it is hereby **ORDERED AND ADJUDGED** that Appellant shall, **within fifteen (15) days** of the date of this Order, file a written response to this Order showing good cause therein why this Court should not refuse to accept Appellant's pro se filings in perpetuity. See *State v. Spencer*, 751 So. 2d 47 (Fla. 1999); *McCutcheon v. State*, 44 So. 3d 156 (Fla. 4th DCA 2010).

DONE and ORDERED at Orlando, Florida this ___12__ day _____November_____, 2010.

_____/s/_____
ROM W. POWELL
Senior Circuit Judge

_____/s/_____
JANET C. THORPE
Circuit Judge

_____/s/_____
REGINALD WHITEHEAD
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order was furnished via U.S. mail on this 12 day of November, 2010, to the following: **Darryl Maurice Young**, DC# X04261, Lake Correctional Institute, 19225 U.S. Highway 27, Clermont, Florida 34715-9025 and **Shelley B. Cridlin, Assistant Attorney General**, 501 East Kennedy Blvd, Suite 1100, Tampa, Florida 33602.

_____/s/_____
Judicial Assistant