

SUPREME COURT OF FLORIDA

Frank C. Johnson v. The Bank of New York Mellon Trust Company

136 So. 3d 507 (Fla. 2014) · No. SC12-840; SC12-842 · Decided January 23, 2014

SUMMARY

The Supreme Court of Florida consolidated two mandamus proceedings brought by Frank C. Johnson against The Bank of New York Mellon Trust Company. The court sanctioned Johnson for abusive pro se filing practices and directed the clerk to reject future filings concerning specified Alachua County foreclosure cases unless signed by Florida Bar counsel.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Polston, C.J.; Pariente, J.; Lewis, J.; Quince, J.; Canady, J.; Labarga, J.; Perry, J.
JURISDICTION	Florida
DECIDED	January 23, 2014
DOCKET	SC12-840; SC12-842
DISPOSITION	other
PROCEDURAL POSTURE	Original proceedings involving consolidated petitions for writs of mandamus. After dismissing the petitions, the Supreme Court retained jurisdiction to determine whether sanctions should be imposed and, after a show-cause response, imposed a filing restriction.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; precedential.
PARTIES	Frank C. Johnson v. The Bank of New York Mellon Trust Company

TOPICS

- sanctions
- appellate procedure
- civil procedure
- appellate jurisdiction
- real estate

PRACTICE AREAS

- appellate procedure
- civil procedure
- judicial sanctions
- foreclosure

QUESTIONS PRESENTED

1. Whether Johnson showed cause why he should not be sanctioned for abusive and excessive pro se filings.
2. Whether the Supreme Court of Florida could restrict Johnson's future pro se filings in specified foreclosure-related cases.

HOLDINGS

1. Johnson failed to show cause why he should not be sanctioned based on his extensive and abusive use of the judicial process.
2. The Court may exercise its inherent power to protect itself from abuse of the judicial process by requiring that specified future filings be signed by a member in good standing of The Florida Bar.

KEY QUOTATIONS

“Accordingly, we now exercise the inherent power of this Court to protect itself from abuse of the judicial process and bar Petitioner Johnson from any future pro se filings of any kind related to his foreclosure proceedings.”

FACTUAL BACKGROUND

Johnson had initiated numerous proceedings and submitted a large volume of pro se filings in various courts, including twenty-one proceedings in the Supreme Court of Florida since 2004. Many of his recent filings concerned foreclosure proceedings in the Alachua County circuit court, and he had not obtained relief on the merits in the proceedings disposed of by the Supreme Court.

PROCEDURAL HISTORY

Johnson filed petitions for writs of mandamus in two cases. The Supreme Court consolidated the cases and dismissed the petitions under *Pettway v. State*, while retaining jurisdiction to consider sanctions. After reviewing Johnson's response to a show-cause order and his extensive history of pro se filings, the Court barred future pro se filings concerning two specified Alachua County circuit court cases unless signed by Florida Bar counsel.

DISPOSITION

other

CASES CITED

- *Pettway v. State*, 776 So. 2d 930, 931 (Fla. 2000)
- *Johnson v. Wilbur*, 981 So. 2d 479 (Fla. 1st DCA 2008)
- *McCutcheon v. State*, 117 So. 3d 769 (Fla. 2013)
- *James v. Tucker*, 75 So. 3d 231 (Fla. 2011)
- *Johnson v. Rundle*, 59 So. 3d 1080 (Fla. 2011)
- *Steele v. State*, 14 So. 3d 221 (Fla. 2009)
- *Pettway v. McNeil*, 987 So. 2d 20 (Fla. 2008)

- Johnson v. Wilbur, 895 So. 2d 405 (Fla. 2005) (table)
- Johnson v. Law Offices of Marshall Watson, P.A., 942 So. 2d 412 (Fla. 2006) (table)
- Johnson v. Mitchell, 935 So. 2d 499 (Fla. 2006) (table)
- Johnson v. The Florida Bar, 937 So. 2d 1099 (Fla. 2006) (table)
- Johnson v. Judicial Qualifications Comm'n, 977 So. 2d 576 (Fla. 2008) (table)
- Johnson v. Bank of N.Y. Mellon Trust Co., 70 So. 3d 587 (Fla. 2011) (table)

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