

FLORIDA FIRST DISTRICT COURT OF APPEAL

Torrey v. Rivera, Threatte

219 So. 3d 170 (Fla. 1st DCA 2026) · No. No. 1D2025-1644 · Decided June 3, 2026

SUMMARY

The First District Court of Appeal of Florida reversed the dismissal of Michael A. Torrey’s civil action concerning possession of claimed real property and unpaid rent. The court held that the trial court erred by denying Torrey, an incarcerated litigant, the opportunity to appear at the hearing either in person or electronically, and remanded for further proceedings.

CASE DETAILS

COURT	Florida First District Court of Appeal
WRITING FOR THE COURT	Per Curiam; Lewis; Rowe; Ray
JURISDICTION	Florida First District Court of Appeal
DECIDED	June 3, 2026
DOCKET	No. 1D2025-1644
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from dismissal of a civil action in which an incarcerated plaintiff sought removal of alleged occupants from claimed real property and payment of rent.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Michael A. Torrey v. Wilfredo Rivera, Kattie L. Threatte, All Residents, Charlie Bank

TOPICS

- civil procedure
- appellate procedure
- landlord tenant
- real estate

PRACTICE AREAS

- civil procedure
- appellate procedure
- real estate

QUESTIONS PRESENTED

1. Whether the trial court reversibly erred by denying an incarcerated civil litigant's request to be transported to the hearing or to participate electronically.

HOLDINGS

1. The trial court reversibly erred in denying Torrey's motion to be transported to the courthouse or to appear electronically at the scheduled hearing.

KEY QUOTATIONS

“A prisoner involved in civil litigation has the right to be heard; however, ‘the prisoner must bring to the court’s attention his desire to appear personally or telephonically at hearing or trial.’” (slip op. at 1)

“If a prisoner requests a telephonic hearing or asserts his desire to be heard on the matter, ‘the right is clear.’” (slip op. at 1)

FACTUAL BACKGROUND

Michael A. Torrey was incarcerated while pursuing a civil action concerning claimed real property. He sought to have Kattie L. Threatte and Charlie Bank removed from the property and to recover rent allegedly due. Torrey requested transportation to the scheduled hearing or permission to appear electronically, but the trial court denied that request and dismissed the action.

PROCEDURAL HISTORY

Torrey filed a civil action in Escambia County Court against Kattie L. Threatte and Charlie Bank. Before a scheduled hearing, he moved either to be transported to court or to appear electronically. The county court denied the motion and dismissed the action. Torrey appealed, and the First District Court of Appeal reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The dismissal order is reversed, and the case is remanded for further proceedings.

CASES CITED

- Burdoo v. Plympton, 219 So. 3d 170, 171 (Fla. 1st DCA 2017)
- Johnson v. Johnson, 992 So. 2d 399, 401 (Fla. 1st DCA 2008)
- Weston v. Weston, 307 So. 3d 975, 976 (Fla. 1st DCA 2020)
- Havenner v. Hutchinson, 162 So. 3d 1113 (Fla. 1st DCA 2015)

OPINION

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL STATE OF FLORIDA
No. 1D2025-1644

MICHAEL A. TORREY, Appellant, v. WILFREDO RIVERA, KATTIE L. THREATTE, All Residents, and CHARLIE BANK, Appellees. _____ On appeal from the County Court for Escambia County. Barry E. Dickson, Jr., Judge. June 3, 2026 PER CURIAM.

Appellant Michael A. Torrey, who is incarcerated, appeals from the dismissal of the civil action he filed against Appellees Kattie L. Threatte and Charlie Bank to have them removed from what he claimed was his real property and for the payment of rent due. Appellant argues, and we agree, that the trial court reversibly erred in denying his motion to either direct that he be transported to the courthouse for the scheduled hearing on the matter or be able to appear electronically.

See *Burdoo v. Plympton*, 219 So. 3d 170, 171 (Fla. 1st DCA 2017) (“A prisoner involved in civil litigation has the right to be heard; however, ‘the prisoner must bring to the court’s attention his desire to appear personally or telephonically at hearing or trial.’... If a prisoner requests a telephonic hearing or asserts his desire to be heard on the matter, ‘the right is clear.’”) (quoting *Johnson v. Johnson*, 992 So.

2d 399, 401 (Fla. 1st DCA 2008)); see also *Weston v. Weston*, 307 So. 3d 975, 976 (Fla. 1st DCA 2020) (same); *Havenner v. Hutchinson*, 162 So. 3d 1113 (Fla. 1st DCA 2015) (same); Fla. R. Gen. Prac. & Jud. Admin. 2.530(b) (“[A] court official may authorize the use of communication technology for the presentation of testimony or for other participation in a proceeding upon the written motion of a party....”).

Accordingly, the dismissal order is REVERSED and the case is REMANDED for further proceedings. LEWIS, ROWE, and RAY, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

_____ Michael A. Torrey, pro se, Appellant. No appearance for Appellees. 2