

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. A-2023-15

**ADMINISTRATIVE ORDER REGARDING FUTURE FILINGS
FROM VEXATIOUS LITIGANT MICHAEL LEE**

WHEREAS, Pursuant to Article V, Section 2(d) of the Florida Constitution, and Section 43.26, Florida Statutes, the Chief Judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, the allocation of limited judicial resources within the Circuit must be maintained, and not abused, to ensure that cases throughout the circuit receive due attention; and

WHEREAS, Florida Vexatious Litigant Law, Section 68.093, Florida Statutes, provides a framework for the declaration of a person as a Vexatious Litigant; and

WHEREAS, Section 68.093(4), Florida Statutes allows for the entry of a prefiling order prohibiting a vexatious litigant from commencing, *pro se*, any new action in the courts of the that circuit without first obtaining leave of the administrative judge of the circuit; and

WHEREAS, it has been brought to the attention of the undersigned Chief Judge of the Fifth Judicial Circuit, which includes Citrus, Hernando, Lake, Marion, and Sumter Counties, that there has been a multitude of frivolous filings and litigation by one MICHAEL LEE; and

WHEREAS, Michael Lee has exhibited an intent to continue to file petitions, cases, and motions solely for vexatious purposes, and has repeatedly abused the use of limited judicial and clerk

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resources by filing redundant, immaterial, impertinent, or scandalous matters; and

WHEREAS, this Court makes the following findings of fact and conclusions of law:

1. MICHAEL LEE has filed no fewer than fifteen *pro se* civil cases since 2019.
2. MICHAEL LEE has filed four circuit civil appellate cases that have been stricken, denied, or dismissed since 2019.
3. MICHAEL LEE has been barred from *pro se* filings in 2016-DR-2915 by the Honorable Brian J. Welke, as well as from communicating through email with the Judge's office.
4. MICHAEL LEE has been ordered to cease and desist filing family law matters within 2018-CF-933.
5. MICHAEL LEE has had five of his fifteen civil cases finally and adversely determined within the past five years:
 - i. On September 12, 2019, Michael E. Lee filed *pro se* his Petition For Writ of Mandamus, which was assigned case number **2019-CA-1971**. The Honorable Heidi Davis struck the Petition as legally insufficient on September 26, 2019. The Order Striking Defendant's Petition For Writ Of Mandamus was non-final and not appealable, however, no subsequent filings were made, thereby finally and adversely determining the case.
 - ii. On September 30, 2019, Michael E. Lee filed *pro se* his Petition For Writ of Habeas Corpus, which was assigned case number **2019-CA-2068**. The Honorable James R. Baxley struck the Petition as legally insufficient on December 10, 2019. The Order Striking Petition For Writ Of Habeas Corpus was non-final and not appealable, however, no subsequent filings were made, thereby finally

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and adversely determining the case. The Court also cautioned Michael Lee regarding future frivolous filings.

iii. On March 11, 2022, Michael E. Lee filed *pro se* a complaint for breach of contract, which was assigned case number **2022-CA-0427**. The Honorable Michael G. Takac granted Defendant's Motion to Dismiss and dismissed the case on May 13, 2022. The Order On Motion To Dismiss was not appealed, and no subsequent filings were made, thereby finally and adversely determining the case.

iv. On January 20, 2023, Michael E. Lee filed *pro se* a Petition for Writ of Habeas Corpus, which was assigned case number **2023-CA-0127**. The Honorable G. Richard Singeltary denied the Petition on February 8, 2023, noting that Mr. Lee was attempting to circumvent a bar prohibiting *pro se* filings in case 2016-DR-2915. The Order was not appealed, and no subsequent filings were made, thereby finally and adversely determining the case.

v. On February 1, 2023, Michael E. Lee filed a *pro se* Petition for Writ of Mandamus and/or Writ of Prohibition, which was assigned case number **2023-CA-0207**. The Honorable James R. Baxley dismissed the petition on March 13, 2023, as legally insufficient. The Order was not appealed, and no subsequent filings were made, thereby finally and adversely determining the case.

WHEREAS, the filing of multiple frivolous litigation monopolizes the Court's resources to the detriment of other pending court matters, wasting judicial time, labor, and taxpayer dollars. See, e.g. *Martin v. State*, 747 So. 2d 386 (Fla. 2000); *Battle v. Roscoe*, 689 So. 2d 301 (Fla. 5th DCA 1997); *Rodriguez-Diaz v. Abate*, 613 So. 2d 515 (Fla. 3rd DCA 1993); *Gladstone v. Smith*, 729 So. 2d 1002 (Fla. 4th DCA 1999)(holding that the Court must hold *pro se* litigants to the same standards as a reasonably competent attorney because applying a lesser standard would only encourage continued frivolous litigation); and

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WHEREAS, “[r]equiring representation by counsel in future cases does not equate to the complete denial of access to courts.” *Sapp v State*, 238 So. 3d 875, 878 (Fla. 5th DCA 2018) (citing *Platel v. Maguire, Voorhis & Wells, P.A.*, 436 So. 2d 303, 304 (Fla. 5th DCA 1983);

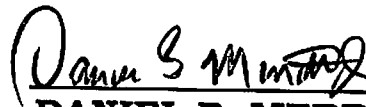
IT IS THEREFORE,

ORDERED and **ADJUDGED** administratively as follows:

1. MICHAEL LEE, is hereby declared a Vexatious Litigant pursuant to 68.093, Florida Statutes.
2. MICHAEL LEE is prohibited from commencing, *pro se*, new action in the courts of the Fifth Judicial Circuit without first obtaining leave of the Chief Judge of the Fifth Judicial Circuit.
3. The respective Clerks of the Court in the Fifth Judicial Circuit shall not accept and file any new action by this vexatious litigant, MICHAEL LEE, *pro se*, unless said litigant has obtained an order form the Chief Judge permitting such filing.
4. MICHAEL LEE shall have a member in good standing of the Florida Bar file, on his behalf, any and all further documents, pleadings or causes of action in any court in the Fifth Judicial Circuit of Florida.
5. On behalf of the Clerks of Court for the various counties comprising the Fifth Judicial Circuit, the Trial Court Administrator shall provide copies of this prefiling order to the Clerk of the Florida Supreme Court, who maintains a registry of all vexatious litigants for placement thereon.

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DONE AND ORDERED in chambers in Brooksville, Hernando County, Florida, this 24th day of May 2023.

A handwritten signature in black ink, appearing to read "Daniel B. Merritt, Jr.", written over a horizontal line.

DANIEL B. MERRITT, JR
CHIEF JUDGE
FIFTH JUDICIAL CIRCUIT