DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2014

ROBERT GORHAM,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D14-823

[July 2, 2014]

Appeal of order dismissing with prejudice rule 3.850 motion from the Circuit Court for the Nineteenth Judicial Circuit, Okeechobee County; Gary L. Sweet, Judge; L.T. Case No. 472004CF000618.

Robert Gorham, Lake City, pro se.

No appearance required for appellee.

PER CURIAM.

We affirm the trial court's order dismissing the habeas corpus petition[1] filed by appellant. Appellant included a challenge to the information, which overlaps with and is similar to a claim of ineffective assistance of trial counsel raised in his earlier motion for postconviction relief, the denial of which this court affirmed in *Gorham v. State*, 126 So. 3d 1066 (Fla. 4th DCA 2013). Appellant is therefore cautioned against the filing of frivolous postconviction challenges or appeal filings in this case, which will result in sanctions including referral to prison officials for disciplinary proceedings and/or a prohibition against *pro se* filings in this court. *See State v. Spencer*, 751 So. 2d 47 (Fla. 1999).

Affirmed; appellant cautioned against frivolous filings.

STEVENSON, LEVINE and FORST, JJ., concur.

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[1] Because the circuit court construed the petition pursuant to rule 3.850(m), we treat this appeal as a rule 3.850 summary denial.

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Not final until disposition of timely filed motion for rehearing.