

Third District Court of Appeal

State of Florida, July Term, A.D. 2009

Opinion filed December 2, 2009.

Not final until disposition of timely filed motion for rehearing.

No. 3D08-2224

Lower Tribunal No. 99-19727

Leo Greenfield,
Petitioner,

vs.

Thomas J. Northcutt and Kayelynne Northcutt,
Respondents.

A Case of Original Jurisdiction-Prohibition.

Leo Greenfield, in proper person.

Houlihan & Partners and Gerald J. Houlihan, for respondents.

Before COPE, WELLS, and CORTIÑAS, JJ.

PER CURIAM.

We treat this appeal as a petition for a writ of prohibition. “If a judge has been previously disqualified on motion for alleged prejudice or partiality . . . a

successor judge shall not be disqualified based on a successive motion by the same party unless the successor judge rules that he or she is in fact not fair or impartial in the case.” Fla. R. Jud. Admin., Rule 2.330(g). See also § 38.10, Fla. Stat.; Kokal v. State, 901 So. 2d 766, 773-75 (Fla. 2005). Accordingly, we deny the petition.