HIGDON,
v.
HIGDON.

Court of Appeals of Georgia.

Decided: March 28, 2013.

Case No. A12A2188

BARNES, Presiding Judge

In this appeal, Dr. Higdon challenges an order of the trial court prohibiting him from future filings without first gaining permission from the court. In its April 23, 2012 order the trial court noted that, although Dr. Higdon had filed a motion for new trial from the final judgment and decree of divorce entered on June 13, 2011,

> to date, almost a year later, and despite efforts to set the matter down on the Court's calendar, this Court has not been able to conduct a hearing on the same. [Dr. Higdon] has precluded this Court from finalizing the above-styled action. He has continuously and relentlessly filed frivolous lawsuits, motions, and other actions and legal documents. [Dr. Higdon] has asserted claims and positions in these filings, with respect to which there existed an absence of any justiciable issue of law or fact, which [Dr. Higdon] could not have reasonably believed that a court would accept said claims and/or positions.

The trial court directed that before filing any new actions, motions or petitions, Dr. Higdon must satisfy certain conditions:

> 1) [Dr. Higdon] must file a "Request to File," in the Clerk of Court's Office; 2) attach the document he wishes to file to the "Request," as an "Exhibit"; 3) attach to any such pleading, motion, petition, or any other filing, a copy of this Order; and 4) present a courtesy copy of the Request, along with the Exhibit to the Judge's Chambers. . . .

Although Dr. Higdon contends that the trial court abused its discretion in issuing a "global pre-filing" injunction, we do not agree.

"No person is free to abuse the courts by inundating them with frivolous suits which burden the administration of the courts for no useful purpose." *In re Carter*, 235 Ga. App. 551, 552 (1) (510 SE2d 91) (1998)."This limitation on [Higdon's] ability to file pro se lawsuits does not totally deprive [him] of meaningful access to the courts and is reasonable under the circumstances." *Smith v. Adamson*, 226 Ga. App. 698, 700 (3) (487 SE2d 386) (1997). See *Howard v. Sharpe*, 266 Ga. 771, 772-773 (1) (470 SE2d 678) (1996) (order

requiring approval of habeas judge and certification that claims were novel before inmate could file any future lawsuits in forma pauperis was reasonable restriction in light of past pattern of filing frivolous lawsuits); cf. *Hooper v. Harris*, 236 Ga. App. 651, 654 (3) (512 SE2d 312) (1999) ("a blanket declaration that all filings are `null and void by operation of law' is impermissible.").

In this circumstance, the trial court has not enjoined Higdon from future filings, but instead has mandated that Higdon observe certain conditions before filing. The trial court's exercise of its discretion in undertaking such actions to aid in the orderly administration of its business will not be disturbed on appeal absent an impermissible restriction of Higdon's access to the courts, and no such restrictions were imposed in this case. *Howard*, 266 Ga. at 772-773 (1); *In re Carter*, 235 Ga. App. at 552 (1); *Smith*, 226 Ga. App. at 700 (3).

Regarding Dr. Higdon's remaining enumerations of errors with respect to the trial court's evidentiary findings, we presume that the trial court properly considered all of the evidence before it. *Brewer v. Harvey*, 278 Ga. App. 503, 505 (629 SE2d 497) (2006). And "[a]s factfinder, it was the trial court's duty to reconcile seemingly conflicting evidence and to weigh the credibility of witnesses." *Willis v. Willis*, 288 Ga. 577, 580 (3) (d) (707 SE2d 344) (2010). Higdon has not shown that the trial court abused its discretion.

Judgment affirmed in Case No. A12A2188 McFadden and McMillian, JJ., concur.