

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA**

\_\_\_\_\_,  
Petitioner,

vs.

CASE NO.: \_\_\_\_\_

SECRETARY FLORIDA DEPARTMENT OF CORRECTIONS,  
Respondent.

\_\_\_\_\_/

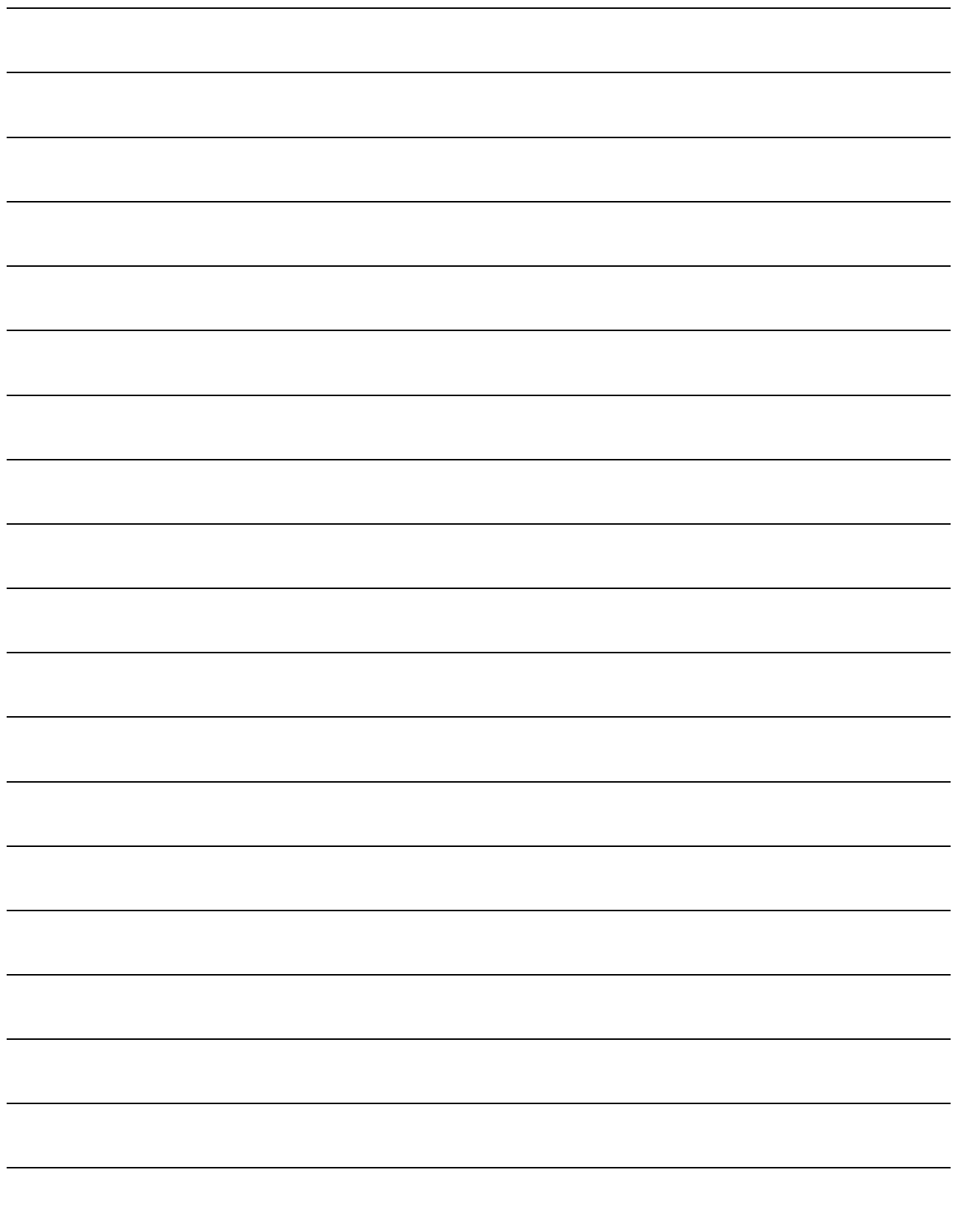
**PETITION FOR WRIT OF MANDAMUS**

**COMES NOW** the Petitioner, \_\_\_\_\_, and respectfully petitions this Honorable Court for a Writ of Mandamus pursuant to Fla.R.Civ.P. 1.630, to compel the Respondent to quash the finding of guilt in the subject Disciplinary Report and to restore \_\_\_\_\_ days of forfeited gain-time as a result thereof.

**I. BASIS FOR INVOKING COURT'S JURISDICTION**

This Court has jurisdiction to issue a writ of mandamus under Article V, Section 5(b), Florida Constitution and Fla.R.App.P. 9.030(c)(3). Mandamus is the proper remedy when it is shown that a clear legal right exists to the performance of a clear legal duty by public officer and that no other legal remedies are available. See Plymel v. Moore, 770 So.2d 242 (Fla. 1st DCA 2000); Holcomb v. Department of Corrections, 609 So.2d 751 (Fla. 1st DCA 1992); Hatten v. State, 561 So.2d 562 (Fla. 1990) and; Shea v. Cochran, 680 So.2d 628 (Fla. 4th DCA 1996).

**II. FACTS RELIED UPON**



### **III. NATURE OF RELIEF SOUGHT**

The Petitioner seeks this Honorable Court to accept jurisdiction over this matter and parties and grant all relief to which he is entitled to in this proceeding including but not limited to:

1. Declare the Petitioner indigent for the purpose of costs and fees in this cause;
2. Quash the subject Disciplinary Report and restore all forfeited gain-time as a result thereof;
3. Award costs and fees against the Respondent in favor of Petitioner.

#### IV. ARGUMENT

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## **V. CONCLUSION**

Wherefore, the Petitioner respectfully requests this Honorable Court to issue the writ for the relief as set forth herein.

Respectfully Submitted,

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Petitioner, Pro Se

## **OATH**

Under the penalties of perjury, I declare and certify that I do understand English and that I have read the foregoing document and that the facts stated in it are true and correct.

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Petitioner, Pro Se

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished to **General Counsel** for the Department of Corrections at 501 S. Calhoun Street, Tallahassee, FL 32399-2500 by handing said document to a prison official, for mailing by pre-paid first class U.S. mail on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
Petitioner, Pro Se  
DC# \_\_\_\_\_  
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