

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

FRANKIE LEE DRAKES,

Appellant,

v.

FLORIDA PAROLE COMMISSION ,

Appellee.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D05-3860

Opinion filed April 19, 2007.

An appeal from the Circuit Court of Leon County.

Thomas H. Bateman, III, Judge.

Frankie Lee Drakes, pro se, for Appellant.

Kim Fluharty, General Counsel, and Bradley R. Bischoff, Assistant General Counsel,
Tallahassee , for Appellee.

PER CURIAM.

We reverse the lower court's order dismissing Appellant's challenge to the Parole Commission's decision to suspend his presumptive parole release date. See Brooks v. Fla. Parole Comm'n, 32 Fla. L. Weekly D3 (Fla. 1st DCA Dec. 19, 2006).

Because Appellant's claim is a collateral criminal proceeding the appellant is not subject to the prisoner indigency lien of section 57.085, Florida Statutes (2005). See

Brooks, 32 Fla. L. Weekly at D3. We remand with directions that the trial court remove the lien on Appellant's prisoner trust account and allow the petition to proceed without requiring prepayment of the calculated partial payment for court costs and fees.

REVERSED AND REMANDED.

BROWNING, C.J., BENTON and LEWIS, JJ., CONCUR.