

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

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

JOHN BAILEY,

Petitioner,

v.

CASE NO. 1D06-2470

JAMES R. McDONOUGH,
SECRETARY, FLORIDA
DEPARTMENT OF CORRECTIONS,

Respondent.

Opinion filed April 23, 2007.

Petition for Writ of Certiorari - Original Jurisdiction.

John Bailey, pro se, Petitioner.

Kathleen Van Hoene, General Counsel, Florida Department of Corrections,
Tallahassee; and Bill McCollum, Attorney General, and Carrie R. McNair, Assistant
Attorney General, Tallahassee, for Respondent.

PER CURIAM.

The petitioner challenges the denial of his petition for writ of mandamus in this
prisoner disciplinary proceeding, and he also challenges an order imposing a lien upon
his inmate trust account for court costs relating to his petition. We conclude that the

circuit court properly denied the petition for writ of mandamus. However, as the appellee concedes, the underlying proceeding constituted a “collateral criminal proceeding,” and therefore the imposition of the lien was improper. See Jackson v. McDonough, 31 Fla. L. Weekly D2299 (Fla. 1st DCA Sept. 5, 2006); Cox v. Crosby, 31 Fla. L. Weekly D310 (Fla. 1st DCA Jan. 26, 2006), rev. granted sub nom. McDonough v. Cox, 924 So. 2d 809 (Fla. 2006); Schmidt v. Crusoe, 878 So. 2d 361 (Fla. 2003). Accordingly, the petition for certiorari is denied, but the lien order is quashed. The circuit court should direct the reimbursement of any funds that have been withdrawn from the petitioner’s account to satisfy the lien.

ALLEN, WEBSTER, and ROBERTS, JJ., CONCUR.