

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

LUIS A. CALERO,

Appellant,

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

v.

CASE NO. 1D06-1386

JAMES R. McDONOUGH, Secretary,
Florida Department of Corrections,

Appellee.

Opinion filed September 25, 2007.

An appeal from the Circuit Court for Leon County.
Thomas H. Bateman, III, Judge.

Luis A. Calero, pro se, Appellant.

Bill McCollum, Attorney General, and Joy A. Stubbs, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

Luis A. Calero appeals an order denying his petition for writ of mandamus
which challenged a prison disciplinary proceeding that resulted in a forfeiture of gain

time. Because relief was denied on procedural grounds, we have appellate jurisdiction. Green v. Moore, 777 So. 2d 425 (Fla. 1st DCA 2000). Finding no merit to Calero's challenges to the circuit court's denial of the mandamus petition, we affirm. However, Calero's claim constituted a "collateral criminal proceeding" pursuant to section 57.085(10), Florida Statutes, and the trial court improperly imposed a lien on appellant's inmate trust account to recoup court costs and fees. See Cason v. Crosby, 892 So. 2d 536 (Fla. 1st DCA 2005). We therefore grant relief to appellant to the extent he challenges the orders imposing liens on his trust account and quash those orders. On remand, the circuit court shall direct reimbursement of any funds that have been withdrawn from appellant's account to satisfy the improper lien orders.

BARFIELD, DAVIS, and LEWIS, JJ., CONCUR.