

IN THE CIRCUIT COURT
OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY
STATE OF FLORIDA

ERNE LEE MAGAHA
CLERK OF CIRCUIT COURT
ESCAMBIA COUNTY, FL

2010 NOV 22 P 3:34

CIRCUIT CIVIL DIVISION
FILED & RECORDED

ALBERTO TORRES,

Petitioner,

vs.

Case No.: 10-CA-3214

Div.: C

WALTER A. MCNEIL, SECRETARY,
FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

ORDER TRANSFERRING PETITION FOR WRIT OF MANDAMUS
TO THE SECOND CIRCUIT

THIS CAUSE is before the Court on Petitioner's Petition for Writ of Mandamus, dated October 20, 2010. After reviewing Petitioner's petition, the relevant authority, and being otherwise fully advised in the premises, the Court finds as follows:

As Petitioner is seeking a review of a prison disciplinary proceeding, a petition for writ of mandamus is appropriate. See Allen v. Moore, 871 So. 2d 1023 (Fla. 1st DCA 2004). A petition for writ of mandamus brought against a state agency, absent waiver or exception, properly lies in the county where the agency maintains its headquarters. See Mansfield v. Singletary, 610 So.2d 76 (Fla. 1st DCA 1992). As such, the correct venue for Petitioner's petition is in Leon County, Florida. Further, transfer, rather than dismissal, is the favored remedy for improper venue. See Griffith v. Crosby, 898 So.2d 212 (Fla. 2d DCA 2005). Consequently, Petitioner's petition must be transferred to Leon County.

Accordingly, it is hereby,

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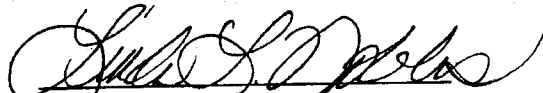


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ORDERED and **ADJUDGED** that Petitioner's Petition for Writ of Mandamus is **TRANSFERRED** to the Circuit Court of the Second Judicial Circuit in and for Leon County, Florida.

DONE and **ORDERED** in chambers at Pensacola, Escambia County, Florida, this ^{22nd} day of November, 2010.


LINDA L. NOBLES
CIRCUIT JUDGE

LLN/jf

cc: ~~Alberto Torres~~, DC# 193580, Century C. I., 400 Tedder Rd., Century, FL. 32535
Office of General Counsel, Dept. of Corrections, 2601 Blair Stone Rd., Tallahassee, FL 32399