

IN THE CIRCUIT COURT IN AND FOR
ESCAMBIA COUNTY, FLORIDA

ERRIC L. ROSAHA
CLERK OF CIRCUIT COURT
ESCAMBIA COUNTY, FL

2011 JAN -3 P 2:53

DUANE V. STROUT,

Petitioner,

vs.

JOYCE H. WILLIAMS,

Respondent.

CIRCUIT CIVIL DIVISION
FILED & RECORDED

Case No.: 10-3163 /

Div.: C

**ORDER DISMISSING PETITIONER'S
PETITION FOR WRIT OF MANDAMUS WITH PREJUDICE**

THIS CAUSE came before the Court on Petitioner's *pro se* "Mandamus Motion." In his petition, Petitioner seeks a writ compelling the trial judge to disqualify herself from case number 07-MM-24921. After reviewing the petition in the instant case, the court file in case number 07-MM-24921, and the relevant authority, the Court finds as follows:

On December 8, 2009, in case number 07-MM-24921, Petitioner filed a motion to disqualify. On January 12, 2010, the trial judge filed an order denying Petitioner's motion. On January 20, 2010, the trial judge filed an amended order denying Petitioner's motion. On January 22, 2010, Petitioner filed the instant petition.

The common law writ of mandamus is available only if the petitioner has no other adequate remedy available. See Plymel v. Moore, 770 So. 2d 242, 246 (Fla. 1st DCA 2000) (citations omitted). Petitioner's remedy is to appeal the trial judge's order.

Accordingly, it is hereby,

Case: 2010 CA 003163

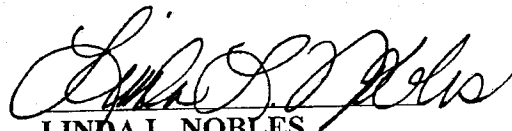


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Dkt: CA1033 Pg#: 2 6

ORDERED and **ADJUDGED** that Petitioner's Petition for Writ of Mandamus is
DISMISSED with prejudice.

DONE and **ORDERED** in chambers at Pensacola, Escambia County, Florida, this 30th day
of December, 2010.


LINDA L. NOBLES
CIRCUIT JUDGE

LLN/jf

✓cc: Duane V. Strout, P.O. Box 10432, Pensacola, FL 32524

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