

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

CHARLES SCOTT,

Petitioner,

v.

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

CASE NO.: 1D06-1972

JAMES MCDONOUGH, Secretary,
DEPARTMENT OF CORRECTIONS,

Respondent.

Opinion filed December 28, 2006.

Certiorari - Original Jurisdiction.

Charles Scott, pro se, Appellant.

Rosa Carson, General Counsel, Department of Corrections; Charlie Crist, Attorney General, and Alexandria Walters, Assistant Attorney General, Tallahassee, for Respondent.

PER CURIAM.

We deny the petition for writ of certiorari filed by Charles Scott seeking review of the circuit court's order denying his petition for writ of mandamus, which challenged a disciplinary report resulting in the imposition of disciplinary

confinement and loss of gain time. To the extent that Scott contests the circuit court's imposition of a lien on his prisoner trust account, we treat his argument as if it had been filed as a motion for review pursuant to Florida Rule of Appellate Procedure 9.430. Lowery v. McDonough, 31 Fla. L. Weekly D2690 (Fla. 1st DCA October 26, 2006). We grant that motion for review and quash the circuit court's order which authorised imposition of the lien. This court has repeatedly recognized that statutory authority does not exist for the circuit court to impose a lien to recover costs and fees in proceedings of this nature. Id.; see also Terry v. McDonough, 935 So. 2d 81 (Fla. 1st DCA 2006); Rodriguez v. McDonough, 932 So. 2d 515 (Fla. 1st DCA 2006); Wagner v. McDonough, 927 So. 2d 216, 217 (Fla. 1st DCA 2006).

WEBSTER, BENTON, AND VAN NORTWICK, JJ., CONCUR.