

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

RANDY LAVERN SPENCER,

Petitioner,

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

v.

CASE NO. 1D10-6303

STEVEN PACE, Probation Officer of
FLORIDA DEPARTMENT OF
CORRECTIONS; FLORIDA PAROLE
COMMISSION,

Respondents.

Opinion filed April 14, 2011.

Petition for Writ of Mandamus -- Original Jurisdiction.

Randy Lavern Spencer, pro se, Petitioner.

Sarah J. Rumph, General Counsel, Florida Parole Commission, Tallahassee, for Respondent Florida Parole Commission; Jennifer Parker, General Counsel, Florida Department of Corrections, and Holly N. Simcox, Assistant General Counsel, Tallahassee, for Respondent Edwin G. Buss, Secretary, Florida Department of Corrections.

PER CURIAM.

The petition for writ of mandamus is granted. Within 30 days, the circuit court shall either enter an order denying relief, or if it determines that the pending petition for writ of habeas corpus states a prima facie claim, shall issue an order to show cause why relief should not be granted. Because we are confident that the

circuit court will comply with this directive, we withhold formal issuance of the writ.

WOLF, WEBSTER, and ROBERTS, JJ., CONCUR.