

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2004

CORBBLIN BUSH,

Appellant,

v.

CASE NO. 5D04-42

STATE OF FLORIDA, ET AL.,

Appellee.

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Opinion filed November 12, 2004

Appeal from the Circuit Court
for Seminole County,
Gene R. Stephenson, Judge.

Corbblin Bush, Madison, Pro Se.

No appearance for Appellee, State of Florida.

Connie L. Beach, Assistant General Counsel,
Department of Corrections, Tallahassee, for Appellee,
Department of Corrections.

MONACO, J.

Corbblin Bush appeals an order dismissing his petition for writ of mandamus in which he seeks further awards of overcrowding gain-time. Because his petition is filed in the wrong venue, we affirm.

A petition for writ of mandamus is a civil action. See *Latisi v. Florida Parole and Prob. Comm.*, 382 So. 2d 1355, 1356 (Fla. 1st DCA 1980). Section 47.011, Florida Statutes (2002), provides that venue in civil actions is in a county where any defendant resides, or where the cause of action accrues. The proper defendant in an action seeking additional

awards of overcrowding gain-time credits is the Secretary of the Florida Department of Corrections, which is headquartered in Leon County, Florida. As Mr. Bush filed his petition in Seminole County, where he was sentenced, and not in Leon County, the trial court properly dismissed the action. See *Roth v. Crosby*, 29 Fla. L. Weekly D2156 (Fla. 2d DCA Sept. 24, 2004); *Davidson v. Crosby*, 29 Fla. L. Weekly D2006 (Fla. 1st DCA Aug. 31, 2004); *Burgess v. Crosby*, 870 So. 2d 217 (Fla. 1st DCA 2004); *Curry v. Wainwright*, 419 So. 2d 744 (Fla. 5th DCA 1982).

AFFIRMED.

THOMPSON and PLEUS, JJ., concur.