

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

HENRY WILLIAMS,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D04-3126

Opinion filed May 23, 2005.

Petition for Writ of Mandamus -- Original Jurisdiction.

Henry Williams, petitioner, pro se.

Charlie Crist, Attorney General, and Tobey Schultz, Assistant Attorney General,  
Tallahassee, for respondent.

PER CURIAM.

Henry Williams seeks mandamus relief to compel the circuit court to rule on his petition for writ of habeas corpus. The circuit court's docket reflects that the

petition was filed just over one year ago, but that petition cannot now be located by the lower tribunal. Because the circuit court has no petition before it on which to rule, the granting of mandamus relief by this court would serve no practical purpose. Accordingly, we deny the petition for writ of mandamus. Petitioner may, of course, refile his petition with the circuit court, and in that event we encourage the circuit court to promptly consider the merits of petitioner's claim.

ALLEN, KAHN and WEBSTER, JJ., concur.