

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

ROBIN LEE WEEKS,

Petitioner,

v.

JAMES R. McDONOUGH,

Respondent.

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

CASE NO. 1D06-2973

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Opinion filed February 26, 2007.

Petition for Writ of Certiorari - Original Jurisdiction.

Robin Lee Weeks, pro se, Petitioner.

Bill McCollum, Attorney General, and Shelly L. Marks, Assistant Attorney General,  
Tallahassee, for Respondent.

PER CURIAM.

Petitioner's argument that the circuit court erred in denying his petition for writ of mandamus is without merit and is rejected; however, because the underlying action constitutes a "collateral criminal proceeding" pursuant to section 57.085(10), Florida Statutes (2005), the circuit court improperly imposed a lien upon petitioner's inmate trust account for payment of court costs and fees. See Cox v. Crosby, 31 Fla. L.

Weekly D310 (Fla. 1st DCA Jan. 26, 2006), rev. granted sub nom. McDonough v. Cox, 924 So. 2d 809 (Fla. 2006); Schmidt v. Crusoe, 878 So. 2d 361 (Fla. 2003). We accordingly quash that portion of the circuit court's order on indigency imposing a lien as a result of the filing of the petition for writ of certiorari/mandamus below. The circuit court should direct the reimbursement of any funds that have been withdrawn from petitioner's account to satisfy the improper lien order.

DENIED.

WOLF, VAN NORTWICK, and LEWIS, JJ., CONCUR.