

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

RODERICK CHILDERS,

Appellant,

v.

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

CASE NO.: 1D06-3256

JAMES R. MCDONOUGH, Secretary,
Florida Department of Corrections,

Appellee.

Opinion filed October 15, 2007.

An appeal from the Circuit Court for Leon County.
Terry P. Lewis, Judge.

Roderick Childers, pro se, Appellant.

Kathleen Von Hoene, General Counsel, Department of Corrections; Bill McCollum, Attorney General, and Joe Belitzky, Assistant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

Roderick Childers appeals an order dismissing his petition for a writ of mandamus on the ground Childers failed to pay the required filing fee, or alternatively, failed to provide documentation of indigency. As the Secretary for the

Department of Corrections acknowledges on appeal, a party must be given an opportunity to comply with indigency requirements before dismissing a petition for extraordinary relief. See Woullard v. Bishop, 755 So. 2d 816 (Fla. 1st DCA 2000). The record on appeal contains a copy of a prisoner affidavit of indigence which bears a stamp that it was provided to correctional officials for mailing on February 22, 2006. Accordingly, we quash the order dismissing Childer's mandamus petition and remand the cause so that the Clerk of the Circuit Court can consider the documentation already filed by Childers or that Childers may be given the opportunity to correct any filing deficiencies.

REVERSED and REMANDED.

BROWNING, C.J., ALLEN, AND VAN NORTWICK, JJ., CONCUR.