

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

ERNEST FITZPATRICK,

Petitioner,

v.

FLORIDA PAROLE COMMISSION,

Respondent.

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

CASE NO. 1D06-4694

Opinion filed May 8, 2007.

Certiorari - Original Jurisdiction.

Ernest Fitzpatrick, pro se, Petitioner.

Bradley R. Bischoff, Assistant General Counsel, Tallahassee, for Respondent.

PER CURIAM.

Petitioner requests we issue a writ of certiorari to quash the trial court's order imposing the lien it placed on petitioner's inmate trust account upon petitioner's filing of a petition for writ of mandamus. Because the petition for writ of mandamus sought only credit for time served, the petition constituted a collateral criminal proceeding. *See e.g., Schmidt v. Crusoe*, 878 So. 2d 361 (Fla. 2003). Consequently, court costs

may not be assessed. *See id.* The petition for writ of certiorari is GRANTED, and the order imposing the lien is QUASHED.

KAHN, LEWIS, and HAWKES, JJ., CONCUR.