

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

WALTER E. MAGINNIS,

Petitioner,

v.

JAMES R. McDONOUGH, Secretary,
Florida Department of Corrections, et
al,

Respondent.

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

CASE NO. 1D06-5096

Opinion filed May 31, 2007.

Petition for Writ of Certiorari -- Original Jurisdiction.

Walter E. Maginnis, pro se, Petitioner.

Bill McCollum, Attorney General, and Alexandria Walters, Assistant Attorney
General, Tallahassee, for Respondent.

PER CURIAM.

The circuit court issued its order on petitioner's petition for writ of mandamus
without affording adequate time for petitioner to file a reply on the merits.

Accordingly, the petition for writ of certiorari is granted and the order of the circuit court quashed. Bard v. Wolson, 687 So. 2d 254 (Fla. 1st DCA 1996). The cause is remanded to the circuit court with directions to issue an order granting petitioner additional time to file a reply to the response on the merits and to thereafter dispose of the mandamus petition in light of that petition, the response, and the reply.

PETITION GRANTED.

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