

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

RUFUS HAMPTON,

Appellant,

v.

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

CASE NO. 1D07-1070

JAMES R. McDONOUGH,

Appellee.

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Opinion filed September 28, 2007.

An appeal from the circuit court for Leon County.  
Janet E. Ferris, Judge.

Rufus Hampton, pro se, Appellant.

Bill McCollum, Attorney General, and Sherry Anita Toothman, Assistant Attorney General, Tallahassee; Kathleen Von Hoene, General Counsel, Department of Corrections, Tallahassee, for Appellee.

PER CURIAM.

In the underlying mandamus proceeding filed in the trial court challenging an adverse result in a prison disciplinary action, the trial court imposed a lien pursuant to section 57.085, Florida Statutes (2006), on appellant's inmate trust account to recover court costs and fees. Rather than seeking review of that order here following

entry by the trial court of a final order dismissing the mandamus petition, more than two months after entry of that order, appellant filed in the trial court a “Motion for Relief from Order of Indigence Imposing Lien on Prisoner Trust Account,” assertedly pursuant to Florida Rule of Civil Procedure 1.540(b), which the trial court denied.

Because the trial court proceeding sought review of quasi-judicial action by a lower tribunal (i.e., the Department of Corrections), it was governed by the Florida Rules of Appellate Procedure. See Wilkinson v. McDonough, 32 Fla. L. Weekly D1754 (Fla. 1st DCA July 24, 2007). Accordingly, Florida Rule of Civil Procedure 1.540(b) was unavailable to appellant. To the extent appellant wished to have the trial court reconsider its order imposing a lien on his inmate trust account, his recourse was to file in the trial court a motion for rehearing or clarification pursuant to Florida Rule of Appellate Procedure 9.330. Treating appellant’s “Motion for Relief from Order of Indigence Imposing Lien on Prisoner Trust Account” as having been filed pursuant to that rule, it was untimely. Therefore, the trial court correctly denied appellant’s motion.

**AFFIRMED.**

**KAHN, WEBSTER, and ROBERTS, JJ., CONCUR.**