

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

KEVIN OWENS,

Appellant,

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

v.

CASE NO. 1D11-6554

MICHAEL D. CREWS,
Secretary, Florida Department of
Corrections,

Appellee.

Opinion filed July 5, 2013.

An appeal from the Circuit Court for Leon County.
Charles A. Francis, Judge.

Appellant Kevin Owens, pro se.

Pamela Jo Bondi, Attorney General, and David W. Grimes, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

Kevin Owens, Appellant, appeals a final order dismissing four petitions for writ of mandamus challenging the outcomes of prison disciplinary proceedings. The circuit court dismissed Appellant's petitions, without an evidentiary hearing,

for failure to exhaust his administrative remedies by complying with the rule of the Department of Corrections requiring inmates to attach responses to their formal grievances when appealing to the Secretary concerning the handling of such grievances. See Fla. Admin. Code R. 33-103.007(5)(a). This dismissal was erroneous because a disputed issue of fact exists concerning whether Department officials timely provided the responses to Appellant. See Holcomb v. Dep't of Corrs., 609 So. 2d 751, 753 (Fla. 1st DCA 1992). Accordingly, we reverse and remand for further proceedings.

REVERSED and REMANDED.

BENTON, RAY, and MAKAR, JJ., CONCUR.