

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2007*

**KURT SMITH,**  
Petitioner,

v.

**CHESTER LAMBDIN,** Warden and **JAMES MCDONOUGH,** Secretary of  
the Florida Department of Corrections,  
Respondents.

No. 4D07-4244

[December 31, 2007]

PER CURIAM.

The petitioner, Kurt Smith, filed a petition for writ of mandamus on October 18, 2007, seeking to compel the circuit court to rule on an appeal which has been pending since October, 2006. The appeal was on a replevin complaint ruled upon adversely to the petitioner. The petitioner has made several inquiries into the status of his appeal and was informed that it was pending.

Mandamus lies to compel a trial court to rule on a ministerial matter after a reasonable period of time. *See Lakeshore Townhomes Condo. Ass'n v. Bush*, 664 So. 2d 1170 (Fla. 4th DCA 1995). Here, it is unclear why the appeal has not yet been addressed. "While mandamus is not available to compel a judge to rule a *particular way*, it is appropriate to compel some ruling." *Id.* at 1170.

As the petitioner's appeal has been pending for now well over a year, we direct the circuit court to rule. However, because we are confident that the circuit court will comply with the directions in this opinion, we withhold issuance of the writ of mandamus.

GUNTHER, GROSS and MAY, JJ., concur.

\* \* \*

Petition for writ of mandamus to the Circuit Court for the Nineteenth Judicial Circuit, Okeechobee County; L.T. Case No. 2006AP236.

Kurt Smith, Okeechobee, pro se.

Bill McCollum, Attorney General, and Joe Belitzky, Senior Assistant Attorney General, Tallahassee, for respondents.

***Not final until disposition of timely filed motion for rehearing***