

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

MIRATEL CAPITAINE,

CASE NO. 2019-CA-12721-O

Petitioner,

v.

MARK S. INCH, Secretary,
Florida Department of Corrections,

Respondent.

**ORDER TRANSFERRING PETITION FOR WRIT OF MANDAMUS
TO SECOND JUDICIAL CIRCUIT COURT OF LEON COUNTY**

THIS MATTER came before the Court on the Petition of Writ of Mandamus, filed on October 16, 2019. Petitioner seeks to compel the Department of Corrections to dismiss a disciplinary report against him. Because the instant Petition challenges prison disciplinary action, venue properly lies in Leon County, where the Department of Corrections is headquartered, so transfer to the Second Judicial Circuit Court of Leon County is required under Florida law. *See Wromas v. Jones*, 201 So. 3d 648 (Fla. 3d DCA 2015) (transferring mandamus petition involving prison disciplinary action to Second Judicial Circuit Court of Leon County pursuant to Florida Rule of Appellate Procedure 9.040(b)(1)). *See also McNeil v. Bailey*, 50 So. 3d 109 (Fla. 1st DCA 2010) (venue proper in Leon County where Department of Corrections is headquartered with respect to mandamus petition involving prison disciplinary action).

Therefore, pursuant to Florida Rule of Appellate Procedure 9.040(b)(1), it is **ORDERED** and **ADJUDGED** that the Petition of Writ of Mandamus is **TRANSFERRED** to the Second Judicial Circuit Court of Leon County. The Clerk of Court shall **TRANSFER** this matter forthwith.

DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, the

_____ day of _____, 2020.

DIANA M. TENNIS
Presiding Circuit Judge

BLACKWELL and CALDERON, J.J., concur.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order was furnished on this _____ day of _____, 2020 to: Miratel Capitaine, 7000 H.C. Kelley Rd., Orlando, FL 32831; Office of the State Attorney, Appeals Unit, 415 N. Orange Avenue, Suite 200, Orlando, FL 32801; Mark S. Inch, Secretary, Florida Department of Corrections, 501 S. Calhoun St., Tallahassee, FL 32399-2500; the Honorable Gwen Marshall, Clerk of the Circuit Court & Comptroller, Second Judicial Circuit Court of Leon County, Florida, Leon County Courthouse, 301 S. Monroe Street, #100, Tallahassee, FL 32301.

Judicial Assistant