

Supreme Court of Florida

MONDAY, MARCH 12, 2012

CASE NO.: SC11-1622

Lower Tribunal No(s): 2D10-5197,
05-CA-7205

NEIL J. GILLESPIE

vs. BARKER, RODEMS &
COOK, ET AL.

Petitioner(s)

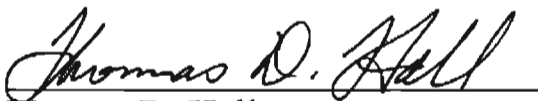
Respondent(s)

The petitioner has filed a petition for writ of mandamus with the Court. To the extent the petitioner seeks a writ of mandamus directed towards the district court, the petition is denied because a writ of mandamus cannot be issued to direct the manner in which a court shall act in the lawful exercise of its jurisdiction. State ex rel. North St. Lucie River Drainage Dist. v. Kanner, 11 So. 2d 889, 890 (Fla. 1943); see also Migliore v. City of Lauderhill, 415 So. 2d 62, 63 (Fla. 4th DCA 1982) (stating that mandamus "is not an appropriate vehicle for review of a merely erroneous decision nor is it proper to mandate the doing (or undoing) of a discretionary act"), approved, 431 So. 2d 986 (Fla. 1983). To the extent the petitioner seeks any additional relief, the petition is dismissed as facially insufficient.

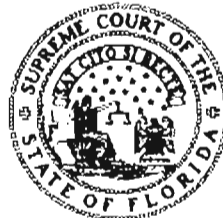
PARIENTE, LEWIS, QUINCE, LABARGA, and PERRY, JJ., concur.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



kb

Served:

NEIL J. GILLESPIE ✓
RYAN CHRISTOPHER RODEMS
HON. PAT FRANK, CLERK
HON. JAMES BIRK HOLD, CLERK