

Supreme Court of Florida

MONDAY, JULY 26, 2004

CASE NO.: SC04-600

Lower Tribunal No.: 3D03-261

BENJAMIN MOOREHEAD

vs. JAMES V. CROSBY, JR., ETC.

Petitioner(s)

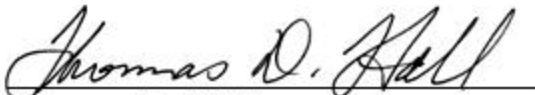
Respondent(s)

The petition for writ of mandamus is hereby denied on the merits because the petitioner has failed to demonstrate that the Third District Court of Appeal has an indisputable legal duty to perform the requested action. See Huffman v. State, 813 So. 2d 10 (Fla. 2000) (to be entitled to the writ of mandamus, a petitioner must show that he has a clear legal right to the requested relief, that the respondent has an indisputable legal duty to perform the requested action, and that no other remedy is available).

PARIENTE, C.J., and WELLS, LEWIS, CANTERO and BELL, JJ., concur.

A True Copy

Test:



Thomas D. Hall

Clerk, Supreme Court



mc

Served:

BENJAMIN MOOREHEAD
HON. MARY CAY BLANKS, CLERK
LOUIS A. VARGAS