

Supreme Court of Florida

WEDNESDAY, JANUARY 26, 2011

CASE NO.: SC10-1993

Lower Tribunal No(s): 93-507-C

JAMES PATTERSON

vs. WALTER A. MCNEIL, ETC.

Petitioner(s)

Respondent(s)

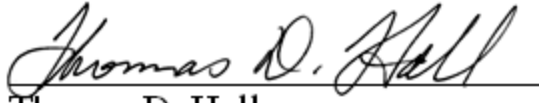
Petitioner has submitted a "Petition for Writ of Prohibition to Prevent a Continuation of a Manifest Injustice All Writ," which this Court has treated as a petition for writ of habeas corpus. The petition is hereby transferred to the Circuit Court of the First Judicial Circuit in and for Escambia County, Florida, for consideration as a petition for writ of habeas corpus. See Fla. R. Crim. P. 3.850(h); State v. McBride, 848 So. 2d 287 (Fla. 2003); see also Burdick v. State, 594 So. 2d 267 (Fla. 1992). The transfer of this case should not be construed as an adjudication or comment on the merits of the petition, nor as a determination that the transferee court has jurisdiction or that the petition has been properly denominated as a petition for writ of habeas corpus. The transferee court should not interpret the transfer of this case as an indication that it must or should reach the merits of the petition. The transferee court shall treat the petition as if it had been originally filed there on the date it was filed in this Court. Any determination concerning whether a filing fee shall be applicable to this case shall be made by the transferee court. Any and all pending motions in this case are hereby deferred to the transferee court.

Any future pleadings filed regarding this case should be filed in the above mentioned circuit court at Appeals Division, P. O. Box 333, Pensacola, Florida 32592-0333.

PARIENTE, LEWIS, LABARGA, and PERRY, JJ., concur.
POLSTON, J., would dismiss.

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A True Copy
Test:


Thomas D. Hall
Clerk, Supreme Court



jn
Served:
JAMES GLENN PATTERSON
KATHLEEN MARIE VON HOENE
HON. ERNIE LEE MAGAHA, CLERK