

Supreme Court of Florida

MONDAY, JANUARY 31, 2011

CASE NO.: SC10-2401

Lower Tribunal No(s): 3D09-2071,
07-279

ALEC ROSS

vs. PAUL BATES

Petitioner(s)

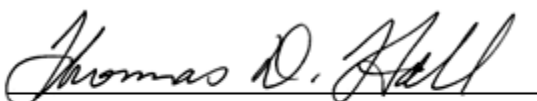
Respondent(s)

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, the petition for writ of mandamus is denied. 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).

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

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



ab

Served:

DIANE H. TUTT
DAVID M. MCDONALD
HON. DANNY L. KOLHAGE, CLERK
HON. MARY CAY BLANKS, CLERK