



Ebright v. State of Florida, Department of Corrections

2024 | Cited 0 times | District Court of Appeal of Florida | October 9, 2024

FIRST DISTRICT COURT OF APPEAL STATE OF FLORIDA _____

No. 1D2023-1629 _____

SHANE L. EBRIGHT,

Appellant,

v.

STATE OF FLORIDA and the FLORIDA DEPARTMENT OF CORRECTIONS,

Appellees. _____

On appeal from the Circuit Court for Leon County. John C. Cooper, Judge.

October 9, 2024

PER CURIAM.

The circuit court's order dismissing the appellant's complaint for declaratory judgment and injunctive relief is affirmed. But as the appellee correctly concedes, because the underlying action constitutes a "collateral criminal proceeding," the circuit court erred by imposing a lien on the appellant's inmate trust account for payment of court costs and filing fees. See *McNeil v. Cox*, 997 So. 2d 343 , 348 (Fla. 2008); *Yasir v. McDonough*, 28 So. 3d 60 , 61 (Fla. 1st DCA 2006). Accordingly, we vacate the circuit court's order imposing the lien and remand for entry of an order directing the reimbursement of those funds withdrawn from his account pursuant to the lien. Because this is a ministerial action, the

appellant need not be present. See *Milne v. Inch*, 310 So. 3d 1119 , 1119 (Fla. 1st DCA 2021).

AFFIRMED in part, VACATED in part, and REMANDED.

LEWIS, ROBERTS, and RAY, JJ., concur.



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Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Shane L. Ebright, pro se, Appellant.

Ashley Moody, Attorney General, and Juanita Villalpando, Assistant Attorney General, Tallahassee, for Appellees.

