

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the circuit court's order imposing the lien and remand for entry of an order directing the reimbursement of those funds withdrawn from his account pursuant to the lien.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.

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.