

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

TIMOTHY BLACK,

Petitioner,

v.

CITY OF JACKSONVILLE, et al.,

Respondents.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED.

CASE NO. 1D10-1727

Opinion filed June 9, 2010.

Petition for Writ of Mandamus -- Original Jurisdiction.

Timothy Black, pro se, Petitioner.

No appearance for Respondents.

PER CURIAM.

Petitioner seeks a writ of mandamus to compel the Circuit Court for Duval County to enter a final order in his tort action against the City of Jacksonville. However, petitioner has not filed a proper motion for such relief. See Ponton v. Gross, 576 So. 2d 910 (Fla. 1st DCA 1991). Once a motion is filed, it must be called up for a hearing. Smartt v. First Union Nat'l Bank, 771 So. 2d 1232 (Fla. 5th DCA 2000).

The petition for writ of mandamus is accordingly denied.

PETITION DENIED.

WOLF, BENTON, and PADOVANO, JJ., CONCUR.