

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

OTIS D. BLAXTON,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D11-6308

Opinion filed March 26, 2012.

Petition for Writ of Prohibition – original jurisdiction.

Otis D. Blaxton, pro se, Petitioner.

Pamela Jo Bondi, Attorney General, Charlie McCoy, Senior Assistant Attorney General, Tallahassee, for Respondent.

PER CURIAM.

Because the trial court properly treated Appellant’s “Petition for Writ of Mandamus: Contesting Judge Michael G. Allen’s Prejudice” as a motion for disqualification, we treat Appellant’s appeal as a writ of prohibition. See Fla. R.

App. P. 9.040(c); see also Sutton v. State, 975 So.2d 1073, 1076 (Fla. 2008) (“[P]rohibition is ... clearly recognized as the proper avenue for immediate review of whether a motion to disqualify a trial judge has been correctly denied.”).

The petition for writ of prohibition is denied on the merits.

DAVIS, THOMAS, and RAY, JJ., CONCUR.