

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

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July 10, 2020

Tracey Merrill  
Calhoun CI - Inmate Legal Mail  
19562 SE INSTITUTION DR  
BLOUNTSTOWN, FL 32424

Appeal Number: 20-10511-H  
Case Style: In re: Tracey Merrill  
District Court Docket No:

The enclosed order has been entered. No further action will be taken in this matter.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Gerald B. Frost, H  
Phone #: (404) 335-6182

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 20-10511-H

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In re:

TRACEY MERRILL,

Petitioner.

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On Petition for Writ of Mandamus

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BEFORE: MARTIN and JILL PRYOR, Circuit Judges.

BY THE COURT:

Tracey Merrill, a Florida prisoner proceeding *pro se*, has filed a petition for a writ of mandamus arising from his state criminal proceedings in the Fifth Judicial Circuit of Florida. He also moves for leave to proceed *in forma pauperis* ("IFP"). Merrill requests that this Court "dismiss the sentence and charges with prejudice."

Merrill seeks to file this mandamus petition pursuant to 28 U.S.C. § 1915(a). Section 1915(a) provides that a United States court may authorize the commencement of any proceeding, without prepayment of fees, by a person who submits an affidavit that includes a statement of assets that he possesses, and indicates that he is unable to pay such fees. This Court, however, may dismiss an action at any time if it determines that the allegation of poverty is untrue or the action or appeal is frivolous. 28 U.S.C. § 1915(e)(2). Even assuming that Merrill has established

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

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

TRACEY ALLEN MERRILL,

Appellant;

v.

Case No. 5D15-4359

STATE OF FLORIDA,

Appellee:

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Decision filed December 13, 2016

Appeal from the Circuit Court  
for Hernando County,  
Daniel B. Merritt, Jr., Judge.

Tracey Allen Merrill, Perry, pro se.

James S. Purdy, Public Defender, and  
Nicole Joanne Martingano, Assistant  
Public Defender, Daytona Beach, for  
Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Kellie A. Nielan,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

AFFIRMED.

LAWSON, C.J., COHEN and WALLIS, JJ., concur.