

Rule 1.630 Extraordinary Remedies

(a) Applicability. This rule applies to actions for the issuance of writs of mandamus, prohibition, quo warranto, and habeas corpus.

(b) Initial Pleading. The initial pleading must be a complaint. It must contain:

- (1)** the facts on which the plaintiff relies for relief;
- (2)** a request for the relief sought; and
- (3)** if desired, argument in support of the complaint with citations of authority.

The caption must show the action filed in the name of the plaintiff in all cases and not on the relation of the state. When the complaint seeks a writ directed to a lower court or to a governmental or administrative agency, a copy of as much of the record as is necessary to support the plaintiff's complaint must be attached.

(c) Time. A complaint must be filed within the time provided by law.

(d) Process. If the complaint shows a prima facie case for relief, the court must issue:

- (1)** an order nisi in prohibition;
- (2)** an alternative writ in mandamus that may incorporate the complaint by reference only;
- (3)** a writ of quo warranto; or
- (4)** a writ of habeas corpus.

The writ must be served in the manner prescribed by law.

(e) Response. Defendant must respond to the writ as provided in rule 1.140, but the answer in quo warranto must show better title to the office when the writ seeks an adjudication of the right to an office held by the defendant.