

**IN THE STUDENT SUPREME COURT
IN AND FOR THE FLORIDA STATE UNIVERSITY**

J. Engelbrecht writing for the Court.

Jurisdiction

Pursuant to Article IV, Section 3(C)(4), of the Student Body Constitution, this Court has jurisdiction to “issue writs of mandamus, prohibition, and quo warranto when a Student Body officer is named as a respondent, or such other writs necessary and proper to complete exercise of its jurisdiction.”

Background

On January 24, 2018 a Florida State University Student, Taylor Ney, petitioned this Court for a Writ of Mandamus to compel the officers of the Senate to make public the individualized voting results from the November 29 and December 6, 2017 Student Senate Meetings in accordance to Chapter 409.3 of the Student Body Statutes.

Holding

We hereby dismiss the complaint pursuant to Supreme Court Rules of Procedure 3.1(b)(3), and 3.2.

Reasoning

The 69th Senate revised Chapter 409 through the passage of Bill 13. Bill 13 added Ch. 409.3, which reads; “Individualized voting results from every Student Senate meetings [sic] and Student Senate standing committee meetings [sic] shall be published and archived on the Student Government Association website within ten (10) days of the meeting.”

Petitioner, in his initial complaint, provided no claim that any voting took place, and only provided that a Senate meeting had occurred on the dates in question. On January 29, 2018, the petitioner was contacted by the Court inquiring about any voting that needed to be published. This Court asked Petitioner to amend his complaint to show there was in fact a vote that took place, which would be subject to the requirements of Section 409.3, Student Body Statutes. Petitioner did not provide any facts other than Senate meeting took place. Moreover, Petitioner did not respond to the Court’s request within the seven day time period given in Rule 3.2, Supreme Court Rules of Procedure. The Student Senate is only required to publish their individualized voting records. The Senate may have had a lack of bills on which to vote or tabled other bills; however, without any specific allegation of any votes which may have taken place, taking the four corners of the complaint as true, we cannot say that the complaint was plead in accordance with Rule 3.1(b)(3).

Rule 3.1(b)(3) of the Supreme Court Rules of Procedure states that the petitioner must show that he is entitled to relief. Petitioner failed to show any voting took place, therefore petitioner failed to demonstrate to what relief he is entitled.

Rule 3.2 allows the Court to require amendments to pleadings, as necessary, and provides that those amendments be filed within seven days of the Court’s request. Here, Petitioner failed to meet that requirement. Petitioner was given seven days, to respond to the Court’s request and did not

do so. Accordingly, the Court exercises its dismissal power granted under the rule. “Any party failing to submit a response upon request is deemed to have ...waived any available...relief.” Supreme Court Rules of Procedure 3.2.

Conclusion

Pursuant to Rule 3.2, after giving petitioner seven days to amend his complaint, along with his failing to meet the requirements of Rule 3.1(b)(3), the complaint is hereby dismissed.

DONE AND ORDERED, this the 5th Day of February, 2018, Tallahassee, Florida.