

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

TIMOTHY SMITH,

Appellant,

v.

JAMES V. CROSBY, JR.,  
Secretary, Department of Corrections,

Appellee.

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

CASE NO. 1D04-2566

Opinion filed February 17, 2005.

An appeal from an order of the Circuit Court for Leon County.  
Charles A. Francis, Judge.

Timothy Smith, pro se, appellant.

Charlie Crist, Attorney General, and Joy A. Stubbs, Assistant Attorney General,  
Tallahassee, for appellee.

PER CURIAM.

The circuit court's order transferring the petition for writ of mandamus is reversed and the cause is remanded with directions to proceed to a disposition on the merits of the petition. See Burgess v. Crosby, 870 So. 2d 217 (Fla. 1st DCA 2004); Davidson v. Crosby, 883 So. 2d 866 (Fla. 1st DCA 2004).

REVERSED and REMANDED.

ALLEN, VAN NORTWICK and PADOVANO, JJ., concur.