

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

GERALD M. McKIRE,

Petitioner,

v.

JAMES V. CROSBY, JR.,

Respondent.

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

CASE NO. 1D04-5057

Opinion filed March 4, 2005.

Petition for Writ of Mandamus -- Original Jurisdiction.

Gerald M. McKire, petitioner, pro se.

No appearance for respondent.

PER CURIAM.

DENIED. See Smartt v. First Union National Bank, 771 So. 2d 1232 (Fla. 5th  
DCA 2000).

ERVIN, KAHN and BENTON, JJ., concur.