

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

DR. JAMES J. WEAVER,

Appellant,

v.

SCHOOL BOARD OF LEON  
COUNTY, FLORIDA,

Appellee.

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

CASE NO. 1D05-5165

Opinion filed December 21, 2006.

An appeal from the Circuit Court for Leon County.  
Janet E. Ferris, Judge.

Dr. James J. Weaver, pro se, Appellant.

Deborah S. Minnis of Ausley & McMullen, Tallahassee, for Appellee.

PER CURIAM.

Upon consideration of the parties' responses to the Court's orders of May 5, 2006, and July 18, 2006, the Court has determined that the September 20, 2005, "Order on Plaintiff's Motion for an Immediate Hearing on 'Pending' Motions," is not an appealable order. See generally Tieche v. Fla. Physicians Ins. Reciprocal, 431 So. 2d 287 (Fla. 5th DCA 1983)(holding that Florida Rule of Civil Procedure 1.540(b),

which authorizes relief from final judgments or orders is applicable only to final orders). Accordingly, the appeal is hereby dismissed for lack of jurisdiction.

BROWNING, C. J., DAVIS, and LEWIS, JJ., CONCUR.