

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

EARLIE DEFRENCH SANDERS,  
  
Appellant,

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

v.

CASE NO. 1D06-0979

STATE OF FLORIDA, o/b/o  
MEGAN FORTNEY BYERLEY,

Appellee.

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Opinion filed August 4, 2006.

An appeal from the Circuit Court for Duval County.  
David C. Wiggins, Judge.

Earlie Defrench Sanders, pro se, Appellant.

Charlie Crist, Attorney General, and William H. Branch, Assistant Attorney  
General, Tallahassee; Patricia L. Parker, Jacksonville, for Appellee.

PER CURIAM.

Upon consideration of the appellant's response to the Court's order of June 19,  
2006, the Court has determined that the order expressly identified in the appellant's  
notice of appeal, the January 11, 2006, Order Denying Motion for Appointment of

Counsel, is not an appealable order. Accordingly, the appeal is hereby dismissed for lack of jurisdiction.

However, the Court notes the appellant's earlier appeal of the October 10, 2005, Order on Defendant's Motion to Vacate, in case number 1D05-5521, which was dismissed for failure to pay the filing fee. To the extent that the appellant is seeking review of the earlier order, this dismissal is without prejudice to the appellant to move to reinstate the earlier appeal.

ERVIN, WEBSTER, and THOMAS, JJ., CONCUR.