

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

VINCENT CHARO,

Appellant,

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

v.

CASE NO. 1D06-2482

JAMES R. MCDONOUGH,
SECRETARY AND THE
FLORIDA DEPARTMENT OF
CORRECTIONS,

Appellees.

Opinion filed August 30, 2006.

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

Vincent Charo, pro se, Appellant.

Charlie Crist, Attorney General; Rosa Carson, General Counsel, Florida
Department of Corrections, for Appellees.

PER CURIAM.

Upon consideration of the appellant's response to the Court's order of June 16, 2006, the Court has determined that the order on appeal is reviewable by motion filed pursuant to Florida Rule of Appellate Procedure 9.430 in the appellate proceeding that

precipitated the order rather than by separate appeal. Wagner v. McDonough, 930 So. 2d 710, 711 (Fla. 1st DCA 2006). Accordingly, the appeal is hereby dismissed for lack of jurisdiction. To the extent that the underlying appeal, 1D03-5378, was dismissed for failure to pay the appellate filing fee or to obtain an order of insolvency, this dismissal is without prejudice to seek reinstatement of that appeal.

WOLF, VAN NORTWICK, and BROWNING, JJ., CONCUR.