

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

WAADEW AYSISAYH,

Appellant,

v.

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

CASE NO. 1D06-2484

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 31, 2006.

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

Waadew Aysisayh, pro se, Appellant.

Charlie Crist, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

Upon consideration of the appellant's response to the Court's order of August 3, 2006, the court has determined that because the appellant's motion for rehearing of the order denying relief from judgment was not authorized, Frantz v. Moore, 772 So. 2d 581 (Fla. 1st DCA 2000), it failed to delay rendition of the underlying order. Fla.

R. App. P. 9.020(h). Consequently, the appellant's notice of appeal was not timely filed and the appeal is hereby dismissed as untimely.

WEBSTER, VAN NORTWICK, and PADOVANO, JJ., CONCUR.