

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

MARY J. ROGERS,

Appellant,

v.

JAMES CYRUS,

Appellee.

---

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

CASE NO. 1D06-4394

Opinion filed November 6, 2006.

An appeal from the Circuit Court for Levy County.  
Maurice V. Giunta, Judge.

Mary J. Rogers, 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 29, 2006, the Court has determined that the appeal is untimely. The appellant's notice of appeal seeking review of the lower tribunal's February 15, 2006, order was filed on August 11, 2006, well beyond the 30-day time period within which review must be sought. Fla. R. App. P. 9.110(b). Accordingly, the appeal is hereby dismissed for

lack of jurisdiction. Any remedy available to the appellant lies with the lower tribunal rather than with this Court. Cf. Brown v. State, 708 So. 2d 1041 (Fla. 1st DCA 1998).

ALLEN, BENTON, and HAWKES, JJ., CONCUR.