

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

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

MAX FENELON ,

Appellant,

v.

CASE NO. 1D09-2982

WALTER A. MCNEIL,
SECRETARY, FLORIDA
DEPARTMENT OF
CORRECTIONS,

Appellee.

_____ /

Opinion filed September 17, 2009.

An appeal from the Circuit Court for Bradford County.
Phyllis M. Rosier, Judge.

Max Fenelon, pro se, Appellant.

Bill McCollum, Attorney General, Kathleen Von Hoene, General Counsel, for
Appellee.

PER CURIAM.

DISMISSED. Fla. R. Civ. P. 1.090(b) (providing that court may not extend
the time for making a motion for rehearing); Surratt v. Freeman, 924 So. 2d 905
(Fla. 1st DCA 2006) (distinguishing Newell v. Moore, 826 So. 2d 1033 (Fla. 1st
DCA 2002)); Ashley v. Moore, 742 So. 2d 533 (Fla. 1st DCA 1999) (rejecting

argument for additional time to serve motion for rehearing when underlying order is served by mail).

KAHN, WEBSTER, and ROBERTS, JJ., CONCUR.