

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2007*

**RONALD V. KELLY,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D07-4062

[November 21, 2007]

PER CURIAM.

Kelly filed a rule 3.850 motion which is facially insufficient to state any proper claims for relief under the rule. The court, on recommendation by the state, denied the motion without prejudice to Kelly filing an amended motion in full compliance with rule 3.850. A dismissal of a rule 3.850 motion with leave to amend is non-final and non-appealable. *Williams v. State*, 884 So. 2d 374 (Fla. 2d DCA 2004); *Lee v. State*, 939 So. 2d 154 (Fla. 1st DCA 2006).

*Dismissed.*

GUNTHER, POLEN and KLEIN, JJ., concur.

\* \* \*

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Charles M. Greene, Judge; L.T. Case No. 04-005523CF10A.

Ronald V. Kelly, South Bay, pro se.

No appearance required for appellee.

***Not final until disposition of timely filed motion for rehearing***