

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

PHILLIP DYLAN HOLLAND,

Appellant,

v.

JAMES V. CROSBY, JR., Secretary,
Florida Department of Corrections,

Appellee.

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

CASE NO. 1D03-5392

Opinion filed August 18, 2004.

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

Phillip Dylan Holland, appellant, pro se.

Charlie Crist, Attorney General, and Carrie R. McNair, Assistant Attorney General,
Tallahassee, for appellee.

PER CURIAM.

The order dismissing appellant's petition for writ of mandamus is reversed and the matter remanded on the authority of Burgess v. Crosby, 870 So. 2d 217 (Fla. 1st DCA 2004). On remand, the circuit court shall consider the merits of the petition.

ERVIN, ALLEN and HAWKES, JJ., concur.