

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

STEFAN M. LINDEN,

Appellant,

v.

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

Appellee.

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

CASE NO. 1D04-0174

Opinion filed September 8, 2004.

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

Stefan M. Linden, pro se, appellant.

No appearance for appellee.

PER CURIAM.

The order of the circuit court is reversed and remanded on 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.

BOOTH, BARFIELD and ALLEN, JJ., concur.