

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

JEFFREY PATE,

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. 1D04-1123

Opinion filed September 28, 2004.

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

Jeffrey Pate, pro se, appellant.

Charlie Crist, Attorney General, and Joy A. Stubbs, Assistant Attorney General,
Tallahassee, for appellee.

PER CURIAM.

The circuit court's order dismissing the petition for writ of mandamus is reversed and the cause is remanded with directions to proceed to a disposition on the merits of the petition. See Burgess v. Crosby, 870 So. 2d 217 (Fla. 1st DCA 2004); Davidson v. Crosby, 29 Fla. L. Weekly D2006 (Fla. 1st DCA Aug. 31, 2004).

REVERSED AND REMANDED.

BENTON, PADOVANO and HAWKES, JJ., concur.