

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

MICHAEL NEWGENT,

Appellant,

v.

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

Appellee.

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

CASE NO. 1D04-1287

Opinion filed October 28, 2004.

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

Michael Newgent, 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.

DAVIS, BROWNING and HAWKES, JJ., concur.