

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

MICAH TALLEY,

Appellant,

v.

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

CASE NO. 1D04-1734

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

Appellee.

_____ /

Opinion filed December 3, 2004.

On appeal from an order of the circuit court of Leon County.
Judge Charles A. Francis.

Appellant, pro se.

Charles J. Crist, Jr., Attorney General, and Wendy Benner-Leon, Assistant Attorney General,
for Respondent.

PER CURIAM.

Because the circuit court proceeding was concluded on grounds other than the merits, we *sua sponte* treat the petition for certiorari as an appeal from the circuit court's order. See Green v. Moore, 777 So. 2d 425 (Fla. 1st DCA 2000). The circuit court's order transferring the petition for writ of mandamus is REVERSED and the case is REMANDED with

directions to proceed to a disposition on the merits of the petition for mandamus. See Davidson v. Crosby, 29 Fla. L. Weekly D2006 (Fla. 1st DCA Aug. 31, 2004); Burgess v. Crosby, 870 So. 2d 217 (Fla. 1st DCA 2004).

ERVIN, BARFIELD, and KAHN, JJ., CONCUR.