

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

THOMAS M. BISMARCK,

Appellant,

v.

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

Appellee.

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

CASE NO. 1D04-2217

Opinion filed January 5, 2005.

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

Thomas M. Bismark, appellant, pro se.

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

PER CURIAM.

The circuit court's order transferring Bismark's petition for writ of mandamus is reversed and this matter is remanded with directions to proceed to a disposition on the merits of that petition. See Davidson v. Crosby, 883 So. 2d 866 (Fla. 1st DCA 2004).

REVERSED and REMANDED.

ERVIN, WEBSTER and BROWNING, JJ., concur.