

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

DANIEL C. MEDBERRY,

Appellant,

v.

C/O MCCALLISTER, et al.,

Appellees.

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

CASE NO. 1D04-4366

Opinion filed July 29, 2005.

An appeal from the Circuit Court for Leon County.
L. Ralph Smith, Judge.

Appellant, pro se.

William M. Woodyard, Esquire, Tallahassee, for Appellees.

PER CURIAM.

We have on appeal an order dismissing a complaint filed by Daniel C. Medberry against Officer McCallister and Officer Gabrielli, “individually as [] correctional officer[s].” We reverse and remand for further proceedings on the amended complaint. See Vanderberg v. Rios, 798 So. 2d 806 (Fla. 4th DCA 2001) (holding that the motion to dismiss the complaint was moot when plaintiff filed an

amended complaint before the hearing on the motion to dismiss and before the defendant filed an answer to the complaint).

ALLEN, WOLF, and BENTON, JJ., CONCUR.