

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

RICHARD DOSS,  
  
Appellant,

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

v.

CASE NO. 1D04-733

STATE OF FLORIDA,  
DEPARTMENT OF CORRECTIONS,

Appellee.

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Opinion filed December 30, 2004.

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

Richard Doss, Appellant Pro Se.

Charles J. Crist, Jr., Attorney General, and Pamela Lutton-Shields, Senior Assistant  
Attorney General, Tallahassee, Attorneys for Appellee.

PER CURIAM.

This is an appeal from the trial court's dismissal of Appellant's complaint seeking monetary damages. The trial court properly dismissed Appellant's claims of negligent classification and of a due process violation because both causes are barred

by sovereign immunity. Florida Nat'l Organization for Women, Inc. v. State, 832 So. 2d 911, 915 (Fla. 1<sup>st</sup> DCA 2002); Garcia v. Reyes, 697 So. 2d 549, 551 (Fla. 4<sup>th</sup> DCA 1997); Davis v. Department of Corrections, 460 So. 2d 452, 453 (Fla. 1<sup>st</sup> DCA 1984). However, the trial court should have allowed Appellant a chance to amend his complaint as to his claims of negligent hiring and negligent failure to protect. We, therefore, affirm the trial court's dismissal of the first two claims and remand with directions to allow Appellant to file an amended complaint as to the second two claims.

AFFIRMED, in part, REVERSED, in part, and REMANDED.

BOOTH, BENTON and LEWIS, JJ., CONCUR.