

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

JOSE BETANCOURT,

Appellant,

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

v.

CASE NO. 1D05-3389

JAMES V. CROSBY, JR.,
SECRETARY, FLORIDA
D E P A R T M E N T O F
CORRECTIONS,

Appellee.

_____ /

Opinion filed December 21, 2005.

An appeal from the Circuit Court for Leon County.
Nikki Ann Clark, Judge.

Pro se, for Appellant.

Charlie Crist, Attorney General; Louis A. Vargas, General Counsel, Department of Corrections; and Erin L. McLaughlin, Assistant General Counsel, Department of Corrections, Tallahassee, for Appellee.

PER CURIAM.

Upon consideration of the appellant's "Motion to Stay Appeal Proceedings," which the Court treats as a response to its order of October 14, 2005, the Court has determined that the "Order Denying Relief from Order" is not an appealable order.

See Bennett's Leasing, Inc. v. First Street Mortgage Corp., 870 So. 2d 93 (Fla. 1st DCA 2003); see also Banks v. State, No. 1D05-3388 (Fla. 1st DCA Dec. 7, 2005). Accordingly, the appeal is hereby dismissed for lack of jurisdiction. All pending motions are denied as moot.

BARFIELD, WOLF, and BROWNING, JJ., CONCUR.