

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

ERNEST FITZPATRICK,

Appellant,

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

v.

CASE NO. 1D05-3991

F L O R I D A P A R O L E
COMMISSION,

Appellee.

_____ /

Opinion filed December 30, 2005.

An appeal from the Circuit Court for Leon County.
Janet E. Ferris, Judge.

Appellant, pro se.

Kim Fluharty, General Counsel, Tallahassee, for Appellee.

PER CURIAM.

Upon consideration of the appellant's response to the Court's order of September 27, 2005, the Court has determined that the lower tribunal's August 1, 2005, order is not an appealable order. See Banks v. State, No. 1D05-3388 (Fla. 1st DCA Dec. 7, 2005). Accordingly, the appeal is hereby dismissed for lack of jurisdiction.

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