

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

KELVIN M. BRAY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D11-0762

Opinion filed May 4, 2011.

An appeal from the Circuit Court for Escambia County.
Ronald V. Swanson, Judge.

William Mallory Kent, Jacksonville, for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

The appellant has filed an appeal of an order striking his postconviction motion but granting him leave to amend. Such an order is not a final, appealable order. See Lee v. State, 939 So. 2d 154, 155 (Fla. 1st DCA 2006). Thus, we DISMISS the appeal. We deny as moot the appellant's motion for extension of time to file an initial brief.

BENTON, C.J., WEBSTER, and VAN NORTWICK, JJ., CONCUR.