

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

DONNIE JACKSON,

Appellant,

v.

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

CASE NO. 1D11-6804

SANTA ROSA C.I. (MAIN-
UNIT) PROPERTY ROOM
STAFF,

Appellee.

Opinion filed August 10, 2012.

An appeal from the Circuit Court for Santa Rosa County.
Marci L. Goodman, Judge.

Donnie Jackson, pro se, Appellant.

Pamela Jo Bondi, Attorney General, and Joy A. Stubbs, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

Donnie Jackson (“Appellant”) appeals an order dismissing his “Motion to
Prosecute” for failure to pay the required filing fee or apply for indigent status
under section 57.085, Florida Statutes. The dismissal is without prejudice,

however, and the order gives Appellant 45 days to either pay the fee or seek indigent status. For this reason, the order is non-final.

Only those non-final orders specified in Florida Rule of Appellate Procedure 9.130(a)(3) can be appealed. The order at issue here is not among those included in the rule. Therefore, this appeal is premature, and we lack jurisdiction to consider it. *See Brown v. Champion*, 757 So. 2d 535, 536 (Fla. 1st DCA 2000). We therefore dismiss the appeal. But we do so without prejudice to allow Appellant to file a notice of appeal once the trial court renders a final order disposing of his case below.

DISMISSED.

THOMAS, WETHERELL, and MARSTILLER, JJ., CONCUR.