

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

GLENN SMITH,

Appellant,

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

v.

CASE NO. 1D14-1057

FLORIDA DEPARTMENT OF
CORRECTIONS,

Appellee.

Opinion filed September 29, 2014.

An appeal from the Circuit Court for Leon County.
John C. Cooper, Judge.

Glenn Smith, pro se, Appellant.

Pamela Jo Bondi, Attorney General, and David W. Grimes, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

Because a non-final appeal is pending of an order on transfer, it was error for
the circuit court to issue a final order. Accordingly, the order dismissing the case

is quashed and the cause is remanded for further proceedings after disposition of the non-final appeal. See Fla. R. App. P. 9.130(f) (providing that the lower tribunal may not enter a final order disposing of the cause while an appeal of a non-final order is pending); Cooper v. Cooper, 69 So. 3d 977 (Fla. 2d DCA 2011) (holding that trial court's purported final order was a nullity by operation of law where the order was entered while appeal of earlier non-final order was pending).

WOLF, RAY, and OSTERHAUS, JJ., CONCUR.