

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2010

MAURICE ANTHONY JOHNSON,
Appellant,

v.

BRANDI A. GIRTMAN,
Appellee.

No. 4D10-451

[October 13, 2010]

ON MOTION FOR REHEARING

PER CURIAM.

We deny the motion for rehearing, withdraw our previously issued opinion, and substitute the following in its place.

Dismissed. See Traylor Bros., Inc. v. Shipman, 758 So. 2d 91 (Fla. 2000) (order denying a motion to dismiss pursuant to Florida Rule of Civil Procedure 1.070(j) is not an appealable non-final order); *see also Wick v. Spector*, 562 So. 2d 402 (Fla. 3d DCA 1990) (order denying motion to dismiss for failure to prosecute is a non-final, non-appealable order).

GROSS, C.J., WARNER and CIKLIN, JJ., concur.

* * *

Appeal of a non-final order from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Kenneth D. Stern, Judge; L.T. Case No. 502008DR003247XXXXSB.

Maurice Anthony Johnson, West Palm Beach, pro se.

Brandi A. Girtman, Boynton Beach, pro se.