

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

HENRY EARL DONALDSON,)	
)	
Appellant,)	
)	
v.)	Case No. 2D10-3062
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed December 22, 2010.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Highlands County; Peter F. Estrada, Judge.

Henry Earl Donaldson, pro se.

LaROSE, Judge.

Henry Earl Donaldson appeals an order dismissing his motion for postconviction relief. See Fla. R. Crim. P. 3.850. The order specifically notes that the dismissal is without prejudice; it gives Mr. Donaldson thirty days to refile a facially sufficient motion. He did not do so. The order states that it is not appealable.

Mr. Donaldson also appeals a separate order denying him an extension of time to refile his motion for postconviction relief.

Neither order is appealable. Accordingly, we dismiss. See, e.g., Ham v. State, 36 So. 3d 189 (Fla. 2d DCA 2010) (dismissing appeal because order denying motion for extension of time was not a final, appealable order); Herron v. State, 34 So. 3d 206 (Fla. 2d DCA 2010) (explaining that appellate courts do not have jurisdiction to review rule 3.850 nonfinal orders). Upon remand, the postconviction court should enter a final appealable order.

Dismissed.

KHOUZAM and BLACK, JJ., Concur.