

2019 WL 692891

District Court of Appeal of Florida, Second District.

Wendall HALL, DOC #379682, Petitioner,

v.

Ms. REYNOLDS, Mental Health Counselor;
and Captain Bush, Respondents.

Case No. 2D18-2948

|
Opinion filed February 20, 2019

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Rehearing Denied April 10, 2019

Petition for Writ of Certiorari to the Circuit Court for
Charlotte County; Lisa S. Porter, Judge.

Attorneys and Law Firms

Wendall Hall, pro se.

Ashley Moody, Attorney General, Tallahassee, and
[Kenneth V. Wilson](#), Assistant Attorney General, Tampa,
for Respondent Captain Bush.

No appearance for remaining Respondent.

Opinion

PER CURIAM.

*1 We dismiss the petition for writ of certiorari as it relates to the portion of the order setting aside the clerk's default and denying Mr. Hall's motion for default judgment. See [Dawkins, Inc. v. Huff](#), 836 So.2d 1062, 1065 (Fla. 5th DCA 2003) (“[W]e must dismiss this appeal. An order on a motion to set aside a clerk's default is not an appealable, non-final order under [Florida Rule of Appellate Procedure 9.130\(a\)\(3\)](#). Absent extraordinary circumstances, such an order is also not reviewable by certiorari, as certiorari should not be used to circumvent the appellate rule which limits interlocutory review of non-final orders.” (citation and footnote omitted)); [Rodriguez v. Young Am. Corp.](#), 717 So.2d 621, 621 (Fla. 3d DCA 1998) (“Because the appellants seek review of an order setting aside the entry of a default as opposed to a default judgment, we *sua sponte* dismiss this appeal for lack of jurisdiction.”). Having carefully reviewed the record as to Mr. Hall's remaining arguments, we deny the petition for writ of certiorari as the trial court did not depart from the essential requirements of law.

Dismissed in part; denied in part.

[VILLANTI, LUCAS](#), and [ROTHSTEIN-YOUAKIM, JJ.](#), Concur.

All Citations

--- So.3d ----, 2019 WL 692891 (Mem), 44 Fla. L. Weekly D495