

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Benjamin Hopkins v. Ricky Dixon, Etc.

No. 3D25-0607 (Fla. 3d DCA June 11, 2025) · No. 3D25-0607 · Decided June 11, 2025

SUMMARY

The Florida Third District Court of Appeal dismissed Benjamin Hopkins's appeal for lack of jurisdiction. The court held that the notice of appeal was filed more than 30 days after rendition of the amended order denying his petition for a writ of habeas corpus.

OPINION

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PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed June 11, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-0607 Lower Tribunal No. F24-13346 _____ Benjamin Hopkins, Appellant, vs. Ricky Dixon, etc., et al., Appellees. An Appeal from the Circuit Court for Miami-Dade County, Carlos Lopez, Judge. Benjamin Hopkins, in proper person. James Uthmeier, Attorney General, and Christopher M. Sutter, Senior Assistant Attorney General (Ft. Lauderdale), for appellee Ricky D. Dixon, Secretary of the Florida Department of Corrections. Before EMAS, LINDSEY, and LOBREE, JJ. PER CURIAM. Appellant Benjamin Hopkins filed a Notice of Appeal on March 28, 2025, seeking relief from the trial court's "Amended Order Denying Petition for Writ of Habeas Corpus." That Order was rendered February 14, 2025. Because this Notice of Appeal was not filed within 30 days of rendition of the Order appealed, we are compelled to dismiss the appeal for lack of jurisdiction. See Fla. R. App. P. 9.110(b); Am. Auto. Ass'n v. C.D.S. Towing & Recovery Inc., 805 So. 2d 1064, 1065 (Fla. 3d DCA 2002) ("The time for taking an appeal is a jurisdictional requirement established by Florida Rule of Appellate Procedure 9.110(b). Where the notice of appeal is not filed within thirty days of rendition, the appellate court is precluded from exercising jurisdiction over the appeal." (quoting Tyler v. State, Governor Chiles, 718 So. 2d 811, 812 (Fla. 2d DCA 1997))). Dismissed. 2