

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Wendall Hall v. Ms. Reynolds and Captain Bush

Hall · No. 2D18-2948 · Decided February 20, 2019

OPINION

WENDALL HALL v. CAPTAIN BUSH

PER CURIAM.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING

MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

SECOND DISTRICT

WENDALL HALL, DOC #379682,)

) Petitioner,)) v.) Case No. 2D18-2948) MS. REYNOLDS, mental health) counselor; and
CAPTAIN BUSH,)) Respondents.)) Opinion filed February 20, 2019. Petition for Writ of
Certiorari to the Circuit Court for Charlotte County; Lisa S. Porter, Judge. 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. PER
CURIAM. 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. -2-