

Third District Court of Appeal

State of Florida, July Term, A.D. 2008

Opinion filed January 7, 2009.
Not final until disposition of timely filed motion for rehearing.

No. 3D08-1338
Lower Tribunal No. 06-1939

Jose Francisco Acosta,
Appellant,

vs.

F & R Scaffolds, Inc., et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Gill S. Freeman,
Judge.

Thomas E. Elfers, for appellant.

Abadin Cook, Aldo M. Leiva, and Erin E. Dardis, for appellee, F & R
Scaffolds, Inc.

Before GERSTEN, C.J., and SUAREZ and CORTIÑAS, JJ.

PER CURIAM.

Jose Francisco Acosta (“Acosta”) appeals from the trial court’s order
denying plaintiff’s second petition for writ of mandamus or alternatively, motion to

compel business records. Because we find this order is non-final and non-appealable, we dismiss the appeal for lack jurisdiction. See Fla. R. App. P. 9.130. We also exercise our discretion and decline to entertain the appeal as a petition for writ of certiorari. See Fla. R. App. P. 9.040(c).

Dismissed.