

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M72160
E/sl

WILLIAM F. MASTRO, J.P.
MARK C. DILLON
RANDALL T. ENG
ARIEL E. BELEN, JJ.

2007-09769

ORDER TO SHOW CAUSE

In the Matter of Juvondi R. Pender, appellant,
v Judy Davidson, respondent.

(Docket No. F-5498-07)

Motion by the appellant pro se on an appeal from an order of the Family Court, Queens County, dated September 21, 2007, inter alia, for leave to reargue those branches of his prior motion which were for free transcripts, waiver of the filing fee, and the assignment of counsel, which were denied by decision and order on motion of this court dated February 7, 2008, and decision and order on motion of this court dated April 17, 2008, and to enlarge the time to perfect the appeal. By scheduling orders dated February 20, 2008, and April 24, 2008, respectively, the appellant was directed to file one of the following in the office of the clerk of the court, within 15 days after the date of the scheduling order:

- (1) an affidavit or affirmation stating that there are no minutes of the Family Court proceeding to be transcribed for the appeal; or
- (2) if there are such minutes, an affidavit or affirmation that the transcript has been received, and indicating the date that it was received; or
- (3) if the transcript has not been received, an affidavit or affirmation stating that it has been ordered and paid for, the date thereof and the date by which the transcript is expected; or
- (4) an affidavit or an affirmation withdrawing the appeal; and it is further,

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is


ORDERED that the motion is denied; and it is further,

ORDERED that, pursuant § 670.4(a)(5) of the rules of this court (22 NYCRR 670.4[a][5]), the parties or their attorneys are directed to show cause before this court why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding for failure to comply with the scheduling orders dated February 20, 2008, and April 24, 2008, respectively, by each filing an affirmation or affidavit on that issue in the office of the Clerk of this court and serving one copy of the same on each other on or before July 8, 2008; and it is further,

ORDERED that the Clerk of this court, or his designee, is directed to serve a copy of this order to show cause upon the parties or their attorneys by regular mail.

MASTRO, J.P., DILLON, ENG and BELEN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court