

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

M77239
E/sl

PETER B. SKELOS, J.P.
DAVID S. RITTER
EDWARD D. CARNI
THOMAS A. DICKERSON, JJ.

2008-00015

DECISION & ORDER ON MOTION

Charles McKie, appellant,
v Adam Saheed, etc., et al., defendants,
Flagstar Bank, FSB, respondent.

(Index No. 4671/06)

Motion by the appellant pro se to stay enforcement of an order of the Supreme Court, Nassau County, dated October 25, 2007, pending hearing and determination of an appeal therefrom, to enlarge the time to perfect the appeal, and for poor person relief.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is


ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that the right of direct appeal from the order dated October 25, 2007, terminated with entry of a judgment dated April 9, 2008, and an amended interlocutory judgment dated April 23, 2008 (*see Matter of Aho*, 39 NY2d 241; and it is further,

ORDERED that the branch of the motion which is for poor person relief is granted to the extent that the motion filing fee is waived; and it is further,

ORDERED that the motion is otherwise denied as academic.

SKELOS, J.P., RITTER, CARNI and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 16, 2008

McKIE v SAHEED