

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

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ROBERT A. SPOLZINO, J.P.
ANITA R. FLORIO
WILLIAM E. McCARTHY
THOMAS A. DICKERSON, JJ.

2008-08306

DECISION & ORDER ON MOTION

In the Matter of Barbara Ascanio, appellant,
v Dena Hicks-Lopez, et al., respondents.

(Docket No. V-18309/03, 18310/03)

Motion by Joseph F. Felice, counsel assigned to represent the appellant by the Family Court, Queens County, to be relieved on an appeal from a transcript of the Family Court, Queens County, dated July 22, 2008. Motion by the appellant pro se for leave to prosecute the appeal as a poor person and for the assignment of counsel.

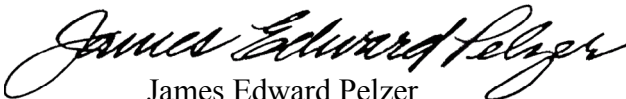
Upon the papers filed in support of the motions and no papers having been filed in opposition or in relation thereto, it is

ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that no appeal lies from a transcript (*see Ojeda v Metropolitan Playhouse*, 120 AD2d 717); and it is further,

ORDERED that the motions are denied as academic.

SPOLZINO, J.P., FLORIO, McCARTHY and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 24, 2008

MATTER OF ASCANIO v HICKS-LOPEZ