

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

M78114
E/sl

ANITA R. FLORIO, J.P.
HOWARD MILLER
EDWARD D. CARNI
RANDALL T. ENG, JJ.

2008-01199

DECISION & ORDER ON MOTION

In the Matter of Guy McEachin, petitioner,
v Donald Selsky, etc., respondent.

(Index No. 6691/07)

Motion by the petitioner for leave to prosecute a proceeding pursuant to CPLR article 78, which was transferred to this court by an order of the Supreme Court, Dutchess County, entered February 4, 2008, as a poor person, and to enlarge the time to perfect the proceeding.

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


ORDERED that the branch of the motion which is to waive the filing fee is denied as unnecessary (*see* 22 NYCRR 670.22[a][1]); and it is further,

ORDERED that the branch of the motion which is for leave to prosecute the proceeding on the original papers is granted, and the proceeding will be heard on the original papers (including the transcript of the proceedings, if any) and on the briefs of the parties, who are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the proceeding is granted, and the petitioner's time to perfect the proceeding by causing the original papers constituting the record on the proceeding to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[d][2]) and by serving and filing his brief is enlarged until January 5, 2008.

FLORIO, J.P., MILLER, CARNI and ENG, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 7, 2008

MATTER OF McEACHIN v SELSKY