

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

M78190
E/sl

PETER B. SKELOS, J.P.
ROBERT A. LIFSON
FRED T. SANTUCCI
EDWARD D. CARNI, JJ.

2008-09125

DECISION & ORDER ON MOTION

In the Matter of Eric S. Powell, petitioner-respondent,
v Edward Hudock, appellant, et al., respondent.

(Docket No. V-4568/07)

Motion by the appellant for leave to prosecute an appeal from an order of the Family Court, Dutchess County, dated September 19, 2008, as a poor person, and for the assignment of counsel.

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 order is not appealable as of right (*see* Family Ct Act § 1112), and we decline to grant leave to appeal; and it is further,

ORDERED that the motion is denied as academic.

SKELOS, J.P., LIFSON, SANTUCCI and CARNI, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 10, 2008

MATTER OF POWELL v HUDOCK