

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

M78201  
E/sl

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

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2008-03481

DECISION & ORDER ON MOTION

In the Matter of Crystal Deazle, appellant,  
v Darrin Orlando Miles, respondent.

(Docket No. F-34629-05)

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Appeal from an order of the Family Court, Kings County, dated February 29, 2008. A cross appeal was withdrawn by order dated June 5, 2008. By order to show cause dated October 10, 2008, the parties or their attorneys were 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 a scheduling order dated April 28, 2008, issued pursuant to § 670.4(a)(2) of the rules of this court (22 NYCRR 670.4[a][5]).

Now, on the court's own motion, and no papers having been filed in response thereto, it is

ORDERED that the appeal is dismissed, without costs or disbursements, for failure to comply with the scheduling order dated April 28, 2008, issued pursuant to § 670.4(a)(2) of the rules of this court (22 NYCRR 670.4[a][2]).

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

November 10, 2008

MATTER OF DEAZLE v MILES