

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

M79834
S/sl

ROBERT A. SPOLZINO, J.P.
STEVEN W. FISHER
HOWARD MILLER
EDWARD D. CARNI, JJ.

2008-11068

DECISION & ORDER ON MOTION

Feliciano Dire, appellant,
v MTA/New York City Transit Authority,
et al., respondents.

(Index No. 23021/08)

Appeal by Feliciano Dire from an order of the Supreme Court, Kings County, dated November 13, 2008.

Now, on the court's own motion, it is

ORDERED that the appeal is dismissed, without costs or disbursements, as the order is not appealable as of right and leave to appeal has not been granted (*see* CPLR 5701).

SPOLZINO, J.P., FISHER, MILLER and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 12, 2008

DIRE v MTA/NEW YORK CITY TRANSIT AUTHORITY