

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

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REINALDO E. RIVERA, J.P.
FRED T. SANTUCCI
EDWARD D. CARNI
THOMAS A. DICKERSON, JJ.

2008-04559

DECISION & ORDER ON MOTION

In the Matter of Marisol Rosario, respondent,
v Alexander Cabral, appellant.

(Docket No. F-35266-06)

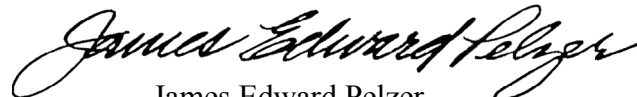
Appeal by Alexander Cabral from an order of the Family Court, Kings County, dated April 14, 2008. By order to show cause dated November 28, 2008, the parties or their attorneys were directed to show cause before this court why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding for failure to comply with a scheduling order dated October 23, 2008, issued pursuant to § 670.4(a)(2) of the rules of this court (22 NYCRR 670.4[a][2]).

Now, on the court's own motion, and no papers having been filed in response to the order to show cause, it is

ORDERED that the appeal is dismissed, without costs or disbursements, for failure to comply with the scheduling order dated October 23, 2008, issued pursuant to § 670.4(a)(2) of the rules of this court (22 NYCRR 670.4[a][2]).

RIVERA, J.P., SANTUCCI, CARNI and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 26, 2008

MATTER OF ROSARIO v CABRAL