

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

M86094  
E/cb

WILLIAM F. MASTRO, J.P.  
REINALDO E. RIVERA  
THOMAS A. DICKERSON  
PLUMMER E. LOTT, JJ.

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2008-09155

DECISION & ORDER ON MOTION

David Benjamin, appellant,  
v State of New York, respondent.

(Claim No. 115343)

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Motion by the appellant pro se on an appeal from an order of the Court of Claims dated August 28, 2008, for leave to reargue those branches of his motion which were to waive payment of the filing fee, for free transcripts, and for the assignment of counsel, which were determined by decision and order on motion dated January 26, 2009, and to enlarge the time to perfect the appeal.

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

ORDERED that the branch of the motion which is for leave to reargue is denied; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal is granted, the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal 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 on the appeal is enlarged until June 30, 2009.

MASTRO, J.P., RIVERA, DICKERSON and LOTT, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 5, 2009

BENJAMIN v STATE OF NEW YORK