

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

M86967  
E/sl

STEVEN W. FISHER, J.P.  
HOWARD MILLER  
JOHN M. LEVENTHAL  
PLUMMER E. LOTT, JJ.

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2009-03930

The People, etc., ex rel. Tafari Excell,  
petitioner, v Department of Corrections,  
respondent.

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DECISION & ORDER ON MOTION

Application by the petitioner for a writ of habeas corpus and for poor person relief.

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

ORDERED that the branch of the application which is for poor person relief is granted to the extent that the filing fee imposed by CPLR 8022(b) is waived, and that branch of the application is otherwise denied as academic; and it is further,

ORDERED that the branch of the application which is for a writ of habeas corpus is denied and the petition is dismissed, without costs or disbursements.

FISHER, J.P., MILLER, LEVENTHAL and LOTT, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

May 22, 2009

PEOPLE EX REL. EXCELL v DEPARTMENT OF CORRECTIONS