

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

M89827
E/sl

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
ANITA R. FLORIO
CHERYL E. CHAMBERS, JJ.

2009-04332

DECISION & ORDER ON MOTION

In the Matter of Lee DeLong, petitioner,
v New York State Department of Correctional
Services, respondent.

(Index No. 8582/08)

Motion by the petitioner pro se for leave to prosecute a proceeding pursuant to CPLR article 78, which was transferred to this court by an order of the Supreme Court, Dutchess County, dated April 28, 2009, as a poor person and for the assignment of counsel.

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

ORDERED that the branch of the motion which is for leave to prosecute the proceeding on the original papers is granted, and the proceeding will be heard on the original papers (including the transcript of the proceedings, if any) and on the briefs of the parties, who are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the branch of the motion which is to waive payment of the filing fee is denied as unnecessary as no filing fee is payable proceeding pursuant to CPLR article 78 that was transferred to this court by an order of the Supreme Court; and it is further,

ORDERED that the branch of the motion which is for the assignment of counsel is denied.

MASTRO, J.P., SKELOS, FLORIO and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 23, 2009

MATTER OF DeLONG v NEW YORK STATE DEPARTMENT OF
CORRECTIONAL SERVICES