

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

M90300
S/sl

STEVEN W. FISHER, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
ARIEL E. BELEN, JJ.

2009-04325

DECISION & ORDER ON MOTION

In the Matter of Orange County Department
of Social Services on behalf of Doris Zieran,
respondent, v Mark Marvin, appellant.

(Docket No. F-02186-00)

Appeal by Mark Marvin from an order of the Family Court, Orange County, dated April 17, 2009. By order to show cause dated June 24, 2009, 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 May 14, 2009. Motion by the appellant for leave to prosecute the appeal as a poor person and for the assignment of counsel.

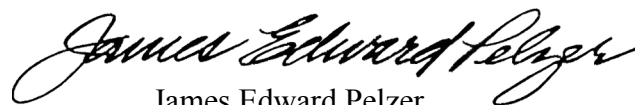
Upon the papers filed in response to the order to show cause, and the papers filed in support of the appellant's motion, and no papers having been filed in opposition thereto, it is

ORDERED that the motion to dismiss the appeal is denied; and it is further,

ORDERED that the motion for leave to prosecute the appeal as a poor person and for the assignment of counsel is denied, with leave to renew, on or before August 21, 2009, upon proper papers setting forth the appellants full financial situation including all income, assets, and expenses, and the income and assets of any other members of his household.

FISHER, J.P., ANGIOLILLO, DICKERSON and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 3, 2009

MATTER OF ORANGE COUNTY DEPARTMENT OF SOCIAL SERVICES ON BEHALF
OF ZIERAN v MARVIN