

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

M91385  
E/sl

ROBERT A. SPOLZINO, J.P.  
MARK C. DILLON  
HOWARD MILLER  
DANIEL D. ANGIOLILLO, JJ.

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2008-09279

DECISION & ORDER ON MOTION

Dana Foster, appellant,  
v State of New York, respondent.

(Motion No. M-75479)

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Motion by the appellant pro se on an appeal from an order of the Court of Claims, dated September 17, 2008, to encumber his inmate account to pay the filing fee so he need not pay the entire fee at the time of filing.

Upon the papers filed in support of the motion and the papers filed in relation thereto, it is


ORDERED that the motion is denied; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged until October 27, 2009, and the record or appendix on the appeal and the appellant's brief must be served and filed on or before that date; and it is further,

ORDERED that no further enlargement of time shall be granted.

SPOLZINO, J.P., DILLON, MILLER and ANGIOLILLO, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

August 31, 2009

FOSTER v STATE OF NEW YORK