

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

M91413  
E/sl

ROBERT A. SPOLZINO, J.P.  
FRED T. SANTUCCI  
RANDALL T. ENG  
ARIEL E. BELEN, JJ.

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2009-07370

DECISION & ORDER ON MOTION

In the Matter of Brian Vaughn Phillip Mitchell,  
appellant, v Dawn Sanders, respondent.

(Docket Nos. V-3425/07, V-32228/08)

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Motion by Brian Vaughn Phillip Mitchell for leave to appeal to this court from an order of the Family Court, Kings County, dated July 23, 2009, and to stay enforcement of the order pending hearing and determination of the appeal.

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

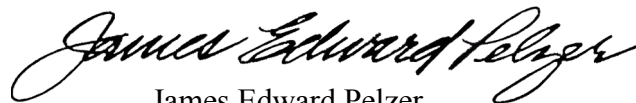
ORDERED that the branch of the motion which is for leave to appeal is denied; and it is further,

ORDERED that on the court's own motion, the appeal purportedly taken as of right is dismissed, without costs or disbursements; and it is further,

ORDERED that the motion is otherwise denied as academic.

SPOLZINO, J.P., SANTUCCI, ENG and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 28, 2009

MATTER OF MITCHELL v SANDERS