

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**599**

**CAF 10-01710**

PRESENT: SCUDDER, P.J., FAHEY, CARNI, GREEN, AND GORSKI, JJ.

---

IN THE MATTER OF CHEYENNE M.

-----  
ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES,  
PETITIONER-RESPONDENT;

ORDER

CHARLIE M., RESPONDENT-APPELLANT,  
AND MELANIE M., RESPONDENT.

---

ALAN BIRNHOLZ, EAST AMHERST, FOR RESPONDENT-APPELLANT.

JOSEPH T. JARZEMBEK, BUFFALO, FOR PETITIONER-RESPONDENT.

DAVID C. SCHOPP, ATTORNEY FOR THE CHILD, THE LEGAL AID BUREAU OF  
BUFFALO, INC., BUFFALO (CHARLES D. HALVORSEN OF COUNSEL), FOR CHEYENNE  
M.

---

Appeal from an order of the Family Court, Erie County (Patricia  
A. Maxwell, J.), entered July 15, 2010 in a proceeding pursuant to  
Family Court Act article 10. The order granted petitioner's motion  
for summary judgment.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs.

Entered: April 29, 2011

Patricia L. Morgan  
Clerk of the Court