

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

**265**

**CA 11-01050**

PRESENT: SMITH, J.P., FAHEY, LINDLEY, AND MARTOCHE, JJ.

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IN THE MATTER OF JOVAN FLUDD,  
PETITIONER-APPELLANT,

V

ORDER

ROBERT A. KIRKPATRICK, SUPERINTENDENT, WENDE  
CORRECTIONAL FACILITY, ET AL.,  
RESPONDENTS-RESPONDENTS.

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JOVAN FLUDD, PETITIONER-APPELLANT PRO SE.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (PETER H. SCHIFF OF  
COUNSEL), FOR RESPONDENTS-RESPONDENTS.

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Appeal from a judgment (denominated decision and order) of the  
Supreme Court, Erie County (John L. Michalski, A.J.), entered March  
31, 2011 in a proceeding pursuant to CPLR article 78. The judgment  
denied the petition.

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

Entered: March 16, 2012

Frances E. Cafarell  
Clerk of the Court