

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

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**CA 11-00468**

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

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IN THE MATTER OF THE APPLICATION OF DONALD  
SAWYER, PH.D., EXECUTIVE DIRECTOR OF CENTRAL  
NEW YORK PSYCHIATRIC CENTER,  
PETITIONER-RESPONDENT,

V

ORDER

MICHAEL N., RESPONDENT-APPELLANT.  
(APPEAL NO. 2.)

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EMMETT J. CREAHAN, DIRECTOR, MENTAL HYGIENE LEGAL SERVICE, UTICA  
(JASON D. FLEMMA OF COUNSEL), FOR RESPONDENT-APPELLANT.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (MARLENE O. TUCZINSKI  
OF COUNSEL), FOR PETITIONER-RESPONDENT.

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Appeal from an order of the Supreme Court, Oneida County (Anthony F. Shaheen, J.), entered January 11, 2011. The order denied respondent's motion for the appointment of a psychiatric examiner.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567; see also CPLR 5501 [a] [1]).

Entered: March 16, 2012

Frances E. Cafarell  
Clerk of the Court