

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

D15635
C/nl

_____AD3d_____

Submitted - May 14, 2007

DAVID S. RITTER, J.P.
GLORIA GOLDSTEIN
STEVEN W. FISHER
RUTH C. BALKIN, JJ.

2006-05439

DECISION & ORDER

In the Matter of Keith Dunkley, appellant,
v Denis Dillon, etc., respondent.

(Index No. 19543/01)

Keith Dunkley, Brooklyn, N.Y., appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Douglas Noll of counsel), for respondent.

In a proceeding pursuant to CPLR article 78 in the nature of mandamus to compel the respondent to disclose a written statement pertaining to a criminal conviction of the petitioner, the petitioner appeals from a judgment of the Supreme Court, Nassau County (Jonas, J.), dated May 1, 2006, which denied, without prejudice to renew, his petition.

ORDERED that the judgment is affirmed, with costs.

The Supreme Court properly denied the petition on the ground that the petitioner failed to properly file the initiatory documents with “the clerk of the court in the county in which the action or special proceeding is brought” (CPLR 304; *see Harris v Niagara Falls Bd. of Educ.*, 6 NY3d 155, 158; *Matter of Allstate Indem. Co. v Martinez*, 4 AD3d 422; *Matter of Walker v State of N.Y. Dept. of Taxation & Fin.*, 300 AD2d 958, 958-959; *Matter of Winston v Freshwater Wetlands Appeals Bd.*, 224 AD2d 160, 163).

RITTER, J.P., GOLDSTEIN, FISHER and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 19, 2007

MATTER OF DUNKLEY v DILLON