

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

D26521  
G/kmg

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - February 25, 2010

A. GAIL PRUDENTI, P.J.  
RUTH C. BALKIN  
JOHN M. LEVENTHAL  
LEONARD B. AUSTIN, JJ.

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2009-03099

DECISION & ORDER

In the Matter of Araynnah B. (Anonymous).  
Administration for Children's Services, petitioner-  
respondent; Moshammeth R. (Anonymous), respondent-  
respondent; Lawrence B. (Anonymous),  
nonparty-appellant.

(Docket No. N-13818-08)

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Jeffrey C. Bluth, Brooklyn, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Edward F.X. Hart and  
Marta Ross of counsel; Josh Gajer on the brief), for petitioner-respondent.

Lauren Shapiro, Brooklyn, N.Y. (Eileen Choi, Lynn Vogelstein, and Raun Rasmussen  
of counsel), for respondent-respondent.

Steven Banks, New York, N.Y. (Tamara A. Steckler and Claire V. Merkin of  
counsel), attorney for the child.

In a child protective proceeding pursuant to Family Court Act article 10, the nonparty  
father appeals from an order of the Family Court, Kings County (Olshansky, J.), dated March 10,  
2009, which, upon the granting of the mother's motion pursuant to Family Court Act § 1028, paroled  
the subject child to the mother pending determination of the proceeding.

ORDERED that the appeal is dismissed, without costs or disbursements.

March 16, 2010

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MATTER OF B. (ANONYMOUS), ARAYNNAH

The appeal from the temporary order paroling the child to the respondent mother pursuant to Family Court Act § 1028 has been rendered academic and must be dismissed because the order was superseded by a subsequent order of disposition dated July 16, 2009 (*see Matter of Angelique L.*, 42 AD3d 569; *Matter of John S.*, 26 AD3d 870; *Matter of Desiree C.*, 7 AD3d 522; *Matter of Joyce SS.*, 245 AD2d 962).

PRUDENTI, P.J., BALKIN, LEVENTHAL and AUSTIN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer  
Clerk of the Court