

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

D26874
C/kmg

_____AD3d_____

WILLIAM F. MASTRO, J.P.
THOMAS A. DICKERSON
ARIEL E. BELEN
CHERYL E. CHAMBERS, JJ.

2009-11764

DECISION, ORDER & JUDGMENT

In the Matter of James Pettus, petitioner, v Ann
Pfau, etc., et al., respondents.

James Pettus, Pine City, N.Y., petitioner pro se.

Andrew M. Cuomo, Attorney General, New York, N.Y., (Charles F. Sanders of
counsel), for respondents Anne Pfau and Guy J. Mangano, Jr.

Proceeding pursuant to CPLR article 78 in the nature of mandamus, inter alia, to
compel the respondent Guy James Mangano, Jr., a Justice of the Supreme Court, Kings County, to
“investigate the improprieties of Lt. Milo,” and application by the petitioner for poor person relief.

ORDERED that the application for poor person relief is granted to the extent that the
filing fee imposed by CPLR 8022(b) is waived, and the application is otherwise denied; and it is
further,

ADJUDGED that the petition is denied and the proceeding is dismissed, without costs
or disbursements.

The extraordinary remedy of mandamus will lie only to compel the performance of a
ministerial act and only when there exists a clear legal right to the relief sought (*see Matter of Legal
Aid Socy. of Sullivan County v Scheinman*, 53 NY2d 12, 16). The petitioner has failed to
demonstrate a clear legal right to the relief sought.

MASTRO, J.P., DICKERSON, BELEN and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer

Clerk of the Court

April 13, 2010

MATTER OF PETTUS v PFAU