

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

D27900
W/hu

_____AD3d_____

Submitted - May 25, 2010

STEVEN W. FISHER, J.P.
FRED T. SANTUCCI
HOWARD MILLER
PLUMMER E. LOTT, JJ.

2009-06856

DECISION & ORDER

In the Matter of Thomas Klos, appellant, v Timothy
Andrew Burns, respondent.

(Docket No. O-4820-09)

John M. Zenir, Mineola, N.Y., for appellant.

In a family offense proceeding pursuant to Family Court Act article 8, the petitioner appeals from an order of the Family Court, Nassau County (Eisman, J.), dated June 8, 2009, which prohibited the petitioner from filing any petitions seeking an order of protection against the respondent based on the same allegations contained in the petitions that the petitioner previously filed under Family Court docket numbers O-1127-09, O-1127-09/09A, and O-4820-09.

ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies as of right from a nondispositional order of the Family Court in a family offense proceeding, and leave to appeal has not been granted (*see* Family Ct Act § 1112[a]; *Matter of Campbell v Desir*, 251 AD2d 402, 403).

FISHER, J.P., SANTUCCI, MILLER and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 22, 2010

MATTER OF KLOS v BURNS