

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

D28224  
Y/hu

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

FRED T. SANTUCCI, J.P.  
HOWARD MILLER  
JOHN M. LEVENTHAL  
L. PRISCILLA HALL, JJ.

---

2010-05011

DECISION, ORDER & JUDGMENT

In the Matter of Tekiyah M. Yisrael, petitioner, v  
Bruce Balter, et al., respondents.

---

Tekiyah M. Yisrael, Brooklyn, N.Y., petitioner pro se.

Andrew M. Cuomo, Attorney General, New York, N.Y. (Charles F. Sanders of  
counsel), respondent pro se, and for other respondents.

Proceeding pursuant to CPLR article 78 in the nature of mandamus, inter alia, to direct  
the respondents to expunge certain records, and application by the petitioner to prosecute the  
proceeding as a poor person.

ORDERED that the application to prosecute the proceeding as a poor person 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.

SANTUCCI, J.P., MILLER, LEVENTHAL and HALL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 10, 2010

MATTER OF YISRAEL v BALTER