

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

D30918
G/kmb

_____AD3d_____

PETER B. SKELOS, J.P.
ARIEL E. BELEN
PLUMMER E. LOTT
JEFFREY A. COHEN, JJ.

2011-00248

DECISION, ORDER & JUDGMENT

In the Matter of Floyd McAllister, petitioner,
v People of State of New York, respondent.

Floyd McAllister, Staten Island, N.Y., petitioner pro se.

Proceeding pursuant to CPLR article 78 in the nature of mandamus, inter alia, to compel the vacatur of an inmate misbehavior report, and application by the petitioner to prosecute the proceeding as a poor person.

ORDERED that the application for leave 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 as academic; and it is further,

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

This Court does not have subject matter to jurisdiction to entertain this proceeding (*see* CPLR 7804[b]; 506[b]).

SKELOS, J.P., BELEN, LOTT and COHEN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

April 19, 2011

MATTER OF McALLISTER v PEOPLE OF STATE OF NEW YORK