

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

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_____AD3d_____

MARK C. DILLON, J.P.
DANIEL D. ANGIOLILLO
ARIEL E. BELEN
JEFFREY A. COHEN, JJ.

2012-01574

DECISION, ORDER & JUDGMENT

In the Matter of Rosemary Chineye Okolie Toriola,
petitioner, v Robert Doar, etc., respondent.

Rosemary Chineye Okolie Toriola, Corona, N.Y., petitioner pro se.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Roy A. Esnard and
Brent A. Surgeoner of counsel), for respondent.

Proceeding pursuant to CPLR article 78 in the nature of mandamus, inter alia, to
compel the respondent to answer a petition for a writ of habeas corpus, 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 petition is dismissed, without costs or disbursements.

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

DILLON, J.P., ANGIOLILLO, BELEN and COHEN, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 17, 2012

MATTER OF TORIOLA v DOAR