

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

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**KAH 10-00037**

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, GREEN, AND GORSKI, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
GLENN E. VAN NORSTRAND, PETITIONER-APPELLANT,

V

ORDER

HAROLD D. GRAHAM, SUPERINTENDENT, AUBURN  
CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT.  
(APPEAL NO. 2.)

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D.J. & J.A. CIRANDO, ESQS., SYRACUSE (BRADLEY E. KEEM OF COUNSEL), FOR  
PETITIONER-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (KATE H. NEPVEU OF COUNSEL),  
FOR RESPONDENT-RESPONDENT.

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Appeal from an order of the Supreme Court, Cayuga County (Mark H. Fandrich, A.J.), entered October 19, 2009 in a proceeding pursuant to CPLR article 70. The order denied the motion of petitioner for a stay and reconsideration.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *People ex rel. Hinton v Graham*, 66 AD3d 1402, 1403, *lv denied* 13 NY3d 934, 14 NY3d 795).

Entered: February 10, 2011

Patricia L. Morgan  
Clerk of the Court