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This memorandum is uncorrected and subject to revision before publication in the New York Reports.
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1 No. 75 SSM 40

Matter of Javier R. (Anonymous),
A Dependent Child Under the Age
of Eighteen Years, etc.,
Robert R.,
Appellant;
Melinda R.,
Respondent;
Administration for Children's
Services,
Respondent.

Submitted by Randall Carmel, for appellant.
Submitted by Scott Shorr, for respondent Administration for Children's Services.
Submitted by John A. Newbery, law guardian.

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On review of submissions pursuant to section 500.11 of the Rules, appeal dismissed, without costs. Under the circumstances of this case, the dismissal of the underlying neglect proceeding on consent subsequent to the Appellate Division order rendered the appeal to this Court moot. Thus, we do not have occasion to pass on the propriety of the Appellate Division determination. Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided February 19, 2008