

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

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JOHN M. LEVENTHAL, J.P.
JEFFREY A. COHEN
JOSEPH J. MALTESE
BETSY BARROS, JJ.

2017-11845

DECISION & JUDGMENT

In the Matter of Sheryll Mizell, petitioner, v Peter P.
Sweeney, etc., et al., respondents.

Sheryll Mizell, Brooklyn, NY, petitioner pro se.

Proceeding pursuant to CPLR article 78 in the nature of prohibition, inter alia, to prohibit the respondent Peter P. Sweeney, a Justice of the Supreme Court, Kings County, from enforcing a judgment of foreclosure and sale in an action entitled *US Bank N.A. v Mizell*, pending in the Supreme Court, Kings County, under Index No. 11315/09.


ADJUDGED that the petition is denied and the proceeding is dismissed on the merits, without costs or disbursements.

“Because of its extraordinary nature, prohibition is available only where there is a clear legal right, and then only when a court—in cases where judicial authority is challenged—acts or threatens to act either without jurisdiction or in excess of its authorized powers” (*Matter of Holtzman v Goldman*, 71 NY2d 564, 569; see *Matter of Rush v Mordue*, 68 NY2d 348, 352).

The petitioner has failed to establish a clear legal right to the relief sought.

LEVENTHAL, J.P., COHEN, MALTESE and BARROS, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

January 31, 2018

MATTER OF MIZELL v SWEENEY