

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

D54663  
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RUTH C. BALKIN, J.P.  
LEONARD B. AUSTIN  
SHERI S. ROMAN  
SANDRA L. SGROI, JJ.

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2017-10768

DECISION, ORDER & JUDGMENT

The People, etc., ex rel. Ernest Leneau, petitioner,  
v Warden of Otis Bantum Correction Facility,  
respondent.

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Ernest Leneau, East Elmhurst, NY, petitioner pro se.

Eric Gonzalez, District Attorney, Brooklyn, NY (Matthew J. Bennett of counsel), for  
respondent.

Writ of habeas corpus in the nature of an application for the release of the petitioner  
pursuant to CPL 30.30(2)(a) upon Kings County Indictment No. 112/16, and application by the  
petitioner for leave 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 writ is dismissed, without costs or disbursements.

The instant petition is a successive application for habeas corpus relief, which is  
neither warranted nor supported by any changed circumstances. Accordingly, the writ of habeas  
corpus must be dismissed (*see* CPLR 7003[b]; *Matter of Nonhuman Rights Project, Inc. v Lavery*,  
152 AD3d 73, 75-76).

BALKIN, J.P., AUSTIN, ROMAN and SGROI, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

February 21, 2018

PEOPLE EX REL. LENEAU v WARDEN OF OTIS BANTUM CORRECTION FACILITY