

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

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_____AD3d_____

Submitted - February 26, 2018

ALAN D. SCHEINKMAN, P.J.
JEFFREY A. COHEN
COLLEEN D. DUFFY
ANGELA G. IANNACCI, JJ.

2017-00774

DECISION & ORDER

In the Matter of Albino Carino, respondent, v Adela Carino, appellant.
(Proceeding No. 1)

In the Matter of Adela Carino, appellant, v Albino Carino, respondent.
(Proceeding No. 2)

(Docket Nos. V-27548-13, V-27549-13, V-27551-13, V-27552-13)

Jeffrey C. Bluth, New York, NY, for appellant.

Karen P. Simmons, Brooklyn, NY (Lee Tarr and Janet Neustaetter of counsel), attorney for the children.

In a child custody proceeding, the mother appeals from an order of the Family Court, Kings County (Ann O'Shea, J.), dated December 12, 2016. The order, upon the mother's default in appearing at a continued hearing, denied her petition for custody of the parties' children and granted the father's petition for custody of the children. Assigned counsel has submitted a brief in accordance with *Anders v California* (386 US 738), in which he moves for leave to withdraw as counsel for the appellant.

ORDERED that the appeal is dismissed, without costs or disbursements; and it is further,

April 11, 2018

MATTER OF CARINO v CARINO

Page 1.

ORDERED that counsel's application for leave to withdraw as counsel is dismissed as academic, without costs or disbursements.

No appeal lies from the order dated December 12, 2016, as it was entered upon the mother's default in appearing at a continued hearing (*see Matter of Andrew J.U.M. [Jelaine E.M.]*, 154 AD3d 758, 758-759; *Matter of Iyana W. [Shamark W.]*, 124 AD3d 418; *Matter of Jalaya A.C. [Deidra J.]*, 112 AD3d 623, 624).

SCHEINKMAN, P.J., COHEN, DUFFY and IANNACCI, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court