

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

M246682

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ALAN D. SCHEINKMAN, P.J.  
REINALDO E. RIVERA  
ROBERT J. MILLER  
SYLVIA O. HINDS-RADIX, JJ.

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2017-11669

DECISION & ORDER ON MOTION

In the Matter of Jose Dimas Salmeron, appellant,  
v Jocelyn B. Zelaya, respondent.

(Docket No. V-521-08/16B)

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Appeal by Jose Dimas Salmeron from an order of the Family Court, Nassau County, dated August 31, 2017. By order to show cause dated January 18, 2018, the parties were directed to show cause before this Court why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding for failure to comply with a scheduling order dated November 29, 2017, issued pursuant to § 670.4(a)(2) of the rules of this Court (22 NYCRR 670.4[a][2]).

Now, upon the order to show cause and the papers filed in response thereto, it is

ORDERED that the motion to dismiss the appeal is denied; and it is further,

ORDERED that pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]), within 30 days after the date of this decision and order on motion, the appellant shall file in the office of the Clerk of this Court an affidavit or affirmation stating that the transcript has been received and indicating the date that it was received, or stating that the transcript has been ordered and paid for, the date thereof, and the date by which the transcript is expected; and it is further,

ORDERED that if the appellant fails to file the affidavit or affirmation within 30 days after the date of this decision and order on motion, as set forth above, the Court will dismiss the appeal, without further notice.

SCHEINKMAN, P.J., RIVERA, MILLER and HINDS-RADIX, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

February 27, 2018

MATTER OF SALMERON v ZELAYA