

**Matter of BRIAN MARSHALL-GIBSON v DANIEL F.  
MARTUSCELLO III, as Commr. of Corr. & Community  
Supervision DECISION AND**

Motion No: CV-25-1809

Slip Opinion No: 2026 NY Slip Op 72259(U)

Decided on July 09, 2026

Appellate Division, Third Department, Motion Decision

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This motion is uncorrected and is not subject to publication in the  
Official Reports.

State of New York  
Supreme Court, Appellate Division  
Third Judicial Department

Decided and Entered: July 9, 2026

CV-25-1809

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In the Matter of BRIAN  
MARSHALL-GIBSON,  
Petitioner,

DECISION AND ORDER  
ON MOTION

v

DANIEL F. MARTUSCELLO III,  
as Commissioner of Corrections  
and Community Supervision,  
Respondent.

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Motion to vacate dismissal of proceeding and for extension of time to perfect proceeding.

Upon the papers filed in support of the motion, and no papers having been filed in opposition thereto, it is

ORDERED that the motion is granted, without costs, the dismissal of the proceeding is vacated (*see* 22 NYCRR 1250.10 [c]) and the time to perfect the proceeding is extended to September 8, 2026.

Pritzker, J.P., Powers, Mackey and Corcoran, JJ., concur.

ENTER:



Robert D. Mayberger  
Clerk of the Court