

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CA 09-02294

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, PINE, AND GORSKI, JJ.

IN THE MATTER OF EMMANUEL D. PATTERSON,
PETITIONER-APPELLANT,

V

ORDER

JAMES L. BERBARY, SUPERINTENDENT, COLLINS
CORRECTIONAL FACILITY, ET AL.,
RESPONDENTS-RESPONDENTS.

EMMANUEL D. PATTERSON, PETITIONER-APPELLANT PRO SE.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (KATE H. NEPVEU OF COUNSEL),
FOR RESPONDENTS-RESPONDENTS.

Appeal from a judgment (denominated order) of the Supreme Court,
Erie County (Russell P. Buscaglia, A.J.), entered September 18, 2009
in a proceeding pursuant to CPLR articles 70 and 78. The judgment
dismissed the petition.

It is hereby ORDERED that the judgment so appealed from is
unanimously affirmed without costs.

Entered: July 2, 2010

Patricia L. Morgan
Clerk of the Court