

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

981

CAF 13-01637

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, WHALEN, AND DEJOSEPH, JJ.

IN THE MATTER OF MICHAEL J. MEAD, SR.,
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

LISA M. HORN, RESPONDENT-RESPONDENT.

KELIANN M. ARGY, ORCHARD PARK, FOR PETITIONER-APPELLANT.

SANFORD A. CHURCH, ATTORNEY FOR THE CHILDREN, ALBION.

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered August 15, 2013 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition.

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

Memorandum: Petitioner father filed a petition alleging that respondent mother violated an order of custody and visitation, and he also filed two petitions seeking modification of that order. On appeal, the father contends that Family Court improperly dismissed his modification petitions. Inasmuch as the order on appeal dismissed only the violation petition, the father's contention concerning the modification petitions is not properly before us (*see Matter of Price v Jenkins*, 99 AD3d 915, 915; *Matter of Nicole Lee B.*, 256 AD2d 1103, 1105). We reject the father's further contention that he was denied effective assistance of counsel based solely upon counsel's request to withdraw from representing him, which was denied (*see Matter of Gee v Brothers*, 267 AD2d 786, 788, *lv denied* 94 NY2d 764).

Entered: October 2, 2015

Frances E. Cafarell
Clerk of the Court