

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

440

KAH 19-02185

PRESENT: WHALEN, P.J., SMITH, PERADOTTO, CURRAN, AND BANNISTER, JJ.

IN THE MATTER OF THE APPLICATION OF
VICTOR K. THOMAS, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

W. BURNS, ACTING SUPERINTENDENT OF MID-STATE C.F.,
RESPONDENT-RESPONDENT.

KATHRYN M. FESTINE, UTICA, FOR PETITIONER-APPELLANT.

Appeal from an order of the Supreme Court, Oneida County (Scott J. DelConte, J.), entered September 11, 2019. The order denied the application of petitioner seeking poor person status.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: Petitioner appeals from an order denying his application seeking poor person status in connection with a proposed habeas corpus proceeding. We dismiss the appeal as moot (see generally *People ex rel. Bush v Awopetu*, 187 AD3d 1580, 1580-1581 [4th Dept 2020], *lv denied* 36 NY3d 906 [2021]; *People ex rel. Luck v Squires*, 173 AD3d 1767, 1767-1768 [4th Dept 2019]).

Entered: June 3, 2022

Ann Dillon Flynn
Clerk of the Court