

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

Decided and Entered: March 14, 2024

CV-22-2320

In the Matter of TIMMY WALKER,
Appellant,
et al.,
Petitioner,

v

MEMORANDUM AND ORDER

NANCY K. FERNANDEZ, as Director
of Ministerial, Family and
Volunteer Services,
Respondent.

Calendar Date: February 13, 2024

Before: Garry, P.J., Aarons, Reynolds Fitzgerald, Fisher and Powers, JJ.

Timmy Walker, Ossining, appellant pro se.

Letitia James, Attorney General, Albany (Sean P. Mix of counsel), for respondent.

Powers, J.

Appeal from an order of the Supreme Court (James H. Ferreira, J.), entered September 15, 2022 in Albany County, which, in a proceeding pursuant to CPLR article 78, denied petitioner Timmy Walker's motion for leave to reargue.

Petitioner Timmy Walker, an incarcerated individual, is serving a prison term of 46 years to life upon his convictions of murder in the second degree, two counts of kidnapping in the second degree, robbery in the first degree, criminal possession of a weapon in the second degree and two counts of criminal possession of a weapon in the

third degree. During his period of incarceration, he married petitioner Jacqueline Walker and he applied to participate in the family reunion program. The application, which was subject to special review due to the nature of his crimes (*see* 7 NYCRR 220.4 [c] [1] [iii], [iv]), was denied based upon safety concerns due to his criminal history.¹ Upon administrative review, the denial was upheld, prompting petitioners to commence this CPLR article 78 proceeding. Supreme Court, by decision entered May 2, 2022, dismissed the proceeding, finding that there was a rational basis for the denial of the application. Thereafter, Timmy Walker moved for reargument and Supreme Court, by judgment entered September 15, 2022, denied the motion. He appeals from the order denying his motion to reargue.

No appeal lies from the denial of a motion seeking reargument (*see Matter of Platt v Russo*, 163 AD3d 1379, 1380 [3d Dept 2018]; *Roman v Shabaka*, 80 AD3d 1112, 1113 [3d Dept 2011]). Accordingly, the appeal from Supreme Court's September 15, 2022 order must be dismissed.

Garry, P.J., Aarons, Reynolds Fitzgerald and Fisher, JJ., concur.

ORDERED that the appeal is dismissed, without costs.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court

¹ Timmy Walker was previously convicted of, among other things, attempted sexual abuse in the first degree.