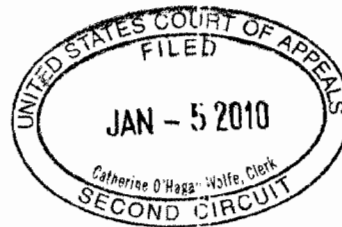


United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 5th day of January, two thousand ten,

Present:

Richard C. Wesley,
Peter W. Hall,
Debra Ann Livingston,
Circuit Judges.



Eliot I. Bernstein, *et al.*,

Plaintiffs-Appellants,

v.

08-4873-cv

Appellate Division First Department
Departmental Disciplinary Committee, *et al.*,

Defendants-Appellees.

Appellant Bernstein, *pro se*, moves to compel the appointment of counsel and for extensive relief. Upon due consideration, it is hereby ORDERED that the motion is DENIED to the extent it seeks to compel the appointment of counsel and the appeal is DISMISSED because it lacks an arguable basis in law or fact. *See* 28 U.S.C. § 1915(e); *see also Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also Pillay v. INS*, 45 F.3d 14, 17 (2d Cir. 1995) (this Court has “inherent authority, wholly aside from any statutory warrant, to dismiss an appeal or petition for review as frivolous when the appeal or petition presents no arguably meritorious issue for our consideration.”). It is further ORDERED that the remainder of Appellant Bernstein’s motion to compel, and all motions that remain pending before this Court, are DENIED as moot.

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk

By: 