

State of New York

Court of Appeals

***Decided and Entered on the
twenty-seventh day of June, 2019***

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-413

Xue Jie He,
Appellant,

v.

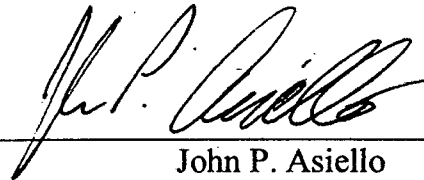
Guttenberg NJ Police, et al.,
Respondents.

Appellant having moved for leave to appeal to the Court of Appeals and for
poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for leave to appeal is dismissed upon the ground
that it does not lie (see NY Const, art VI, § 3); and it is further

ORDERED, that the motion for poor person relief is dismissed as academic.



John P. Asiello
Clerk of the Court

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Xue Jie He,
Plaintiff-Appellant,

-against-

M-5245
Index. No. 101247/17

Guttenberg NJ Police, Christ Hospital,
and Hudson County Prosecutor's Office,
Defendants-Respondents.
-----X

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeals taken from orders of the Supreme Court, New York County, entered on or about June 22, 2018 and or about May 4, 2018, and for leave to have the appeals heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is deemed one for renewal of plaintiff's prior motion (M-3396), seeking the same relief, and is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 25, 2018.

Present - Hon. Judith J. Gische,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh,

Justice Presiding,

Justices.

-----x
Xue Jie He,
Plaintiff-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3396
Index. No. 101247/17

Guttenberg NJ Police, Christ Hospital,
and Hudson County Prosecutor's Office,
Defendants-Respondents.
-----x

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about June 22, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief, *近新* *近新*

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

→ It is ordered that the motion is denied.

ENTERED: September 25, 2018

Summa Rg
CLERK

Motion for Reconsideration of
above decision

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: **HON. W. FRANC PERRY, III**
Perry J.S.C.

PART 23

INDEX Number : 101247/2017

~~THE~~, XUE JIE

INDEX NO. 101247/17

MOTION DATE June 21, 2018

MOTION SEQ. NO. 003

GUTTENBERG NJ POLICE, CHRIST

Sequence Number : 003

DISMISS COMPLAINT

The following papers, numbered 1 to _____, were read on this motion to/for dismiss the complaint

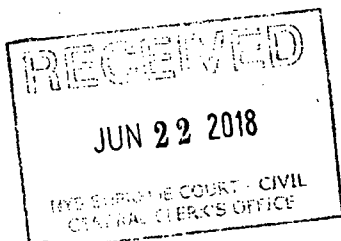
Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ No(s). 1

Answering Affidavits — Exhibits _____ No(s). 2

Replying Affidavits _____ No(s). _____

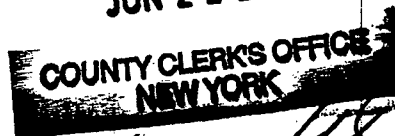
Upon the foregoing papers, it is ordered that this motion is granted as to Hudson County
Prosecutor's Office. There is no jurisdiction as
to movant because there exist no contact with
New York State (Daimler AG v. Bauman, 134 S. Ct. 746 (2014)).

Further, the complaint fails to state a claim
cognizable at law and fails to assert a
material allegation necessary to support any
cause of action (Basis Yield Alpha Fund v.
Goldman Sachs Group Inc., 115 A.D.3d 128 (2014)).
L.



FILED

JUN 22 2018



Dated: June 21, 2018

HON. W. FRANC PERRY, III

J.S.C.

1. CHECK ONE: ☒ CASE DISPOSED

NON-FINAL DISPOSITION

2. CHECK AS APPROPRIATE: MOTION IS: ☒ GRANTED ☐ DENIED ☐ GRANTED IN PART ☐ OTHER

3. CHECK IF APPROPRIATE: ☐ SETTLE ORDER ☐ SUBMIT ORDER

☐ DO NOT POST ☐ FIDUCIARY APPOINTMENT ☐ REFERENCE

B.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE
FOR THE FOLLOWING REASON(S):

EA
SN/18
E

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: Perry Justice

PART 23

Index Number : 101247/2017

HE, XUE JIE

vs

GUTTENBERG NJ POLICE, CHRIST

Sequence Number : 002

DISMISS COMPLAINT

INDEX NO. 101247/17

MOTION DATE _____

MOTION SEQ. NO. 002

The following papers, numbered 1 to _____, were read on this motion to dismiss the complaint

Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ [No(s)] _____

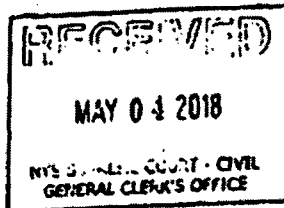
Answering Affidavits — Exhibits _____ [No(s)] _____

Replying Affidavits _____ [No(s)] _____

Upon the foregoing papers, it is ordered that this motion is granted for the reasons

stated on the record on May 3, 2018.

MOTION CASE IS RESPECTFULLY REFERRED TO JUSTICE
FOR THE FOLLOWING REASONS:



FILED
MAY 04 2018
COUNTY CLERK'S OFFICE
NEW YORK

Dated: 5/3/18

WFP
HON. W. FRANC PERRY, II
J.S.C.

1. CHECK ONE: _____ ☐ CASE DISPOSED ☒ NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: _____ MOTION IS: ☒ GRANTED ☐ DENIED ☐ GRANTED IN PART ☐ OTHER
3. CHECK IF APPROPRIATE: _____ ☐ SETTLE ORDER ☐ SUBMIT ORDER ☐ DO NOT POST ☐ FIDUCIARY APPOINTMENT ☐ REFERENCE

C.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: Perry

PART 23

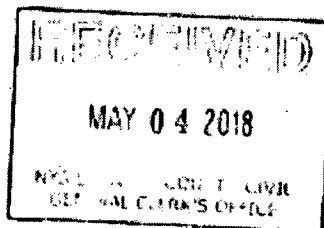
Index Number : 101247/2017
HE, XUE JIE
vs
GUTTENBERG NJ POLICE, CHRIST
Sequence Number : 001
DISMISS COMPLAINT

INDEX NO. 101247/17
MOTION DATE _____
MOTION SEQ. NO. 201

The following papers, numbered 1 to _____, were read on this motion to for dismiss the complaint
Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ [No(s)] _____
Answering Affidavits — Exhibits _____ [No(s)] 1
Replying Affidavits _____ [No(s)] _____

Upon the foregoing papers, it is ordered that this motion is granted for the reasons
stated on the record on May 3, 2018.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE
FOR THE FOLLOWING REASON(S):



FILED

MAY 04 2018

COUNTY CLERK'S OFFICE
NEW YORK

Dated: 5/3/18

WFP
HON. W. FRANC PERRY, III J.S.C.
J.S.C.

1. CHECK ONE: ☐ CASE DISPOSED ☒ NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: MOTION IS: ☒ GRANTED ☐ DENIED ☐ GRANTED IN PART ☐ OTHER
3. CHECK IF APPROPRIATE: ☐ SETTLE ORDER ☐ SUBMIT ORDER
☐ DO NOT POST ☐ FIDUCIARY APPOINTMENT ☐ REFERENCE

D.